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Missouri House is developing new intern rules to prevent sexual harassment



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JEFFERSON CITY — Lawmakers in the Missouri House of Representatives are working on a new internship policy in light of recent sexual harassment scandals that forced two legislators to resign.

An early draft of the policy includes tighter rules for administering internships and crucially would establish an ombudsman so interns could report problems.

The push to repair the damage from internship scandals also has breathed new life into an issue that has bedeviled lawmakers for years — legislative ethics reform.

The two issues may appear unrelated at first blush. But to many lawmakers, Missouri's status as the only state with no campaign contribution limits, no limits on lobbyist gifts and no restrictions on legislators becoming lobbyists contributes to an anything-goes atmosphere underlying the sexual harassment of interns.

"Ethics reform needs to be a top priority for the legislature," said House Speaker Todd Richardson, a Poplar Bluff Republican. "There's not a silver bullet that can magically make everything better, and there's not a direct causal link, but ethics reform is something that can help improve the culture and also the public perception of the Capitol."

Ideas like restricting lobbyist gifts — and thus the free flow of alcohol usually purchased by lobbyists — to rein in some aspects of Jefferson City nightlife have been mired in legislative gridlock for years. Yet they promise to be a focus of political leaders going into next year's legislative session.

Just how far the General Assembly is prepared to go, however, remains unclear.

Changing the culture that permeates Jefferson City, said former state senator John Lamping, a St. Louis County Republican who left office last year, is only possible through dramatic action that lawmakers have tried to avoid for years.

"How about having a 45-day session, so when they are in town they are working?" Lamping said, noting the state constitution sets the legislative session to run January through May.

"How about banning campaign fundraising during the legislative session, so a lot of the after-hours events don't happen in the first place? How about saying (legislators) can't take any lobbyist gifts, and if they go out, they pay their own bar tab?"

New intern guidelines

Richardson became speaker of the Missouri House following the resignation of John Diehl over revelations by The Star that he had exchanged sexually suggestive text messages with a 19-year-old House intern.

Two months later, Sen. Paul LeVota, an Independence Democrat, resigned after two interns accused him of sexual harassment. He continues to deny those allegations.

The scandals spawned public pressure for lawmakers to take action.

"We're making an effort to ensure parents can feel good about their kids working in the Capitol and schools can know their students are getting a valuable education," said House Majority Leader Mike Cierpiot, a Lee's Summit Republican.

The first step of that effort is crafting a new House internship policy. Currently, the House has little role in selecting or overseeing interns. That's left up to colleges and universities.

Rep. Kevin Engler, a Farmington Republican leading the committee formed by Richardson to form a new policy, recently presented a draft of ideas to his party's lawmakers. He said he will circulate it among Democrats in coming weeks to get their input in the hopes of having a version that can be made public in time for the veto session on Sept. 16.

Among the ideas included in the early draft of the policy, Engler said, are a code of conduct for electronic communications, an improved orientation program for interns and lawmakers, and guidelines for who is eligible for a Capitol internship.

Perhaps the biggest change, Engler said, will be putting in place a program to better handle problems that interns may face. The idea, he said, is that an ombudsman would provide a neutral, third-party outlet for complaints when interns aren't comfortable taking to their direct supervisor or to other House staff members.

"This would be a nonthreatening entity that interns could turn to and could talk about a situation confidentially," Engler said. "Someone who would help resolve situations that interns can turn to without fear of retaliation."

In the last five years, four formal sexual harassment complaints have been filed in the Missouri House and one in the Missouri Senate.

House policy now directs harassment complaints first to House administrators, including the chief clerk, which is supposed to ensure those complaints are investigated "promptly, thoroughly and fairly" by House staff.

If the complaint involves an elected lawmaker, disciplinary action can be taken by an ethics committee of 10 lawmakers and led by the House majority leader. A lawmaker can be expelled from the House with a two-thirds vote of the full 163-member chamber.

Of the four House complaints, one was determined to involve a violation of the chamber's harassment policy, said David Welch, general counsel for the Missouri House. The lawmaker involved in that complaint denied any wrongdoing, Welch said, and the case was ultimately dropped when he agreed that he wouldn't do anything that could be considered harassment again.

Yet in recent months, dozens of women — current and former interns, legislative aides, lobbyists and lawmakers — told The Star sexual harassment in the Capitol is commonplace.

Few ever speak up, they said, out of fear of retribution from the harasser and concern that complaining would only damage their career and leave them ostracized in the Capitol. Most said they don't believe a sexual harassment complaint would result in any real consequences for elected officials.

"We just have to make it easier for an intern who has any problems or misgivings to speak up and have a vetting process that is above reproach," Engler said.

Rep. Jeremy LaFaver, a Kansas City Democrat, said he'd like to see the legislature consider stripping lawmakers of their committee assignments if they are found to have violated sexual harassment policy.

"Exactly how that looks, I'm not sure," he said, "but I bet if we held public hearings on the issue, we would get some good ideas."

When a workplace harassment complaint was filed against LeVota, Senate leaders hired a private attorney to look into the allegations alongside a lawyer representing the intern's school, the University of Central Missouri.

Rumors of Diehl's alleged relationship with an intern swirled around the Capitol for weeks before they finally became public, especially after Missouri Southern State University pulled all four of its students from the Capitol.

No formal complaint was ever filed regarding Diehl, and House staff has consistently refused to confirm or deny that any investigation into the matter ever took place. The university has said publicly it was first made aware of the text exchanges between Diehl and the intern not by the House but by a news report in The Star.

Broader change

But to many, simply creating a policy governing interns won't go far enough.

Gov. Jay Nixon, a Democrat, said at a recent event in Columbia that the intern scandals "have crystallized in the public that we've had enough. It's time to make some changes."

Nixon called for a shorter legislative session, restrictions on lobbyist gifts and limits on campaign contributions.

"We should get serious about the fundamental problems that grow into the challenges we've seen," Nixon said.

Campaign contribution limits are considered a nonstarter in the Republican-controlled General Assembly. And legislation capping lobbyist gifts to lawmakers stalled during the 2015 session over opposition in the Missouri Senate.

For several years, Lamping sponsored constitutional amendment requiring the legislative session to end in late March rather than the middle of May — with little success.

Democrats would be happy to work with the majority Republican party on ethics reform, said Rep. Lauren Arthur, a Kansas City Democrat serving her first term in the House. She said she thinks it should be simple to pass a bill.

"(Legislative) leadership has changed, and I am hopeful that this will be a priority again," she said. "If nothing progresses next year, it indicates a lack of will among the majority party, not a lack of ability."

Creating new rules and regulations won't prevent every future scandal, Rep. Jay Barnes, a Jefferson City Republican, wrote recently on his blog.

But fostering an atmosphere that "supports those who speak up and lets potential predators know their actions may end up on the front page of their hometown newspaper will make a difference."

"A gift limit would definitely help," Barnes said. "A more formal, centralized internship program would help keep the focus where it should be. Standing up for those who speak up is a must. Finally, more clearly written rules and training won't hurt."

Barnes was also quick to point out that while changes need to be made, the majority of those serving in the Missouri Capitol "are good people who try to do their best for constituents."

"The capitol culture most people experience who work in the building is not Sesame Street," he said, "but it's also not Animal House."

The number of people engaging in bad behavior may be limited, but "if it happens one time, that's too many," said Rep. Joe Don McGaugh, a Carrollton Republican, in a recent KCUR interview. "We need to stop it and make sure it never happens again."

The problem in Jefferson City isn't the minority of people who engage in bad behavior, Arthur said. It's also, she said, those who have for years turned a blind eye to the problem.

"It's going to take sweeping reforms around ethics to change the culture," she said. "It's going to take tough conversations about gender. It's ultimately going to be determined by whether or not legislators hold themselves accountable and hold each other accountable."

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