

STATE OF TEXAS
HOUSE OF REPRESENTATIVES

R E P O R T
of the
Committee on General Investigating
In the Matter of Representative Bryan L. Slaton

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REPORT
of the
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In the Matter of Representative Bryan L. Slaton

The Honorable Dade Phelan,
Speaker of the House of Representatives

Sir: Pursuant to Section 9.03(h), Housekeeping Resolution, the Committee on General Investigating submits the following report in the matter of Representative Bryan L. Slaton:

I. Proceedings of the Committee

1. This proceeding was initiated by the filing of multiple complaints¹ naming Representative Bryan L. Slaton as respondent and alleging that he engaged in conduct violating a House rule, the Housekeeping Resolution, or House Policy and engaged in inappropriate workplace conduct, specifically conduct constituting sexual harassment and retaliation. The complaints were made by:

a. Hannah W.,² a 21-year-old intern in the Capitol office of Representative #1, dated April 10, 2023.

b. Emily J.,³ a 19-year-old legislative aide in the Capitol office of Representative #1, dated April 11, 2023.

c. Sophie A.,⁴ a 19-year-old legislative aide in the Capitol office of Representative Bryan Slaton, dated April 20, 2023.

2. Each complainant signed and submitted a complaint under penalty of perjury.

3. Pursuant to Committee Rule 3(h), Slaton was served with the complaints by Hannah W. and Emily J. on April 20, 2023, and with the complaint by Sophie A. on April 21, 2023.

4. Pursuant to Section 9.03(f), Housekeeping Resolution, the committee's investigation of the complaints was made by Catherine Evans, a former judge and lawyer in private practice.

5. Pursuant to Section 9.03(g), Housekeeping Resolution, Judge Evans prepared an investigative report determining facts and reported those facts to the Committee in its May 1, 2023, meeting.

6. After the report of facts, and pursuant to Committee Rule 9, the Committee determined that, as alleged in this matter, reasonable cause existed to believe that Slaton violated a House rule,

¹ The Committee was contacted by complainants beginning on April 5, 2023.

² Because of the actual and potential likelihood for retaliation, the Committee is using pseudonyms for the complainants and non-parties to avoid identification in keeping with the accepted general practice for workplace complaints.

³ See note 2.

⁴ See note 2.

the Housekeeping Resolution, or House Policy by engaging in inappropriate workplace conduct and set this matter for a due process hearing on Thursday, May 4, 2023, at a time designated by the chairman.

7. The Committee Chairman designated the hearing to be held at 2 p.m. and, pursuant to Committee Rule 10, issued a Notice of Hearing to the Complainants and Slaton. As required under Committee Rule 10, the Notice of Hearing contained a statement of the time and place of the hearing; a reference to the specific form of alleged inappropriate workplace conduct involved; a short, plain statement of the factual matters asserted by the complainants and respondent; and the Committee's findings that support or negate each factual matter asserted.

8. Pursuant to Committee Rule 10, the due process hearing was confidential as required under Article 9.03(j), Housekeeping Resolution, and conducted in the same manner as a contested case hearing under Subchapter D, Chapter 2001, Government Code.

9. The hearing was held on Thursday, May 4, 2023, at 2 p.m. in Room E1.030, Capitol Extension. Upon conclusion of the hearing, this report, containing findings of fact and conclusions of law, was prepared as required by Committee Rule 11.

10. This report was unanimously adopted by the following record vote: Ayes: Representatives Murr; A. Johnson of Harris; Geren; Longoria; Spiller (5); Nays: None (0); Present, Not Voting: None (0); Absent: None (0).

II. Specific Forms of Alleged Inappropriate Workplace Conduct

11. On or about March 31–April 1, 2023, Slaton violated House Rule 15, §§ 1(b) and (c)(1) by engaging in harassment prohibited by law, specifically sexual harassment, and by not conducting himself in a manner free of harassment, by both inappropriate physical behavior and having sexual intercourse with a legislative aide working in his state office and over whom he had primary responsibility for overseeing and who was unable to give effective consent.

12. On or about a date after January 10 and before March 22, on March 22, and on or about March 31–April 1, Slaton violated the House Drug and Alcohol Policy in the House Personnel Manual: Policies and Procedures⁵ by providing alcohol to Sophie A., known to him to be a minor for purposes of the alcoholic beverage laws of this state, and by offering and/providing alcohol to Emily J., also known to him to be a minor for purposes of the alcoholic beverage laws of this state.

13. On or after April 1, 2023, Slaton violated House Rule 15, §§ 1(b) and (c)(1) by engaging in harassment prohibited by law, specifically retaliation, by attempting to prevent any person with direct knowledge of relevant facts from speaking to anyone about Slaton's conduct described in either Paragraph 11 or 12 or both.

14. At all times relevant to the foregoing, Slaton violated House Rule 15, § 15(c)(2) and Appropriate Workplace Conduct Policy in the House Personnel Manual by failing to report harassment in the workplace of which he had direct, personal knowledge.

⁵ Hereinafter referred to as "House Personnel Manual."

15. At all times relevant to the foregoing, Slaton violated House Rule 15, § (c)(1) by failing to abstain from harassment and other forms of inappropriate workplace conduct in violation of the rule and the Appropriate Workplace Conduct Policy in the House Personnel Manual.

16. All or part of the foregoing also constitute offenses under Texas law, specifically the following:

- a. the offense of furnishing alcohol to a minor under Section 106.06, Alcoholic Beverage Code;
- b. an unlawful employment practice under Sections 21.142 and 21.1065, Labor Code;
- c. the offense of abuse of official capacity under Section 39.02, Penal Code; and
- d. the offense of official oppression under Section 39.03, Penal Code.

17. All or part of the foregoing also constitute disorderly conduct by a Member of the House of Representatives under Section 11, Article III, Texas Constitution.

18. All or part of the foregoing also constitute conduct unbecoming a Member of the House of Representatives.

III. Findings of Fact

19. At all times relevant to this matter, Sophie A. was a legislative aide in Slaton's Capitol office. She was initially hired effective January 8, 2023, as a full-time employee at a monthly salary of \$1,500. She received a \$1,000 raise effective February 1, 2023.

20. Hannah W. recounted a lobbying event early during this session at "some hotel downtown" that she attended along with Sophie A. and Emily J. Hannah W. stated that at this event there were "chips" needed in order to obtain alcoholic beverages. Hannah W. said that Slaton arrived and handed one chip to Hannah W. and two chips each to Emily J. and Sophie A. Hannah W. said that Sophie A. used that chip to obtain an alcoholic beverage and that Sophie A. made a remark about it being her "first real Capitol drink."

21. After the Member football game in March 2023, Emily J. stated that Sophie A. told her that the following happened in connection with that event: throughout the day, Sophie A. and "Bryan" would go off from the group and that on the bus Slaton was handing her alcoholic drinks. Sophie A. denied that Slaton gave her alcohol on the bus.

22. Emily J. stated that Sophie A. also told her that throughout the day Slaton was taking pictures of Sophie A. and sending them to Sophie A. and saying that she (Sophie A.) looked really good. Sophie A. stated on April 28, 2023, that Slaton did take a picture of her but did not make any comments about her appearance. When asked about the picture, Sophie A. stated "*typically* I would take pictures of him and he'd take pictures of me." Sophie A. did state that Slaton on at least two occasions made comments about her appearance. Sophie A. said he told her "that I was pretty" and at a dinner he commented on her "nice features."

23. Emily J. had conversations with other legislative staffers who were consistent in their accounts that Sophie A. and Slaton spent a lot of time together at the Member football game.

24. Emily J. was concerned enough to address the matter with Sophie A., telling her that “people are starting to notice” her close interactions with Slaton. On multiple occasions, Emily J. told Sophie A. that it was “wrong” for Sophie A. and Slaton to be so close, in part, because he was married. Sophie A. responded to Emily J.’s concerns by, at times, saying that nothing was going on and, on at least one occasion, responding that “he [Slaton] and his wife had problems.” Sophie A. stated that it was “kind of becoming a pattern for him [Slaton] to call me in the evenings.”

25. Emily J. recalls that, on an evening during which Slaton invited her, Sophie A., and another woman over to the terrace at his apartment complex along with other people, Slaton served an alcoholic beverage to Sophie A.

26. On the evening of March 31, Emily J. stated that as she and Sophie A. were walking to Hannah W.’s apartment around 10:00 p.m., “Bryan” called Sophie A. Sophie A. says that around 10:00 p.m., when they were heading to Hannah W.’s, she received a phone call from Slaton and that he invited her to “have some drinks and hang out.” After the call, Sophie A. told Emily J. who had called and at times, Emily J. could hear the call and recognized the voice of Slaton. Emily J. stated that Slaton “did not want to drink by himself” and was asking Sophie A. to come to his apartment. Sophie A. told Slaton that she would come over to his apartment. When Emily J. learned this, she became mad at Sophie A. because they already had plans and because she believed Sophie A. was making a bad decision. Emily J. stated that they had a “pretty long argument” over it and that she was trying to explain to Sophie A. that if a man is calling that late “it’s probably sexual.” This was significant to Emily J. because she knew that Sophie A. was a virgin who was saving herself until she was with someone “special.” Emily J. stated that Sophie A. had never really had a boyfriend before and was somewhat naïve.

27. On the same evening, at some time before midnight, Sophie A. received another phone call from Slaton. At least a portion of the phone call was on speaker phone, and Emily J. recognized the voice of Slaton. Emily J. overheard Slaton asking when Sophie A. would show up as it was getting late and he was “ready to go to bed.” When Sophie A. insisted on going over there, Emily J., Hannah W. and Jack P. (Hannah W.’s boyfriend) concluded that they should all go as a protective measure. Jack P. recalls that “time was of the essence” because Sophie A. was on her cell phone with whom he presumed to be Slaton.

28. Sometime after midnight on April 1, Emily J., Sophie A., Hannah W., and Jack P. took a ride-share over to Slaton’s apartment. Emily J. stated that when they arrived Slaton said “I didn’t know you were bringing other people.” Jack P. recalled that Slaton was “surprised that I was there.” Sophie A. said that Slaton seemed “kind of surprised” to see Jack P. Emily J. said that Sophie A. was not intoxicated when they arrived.

29. Emily J. said that when they arrived, Slaton offered alcoholic beverages to her and Sophie A., both of whom are 19 years old. Emily J. stated that Slaton made a Yeti cup full of rum and Coke for Sophie A. and that after Sophie A. began to drink it, Sophie A. stated it was “too strong.” Slaton took the alcoholic drink back, drank a portion of it, diluted it with more Coke and returned the alcoholic drink back to Sophie A. Emily J. recalls Slaton also drinking rum and Cokes that evening.

30. Sophie A. stated that Slaton was making her rum and cokes during the night in a “tall” Yeti cup. Sophie A. stated that she and Emily J. each had their own Yeti cup with rum and coke. Sophie A. stated that throughout the evening Slaton “kept refilling” her Yeti with rum and coke. She thinks that happened perhaps twice. Sophie A. stated that over the time at Slaton’s on April 1 that she consumed “a lot of alcohol” and that she felt “pretty rough,” “really dizzy,” and had “split vision.” Sophie A. believes that she was “drunk” after consuming alcohol at Slaton’s condo. Sophie A. stated that Emily J. also had “a lot of alcohol” at Slaton’s condo and that Emily J. threw up because she drank too much.

31. Hannah W. recalls Emily J. having a drink that was “too strong” and Jack P. ended up finishing her drink. Hannah W. also recalls Sophie A. drinking alcohol while they were there. Hannah W. stated that any alcohol that Emily J. and Sophie A. drank at Slaton’s was provided by him. Hannah W. stated that she could tell Slaton “wasn’t sober” but did not necessarily believe that he was “drunk.”

32. Emily J. said that Slaton and Sophie A. frequently left the others and went off to another part of the apartment. Emily J. said that she observed what she believed was inappropriate physical behavior from Slaton towards Sophie A. Hannah W. described that Slaton’s and Sophie A.’s body language “looked like they were a couple” and that it “looked very intimate and personal.”

33. Sometime after 2:00 a.m. on April 1, Emily J. told Sophie A. that it was time to go. Sophie A. told the group that she was not ready to go. Hannah W. stated that Emily J. said that she was not comfortable leaving Sophie A. there alone with Slaton and would be leaving with Sophie A. Hannah W. and Jack P. departed Slaton’s apartment. At approximately 2:39 a.m. on April 1, Emily J. announced to Sophie A. that it was time to go home. Sophie A. stated that she did not want to go home. Emily J. continued to try to convince Sophie A., and Slaton told Emily J. that “she [Sophie A.] did not have to leave if she did not want to.” Emily J. then left.

34. Sophie A. stated on April 28, 2023, that she did not feel pressured to stay nor did she believe that it was required to be there as part of her job. Sophie A. was asked “up to the point that Emily J. left, did you feel comfortable with Slaton?” Sophie A. said “I felt like I was in an inappropriate situation.” Sophie A. explained that “in the moment, obviously, I had too many drinks. Kind of hard to think in the moment when you’re intoxicated. But now that I look back at it, it was definitely an inappropriate situation.”

35. At some point later on the morning of April 1, Emily J. received numerous calls from Sophie A.’s mother who could see, via a phone tracker, that Sophie A. was not at her apartment. Emily J. said that around 10:00 a.m. on the morning of April 1, she texted Sophie A. that she needed to come home. Emily J. said that sometime later Sophie A. arrived home after being dropped off by Slaton and that Sophie A. went to the drugstore that morning before coming home to obtain the “Plan B” medication to prevent pregnancy.

36. Sophie A. was asked numerous specific questions regarding the details Emily J. provided about sexual activity, obtaining “Plan B” medication, and being driven home by Slaton the next morning. On April 28, 2023, she declined to answer any of those questions—neither affirming nor refuting nor clarifying.

37. Emily J. recalled her conversation with Sophie A. on the morning of April 1. Emily J. asked Sophie A. “did you have sex with him [Slaton]?” and Sophie A. replied “yes.” Sophie A. told Emily J. that she had lost her virginity and that she bled a great deal as a result. Sophie A. told Emily J. that “they” had to change the sheets the next morning because of the blood. Sophie A. had bloody underwear with her that she attributed to her loss of virginity. Sophie A. told Emily J. that she was keeping the underwear as a memento from the night. Emily J. saw bloody underwear on Sophie A.’s bedside table. Sophie A. told Emily J. that she and Slaton had sex in various places throughout his apartment and that it “went on the entire night.” Sophie A. told Emily J. that it felt weird to have sex with him [Slaton] with pictures of his wife in the apartment. Sophie A. told Emily J. that they did not use a condom. Sophie A. told Emily J. that at some point after they had sex, Slaton stated that “I’m not scared of anyone else. You know you own me now?” Sophie A. told Emily J. that Slaton also asked her if Emily J. could be trusted. Sophie A. told Emily J. that she was in love with Slaton.

38. Hannah W. recalled that, around 11:15 a.m. on the morning of April 1, she picked up Emily J. to go shopping. Emily J. told Hannah W. what had happened with Sophie A. Emily J. told Hannah W. that when Sophie A. got home that she asked Sophie A. “did y’all fuck?” and that Sophie A. said “yes.”

39. During the early part of that next work week, Emily J. said that she was in Representative #1’s office when Slaton came by. Slaton made a point of going over to her and said “nice to see you again.” Emily J. said that she was “really uncomfortable.” Emily J. said that he continued trying to engage her in conversation but that she ignored him. Hannah W. recalls Emily J. “sitting at her desk crying.” Hannah W. also recalls that Emily J. seemed “panicked” and was worried about “retaliation.”

40. Emily J. said that when she spoke with Sophie A. later that same day, Sophie A. told Emily J. that in the morning, Slaton was kissing her [Sophie A.] and flirting with her in the office. Sophie A. told Emily J. that, upon his return from Representative #1’s office, Slaton showed Sophie A. a forwarded e-mail from April 1, 2023, that said something like “I know you’re sleeping with a staffer. Can you really trust those 20-year-old girls? She owns you now.” Emily J. said that she and Sophie A. were “panicking” and stayed up all night trying to decide what to do. Emily J. said that she began to suspect that Slaton had contrived the email because (1) it mirrored the language that he used with Sophie A. about “you own me”; (2) it was forwarded from April 1 without any kind of a demand, so it did not make sense why someone would re-send it; and (3) Slaton only showed it to Sophie A. after just having an awkward interaction with Emily J. in Representative #1’s office.

41. Hannah W. recalls Emily J. telling her about an e-mail that Slaton had showed to Sophie A. According to Emily J., the e-mail indicated that someone knew Slaton and Sophie A. had sex and that “nothing would happen as long as her and her friends keep quiet.”

42. On April 28, 2023, Sophie A. recalled that on Monday, April 3, around 3:00 p.m. in the afternoon that she was working in the Capitol office when Slaton called her into his private office. Slaton asked if she had talked to anyone about Friday night. He stated “I don’t want to scare you, but you have every right to know.” She stated that he showed me a “threatening e-mail. It made

me really fearful that I would potentially lose my job.” Sophie A. did not recall the e-mail addresses of the sender but stated that he showed her the e-mail on his personal computer and she believes that the email was sent on his “Slaton Financial Services” e-mail address. Sophie A. stated that it was a message from April 1, 2023, that was re-sent on Monday, April 3, 2023. Sophie A. would not comment on the portion of the email that alleged sexual activity or the phrase “she owns you now.” Sophie A. said that Slaton told her that “everything would be fine. Everyone involved just has to stay quiet.” Sophie A. understood that to mean that Hannah W. and Emily J. had to stay quiet as well. She said that she took the email as a “threat” but did not know who the threat was coming from. Sophie A. stated that she felt intimidated and threatened and that she felt like she needed to “stay quiet” to protect herself. Sophie A. stated she does not know who sent the e-mails to Slaton and does not know if he sent it to himself or not. Sophie A. stated that in response to being shown this e-mail she told Slaton that she would stay quiet.

43. Sophie A. stated that she told Emily J. about the e-mail that night, and Sophie A. agreed that they panicked and stayed up all night trying to decide what to do.

44. Sometime after learning about the e-mail Slaton showed Sophie A., Emily J. confided in Representative #2’s legislative director Harry M. about what had happened at Slaton’s apartment. Emily J. said that Harry M. was “very emotional” about it because “everyone” really looked up to “Bryan.”

45. On Wednesday, April 5, Harry M. told Emily J. that “everyone knows. You have to tell your boss.” Hannah W. was summoned by Emily J. to come talk to Harry M. Hannah W. said that Harry M. told them that certain Representatives knew about what had happened with Sophie A. Hannah W. responded by telling Emily J. that “this has gone too far” and that regardless of Emily J.’s choice that she was going to tell Representative #1 what had happened. Hannah W. and Emily J. proceeded to tell Representative #1 what they knew.

46. On April 28, 2023, Sophie A. recalled that on Wednesday, April 5, Emily J. told Sophie A. “Don’t freak out but the entire Freedom Caucus has found out about what happened.” Sophie A. stated that on the evening of April 5, Slaton called her and said that he was not going to work the next day, Budget Day, and suggested that she should not go either. He reassured her that “everything would be fine” and “that I [Sophie A.] won’t lose my job.”

47. Emily J. says that she and Sophie A. have had many conversations about what happened. Emily J. says that Sophie A. has told her on multiple occasions that “if she [Sophie A.] hadn’t been drunk, she would not have done it [sex with Slaton].”

48. On April 14, 2023, one media outlet published pictures taken of a cellphone that was represented by them as the “complaint” against Slaton.

49. Emily J. confirmed in her interview that she never e-mailed a complaint or allegation to the complaints@house.texas.gov e-mail address assigned to the Committee for initial intake of alleged violations of Rule 15. Emily J. also confirmed that the underlying text in the pictures was created by her but declined to answer to whom she did send the e-mail. Upon review of the screenshots that were supplied by an unnamed source to the Quorum Report, Emily J. stated that

she suspected that another friend from home who is not a Member, officer, or employee of the House of Representatives leaked the screenshots because she recognized a defect on the phone screen shown in the pictures and knows that phone to belong to that friend.

50. Emily J. is concerned that Slaton and Sophie A. “are going to do it again” because she knows Slaton has called Sophie A. multiple times since April 1, 2023, and that Sophie A. says that she misses him.

51. Sophie A. stated that she was uncomfortable in the office because of “that night” and the “consequences of that night.”

52. Hannah W. stated that she filed the complaint against Slaton because she was “really disturbed” and felt like what happened was inappropriate. She believed that Slaton’s conduct violated the House rules. Hannah W. understood from the House sexual harassment prevention training that sexual contact between someone who had “power” over another person in the office was sexual harassment regardless of whether the contact was consensual or not.

53. The independent investigator pointed out to Sophie A. in her April 28, 2023, interview that her formal complaint stated that she “felt like Slaton’s conduct was inappropriate under these circumstances because I had too much to drink.” The independent investigator observed that Sophie A.’s reference to “conduct” suggests something other than providing alcohol but she declined to clarify that further.

54. Neither Slaton nor Sophie A. denied that they engaged in sexual intercourse in the early morning hours of April 1.

55. Representative #1 contacted the Committee to advise it of allegations against Slaton.

56. Representative #2 stated that he called Slaton directly one evening shortly after April 3. Representative #2 stated that, when Slaton answered, Representative #2 said “hey man, is this true?” Representative #2 stated that Slaton replied “what have you heard?” Representative #2 explained that he heard that Slaton had “invited a young staffer to your condo and you guys had sex.” Slaton paused and then responded “yes, that’s true.” Representative #2 stated that he asked many additional questions but received no answer beyond “I do not want to talk about this.” Slaton also said “man, I’ve made a mistake and now it seems like everyone’s against me.” Representative #2 said that he prayed for Slaton and concluded the phone call.

57. Representative #2 stated that when he next saw Slaton on the floor that he told Slaton that “it’s bad for everyone. I think you should resign.” Slaton responded that “I have a plan. I need you to support me.” Representative #2 did not understand that statement. Representative #2 said that Slaton then asked him if the phone call discussion they had could remain “between us?”

58. Representative #2 stated that at no point after the phone call admission did Slaton ever retract, minimize or offer alternate explanations as to what he meant by “yes, that’s true.”

59. Representative #2 contacted the Committee to advise it of allegations against Slaton.

60. Representatives #3 and #4 each contacted the Committee separately to advise it of allegations against Slaton.

61. Other than Sophie A., all employees of Slaton are male. All five men employed by Slaton were represented by the same attorney, Connor Ellington. Ellington is employed by the Law Office of Tony MacDonald. Upon the advice of Ellington, all five men employed by Slaton refused to meet with the independent investigator for an interview, even after being informed that a person must cooperate with an investigation in accordance with the Committee Rules.

62. Slaton completed the mandatory in-person Discrimination Prevention and Workplace Conduct training, required of all House members and employees, on February 7, 2023. A portion of the training clarified that harassment may occur simply based on conduct by a supervisor over a subordinate, specifically due to the existence of an imbalance of power and authority.

63. Slaton was present at the due process hearing with his attorney, Patrick Short, of the Law Firm of Patrick Short. Neither Slaton nor Short presented any exculpatory evidence at the due process hearing.

64. Slaton has not expressed regret or remorse for his conduct to the Committee. Slaton has not publicly expressed regret or remorse for his conduct.

IV. Conclusions of Law

65. At all times relevant to this matter, Slaton was the employing authority for Sophie A. As the employing authority, Slaton had “primary responsibility for overseeing” Sophie A. under Section 4.16(a), Housekeeping Resolution.

66. The Committee concludes that all findings of fact are supported by independent and credible evidence.

67. The Committee concludes that the leak of information concerning the subject matter of these three complaints did not originate with the Committee; a Member, officer, or employee of the House; or from a complainant.

68. We begin our analysis by acknowledging that Rule 15, Article 9 of the Housekeeping Resolution, and recent amendments to the House Personnel Manual are the direct result of the interim study by the former Workgroup on House Sexual Harassment Policy. That workgroup was established by then-Speaker Joe Straus in response to media reports of inappropriate workplace conduct, including inappropriate behavior, sexual harassment, and even sexual assault by members of the Texas Legislature. Additionally, no formal complaint of sexual harassment had been filed in the House since 2011.

69. In the workgroup’s December 2018 report to the House, it noted that, while its report represented “the most meaningful effort ever made to deal with issues of appropriate conduct in relation to the House, it is not the ‘end’ of dealing with those issues. If our work has demonstrated anything, it is that true improvement can *only* be realized by *both a robust and fairly enforced policy and a commitment from each of us to represent and enforce an appropriate standard of*

conduct.” (Emphasis added).

70. The workgroup specifically recommended the independent investigation process for complaints naming a Member of the House as a respondent “given the real differences between [M]embers of the House and employees, interns, and others involved in House business.”

71. “[T]o adopt measures to demonstrate its commitment to ensuring a harassment-free workplace,” explains the Parliamentarians’ Synopsis of Proposed Changes to the House Rules of Procedure (2019), the House of Representatives of the 86th Legislature adopted Rule 15 and Article 9 of the Housekeeping Resolution in January 2019. The Committee on House Administration then adopted amendments to the House Personnel Manual to implement Rule 15, Article 9, and other recommendations of the workgroup. The Committee on General Investigating also adopted its Committee Rules to implement these changes. Rule 15, Article 9, the improved House policies, and the Committee Rules have been readopted in 2021 and 2023.

72. Rule 15 is unequivocal: “All forms of harassment prohibited by law . . . are against the policy of the house.” Moreover, “Members, officers, and employees of the House are expected to promote public confidence in the integrity of the house by . . . conducting themselves in a manner that is free of harassment in each setting related to the service of the member, officer, or employee[,] and [by] reporting any harassment in the workplace of which they have direct personal knowledge.” Rule 15 “is the policy on which the house relies for guidance in promoting appropriate workplace conduct.”

73. The House Personnel Manual is likewise unequivocal: “The House of Representatives is committed to creating and maintaining a work environment in which all individuals are treated with dignity, decency, and respect.” “Discrimination, harassment of any kind (including sexual harassment), and other forms of inappropriate workplace conduct are unacceptable and will not be tolerated. Members, officers, and employees are expected to abstain from and discourage discrimination, harassment, and other forms of inappropriate workplace conduct.” And by “[e]nforcement of this policy and by the training of all Members, officers, and employees, the House will seek to prevent, correct and discipline behavior that violates this policy.”

74. To borrow from a 2018 report of the Arizona House of Representatives concerning an analogous provision to our Rule 15 and House policy, “[t]he expansiveness of the [rule and policy language] is intentional and that cannot be overemphasized. . . . [B]y its plain language, [this type of language] encompasses a very wide array of conduct . . . so as to enable the House and its Speaker the wide latitude necessary to make the House [a] safe and inviting workplace and institution[.]” *Report of the Independent Special Counsel in the Matters of Shooter and Ugenti-Rita* (Ariz. H. of Rep., 2018). “[This type of language] is not the same as, and is not necessarily informed by or subject to, legal or other standards applicable in a lawsuit or administrative proceeding involving workplace or other harassment. The [language] is self-contained and governs conduct involving employees or Members of the House, or those who appear or have business before the House. What one might have to prove to establish, or to overcome, an allegation of harassment or workplace misconduct in a court or administrative proceeding is not necessarily applicable with regard to [this type of language]. This is an important distinction. Nor do the factors courts or other tribunals consider at when evaluating claims of workplace harassment or other

misconduct necessarily matter for purposes of determining whether there has been a violation of [the applicable language of the rule and House policy].”

75. Slaton’s counsel has demanded delayed deadlines in our process. He is not entitled to demand delay. Of course, and as recognized by our sister state, the underlying legal concepts of anti-harassment and penal laws are not wholly absent from our analysis when determining whether alleged behavior rises to the level of misconduct meriting discipline by the House. Rather, we employ traditional legal reasoning in weighing the facts and the law to give full effect to the intent of the House of Representatives in adopting its rules and policy.

76. State law requires a prompt investigation of harassment and other inappropriate workplace conduct claims. When “discrimination, harassment, threat, or [a] safety problem [is] faced by an employee,” the Texas Workforce Commission states in its public guidance, employers are required “to take prompt and effective remedial action to put an end to the problem.” *Workplace Investigations: Basic Issues For Employers*, https://efte.twc.texas.gov/workplace_investigations_basics.html#lawsrequiringinvestigations (accessed May 5, 2023).

77. As a threshold matter, Slaton’s counsel has vigorously and repeatedly urged the dismissal of the complaints on the grounds that the complained-of behavior did not occur in the workplace but rather at Slaton’s Austin residence. As explained by the Fourteenth Court of Appeals at Houston, we “may not exclude from consideration those allegations of sexual conduct which occurred after work hours,” but rather “must ask whether sufficient facts exist from which to infer a nexus between the sexual conduct and the work environment.” *Nardini v. Continental Airlines, Inc.* (2001, petition for review denied), Southwestern Reporter, 3d Series, vol. 60, page 201. After-hours conduct is not harassment if the harasser is *not* the individual’s “supervisor and thus exercised no authority over her.” *Id.* Here, Slaton as the employing authority was Sophie A.’s supervisor and exercised complete authority over her as a matter of law. Moreover, it is well known that the boundary between work and non-work settings and activity is a blurred one at the Capitol, as employees are often used to perform personal tasks such as “driving a member of the legislature for the member’s personal appointments and errands” while simultaneously performing legislative tasks. *See* Ethics Advisory Opinion No. 522 (2014). We conclude that the required nexus between the sexual conduct and the work environment exists in this matter because of the very significant disparity in the employer-employee relationship of Slaton and Sophie A., and that Slaton’s Austin residence was a setting relating to his service.

78. Turning next to the sexual conduct in this matter, our inquiry, as explained by the United States Supreme Court in *Meritor Savings Bank FSB v. Vinson* (1986), is not whether Sophie A.’s actual participation in sexual intercourse was *voluntary*. United States Reports, vol. 477, page 68. Rather, it is whether the alleged sexual advances were *unwelcome*. *Id.* Based on the uncontradicted statements that Slaton was providing alcohol to Sophie A. in quantities designed to induce intoxication and Sophie A.’s corroborated statements that she believed “Slaton’s conduct was inappropriate under these circumstances because [she] had too much to drink,” as well as her statements that she consumed “a lot of alcohol” and that she felt “pretty rough,” “really dizzy,” and had “split vision,” Sophie A. could not effectively consent to intercourse and could not indicate

whether it was welcome or unwelcome.⁶ In the absence of any testimony by Slaton that Sophie A. indicated that sexual conduct was welcome, we believe it is reasonable to draw the adverse inference that it was unwelcome.

79. Slaton's attempts to dissuade Sophie A. from talking about his inappropriate relationship with her constitute further harassment and retaliation for the conduct. Sophie A. described the e-mail that Slaton showed her as a "threatening e-mail"—an e-mail that "made me really fearful that I would potentially lose my job." She said that she took the email as a "threat." While Sophie A. stated that she did not know who the threat was coming from, she took it seriously. The e-mail was plainly created for purposes of intimidation. Sophie A. stated that after Slaton showed her the e-mail, Slaton told her that "everything would be fine. *Everyone involved just has to stay quiet.*" (Emphasis added.) Sophie A. stated that she understood Slaton's remark to mean that Hannah W. and Emily J., who also had knowledge of Slaton's conduct, had to stay quiet as well. Sophie A. stated that she felt intimidated and threatened and that she felt like she needed to "stay quiet" to protect herself. Sophie A. stated that in response to being shown this e-mail she told Slaton that she would stay quiet, which was presumably the object Slaton sought to accomplish. Further, Slaton's request to Representative #2 for the phone call discussion between the two to remain "between us" shows that Slaton sought to prevent all persons with knowledge of the conduct from reporting Slaton's misconduct.

80. Slaton had direct knowledge of conduct constituting sexual harassment and retaliation under House Rule 15 and the Appropriate Workplace Conduct Policy in the House Personnel Manual. He did not make the required report of that conduct to the Committee.

81. Under Committee Rule 6(b), adopted pursuant to the authority granted by Section 9.03(e), Housekeeping Resolution, the independent investigator⁷ "at all reasonable times during [an] investigation . . . shall have access to . . . necessary witnesses for examination under oath or affirmation." All five male employees of Slaton obstructed the committee's investigation by refusing to meet with the independent investigator for an interview at her request. Emily J. said that when she spoke with Sophie A. on the day that Slaton visited Representative #1's office, Sophie A. told Emily J. that in the morning, Slaton was kissing her [Sophie A.] and flirting with her in the office. The other employees may have been present during this conduct and thus likely possessed information relevant to the committee's investigation. Moreover, under Section 301.025(a), Government Code, a witness in a committee proceeding "does not have a privilege to refuse to testify to a fact . . . on the ground that the testimony . . . may tend to disgrace the person or otherwise make the person infamous." Additionally, under Sections 301.025(b)–(c), Government Code, if a witness claims that his "testimony . . . may incriminate him" and the committee compels him to testify anyway, the witness is entitled to complete immunity from indictment or prosecution "for any transaction, matter, or thing about which the person truthfully testified[.]" The Committee accordingly draws an adverse inference from these refusals and concludes that the conduct described by Sophie A. to Emily J. occurred. The Committee further concludes that the employees had direct knowledge of conduct constituting sexual harassment and

⁶ We do not reach the question of whether Slaton committed sexual assault under the Penal Code because sufficient facts are not available to us to undertake the necessary analysis.

⁷ Under Committee Rule 2(b), "the independent investigator . . . shall perform the duties of the [Committee] chair under Committee Rule 6 until the independent investigator files a final investigative report with the [C]ommittee."

retaliation under House Rule 15 and the Appropriate Workplace Conduct Policy in the House Personnel Manual and they did not make the required report to the Committee. Finally, the Committee concludes that the refusals by Slaton's employees to comply with Rule 15 and the Committee's rules constitute "gross misconduct" under Section 4.16, Housekeeping Resolution.

82. Slaton's provision or offering of alcohol to Sophie A. and Emily J. also constitutes the offense of furnishing alcohol to a minor under Section 106.06, Alcoholic Beverage Code, and violates the House Drug and Alcohol Policy in the House Personnel Manual.

83. Slaton's sexual intercourse with Sophie A., for whom he had primary responsibility as the employing authority, constitutes an unlawful employment practice under Sections 21.142 and 21.1065, Labor Code, and official oppression under Section 39.03, Penal Code.

84. Slaton's use of his position as a Member of the House of Representatives to engage in any or all of the foregoing constitute abuse of official capacity under Section 39.02, Penal Code.

85. Slaton, as a Member of the House of Representatives, failed to abstain from harassment and other forms of inappropriate workplace conduct in violation of the Appropriate Workplace Conduct Policy in the House Personnel Manual.

86. Slaton, by engaging in any or all of the foregoing as a Member of the House of Representatives, engaged in disorderly conduct under Section 11, Article III, Texas Constitution.

87. Slaton, by engaging in any or all of the foregoing as a Member of the House of Representatives, engaged in conduct unbecoming a Member.

88. The House Rules of Procedure, the Housekeeping Resolution, and the House Personnel Manual do not explicitly say that "elected Members may not have sexual contact with their staff members." However, both Emily J. and Hannah W. attended the sexual harassment prevention training required under Section 9.02, Housekeeping Resolution, and left that training with the clear understanding that it was against House rules and policy. Sophie A. said that she had no clear understanding and did not remember much from the training. Fundamentally, it is for the Committee, in the first instance, and the House itself, in the final instance, to determine if a Member giving alcohol to an underage staffer and engaging in sexual contact, albeit at his personal residence, meets "the minimum standards for . . . conduct as a state officer." The committee concludes that this conduct does not meet the minimum standards for conduct expected of a Member of the House of Representatives.

89. Under Section 9.03(h)(2), Housekeeping Resolution, when "the [C]ommittee finds that the respondent violated a house rule, th[e Housekeeping R]esolution, or house policy, a recommendation for any discipline or remedial action, in proportion to the seriousness of the conduct, necessary to prevent the violation from occurring again," shall be contained in the Committee's report.

90. Slaton's misconduct is grave and serious. He took advantage of his position to engage in sexual conduct after completing training in which he had been advised that conduct of this type

was harassment because of the power imbalance. Regardless of whether he created the threatening e-mail, he furthered its purpose by showing it to Sophie A., who correctly perceived it as a threat to her. He did this not to protect Sophie A. but to protect himself. The display of the threatening e-mail induced Sophie A. to promise to remain “quiet.” Moreover, the context in which the e-mail was displayed to Sophie A. made it clear to her that Emily J. and Hannah W. also were to remain “quiet,” and Emily J. was “panicked” by the e-mail. Slaton then explicitly asked another Member of the House to keep his misconduct secret. The fact that Slaton has not expressed regret or remorse for his conduct is also egregious and unwarranted.

91. It is the Committee’s unanimous recommendation that, considering the factors stated above, the only appropriate discipline in this matter is expulsion.

92. Under Section 11, Article III, Texas Constitution, the House may punish members for disorderly conduct, and, with the consent of two-thirds, may expel a member. The interpretative commentary explains that “disorderly conduct . . . signif[ies] any conduct unbecoming a member,” and “the legislative body itself is empowered to determine causes therefor, and an offense inconsistent with a member’s duty and trust might be good cause for such expulsion[.]”

93. In prior matters involving the discipline of members for misconduct, this House has articulated the expected standards of conduct for Members. In adopting a resolution providing for an investigation of Representative James E. Cox in the 55th Legislature, the House stated that it “intends to maintain its honor and integrity, as well as to guarantee the behavior of its membership in the best interest and welfare of the people of Texas[.]” House Journal, 55th Legislature, page 602 (1957). The committee report adopted by the House⁸ stated that “conduct unjustifiable upon any principle of sound, honorable, and representative government” was conduct “unbecoming a member of the House of Representatives.” *Id.* at 939.

94. In the 40th Legislature, this House expelled Representatives F. A. Dale and H. H. Moore. House Journal, 40th Legislature, pages 442–443 (1927). The report of the investigating committee recommended expulsion on the grounds that the Members were “guilty of conduct unbecoming any member of the House of Representatives, and unjustifiable upon any principle of sound and safe government.” *Id.* at 348. The House adopted two resolutions expelling each Member individually, both referencing the investigating committee’s report and stating that “their conduct has been such as to render them unfit to sit as members[.]” *Id.* at 442–443.

95. The provision for and authority to expel a member found in Section 11, Article III, Texas Constitution, is nearly identical to the same authority granted to each house of the Congress in Article I, Section 5, clause 2, United States Constitution.

96. Under the Congressional precedent reported in Deschler’s Precedents, chapter 12, section 13.1, “[t]he right to expel may be invoked whenever in the judgment of the body a Member’s conduct is inconsistent with the public trust and duty of a Member.”

97. Under the Congressional precedent reported in Hinds’ Precedents, volume 2, section 1263, “conduct [that] has been inconsistent with [a Member’s] public duty, renders him unworthy of a

⁸ Cox would have likely been expelled had he not resigned. *See id.*

further continuance of his present public trust in th[e] body, and amounts to a high misdemeanor” supporting an expulsion.

98. The House’s discipline of its members is not simply to mete out personal punishment but instead is “rooted in the judgment of the House as to what was necessary or appropriate for it to do to assure the integrity of its legislative performance and its institutional acceptability to the people at large as a serious and responsible instrument of government.” Deschler’s Precedents, chapter 12, section 12.

99. Most members of this House who have committed conduct in violation of law or in violation of House rules and policies, and thus reflected discredit upon the House, have resigned from office, thereby negating any need for the body to take further action. Slaton has declined to take action to prevent further discredit to the House by resigning.

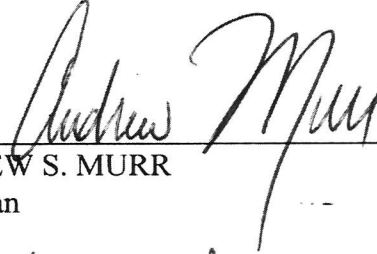
100. Constitutions recognize the power of expulsion because a legislative body “necessarily possesses the inherent power of self-protection,” as the United States Supreme Court explained in *In re Chapman*, United States Reports (1897), volume 166, page 668. The Court further expanded on this principle of legislative bodies, writing, “[t]he right to expel extends to all cases where the offense is such as in the judgment of the [body] is inconsistent with the trust and duty of a member.” *Id.* at 669.

V. Recommendation

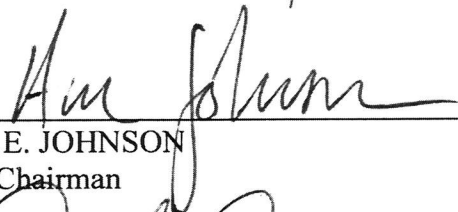
101. The Committee unanimously recommends that Representative Bryan L. Slaton be expelled from the House of Representatives of the 88th Legislature of the State of Texas.

SIGNED this 6th day of May, 2023.

BY THE COMMITTEE ON GENERAL
INVESTIGATING OF THE HOUSE OF
REPRESENTATIVES OF THE STATE OF TEXAS:




ANDREW S. MURR
Chairman



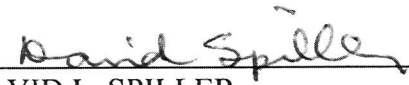
ANN E. JOHNSON
Vice Chairman



CHARLIE L. GEREN
Member



OSCAR L. LONGORIA
Member



DAVID L. SPILLER
Member