

TESTIMONY

Engrossed House Bill No. 1256

Sixty-eighth Legislative Assembly of North Dakota

My name is Jesse Wiesenborn and I've been a resident of this state for 33 years. If you've never experienced sexual harassment or discrimination, then you've never studied or worked in North Dakota.

Sexual harassment and discrimination are so egregiously rampant that you might as well draft a law protecting the right to perform and execute these activities rather than penalize those who make false allegations. This is the tragic and absurd reality of our streets, workplaces and public institutions: there are oftentimes no allegations of sexual harassment or discrimination where these incidents actually occur. They are usually too subtle and subjective or involve too many people to objectively report, and stay unreported due to the fear and stigma victims already suffer.

House Bill 1256 won't give victims of false claims of sexual harassment or discrimination any meaningful relief because it doesn't address the root of this problem. Furthermore, claims that allegations of sexual harassment are without fact or basis could easily be as discriminatory as the allegations themselves. Schools and employers already ignore and dismiss claims of sexual harassment and discrimination even when evidence is provided. When escalated, higher authorities unilaterally side with the decisions of lower authorities.

House Bill 1256 itself is a frivolous piece of legislation because this state is not a right-to-work state. Employers do not need cause to terminate employees, and they do so at whim. This practice is so commonplace that managers, supervisors, and Human Resources departments are quite often the perpetrators of sexual harassment, discrimination, and false allegations themselves. Ground-level employees are so powerless against institutionalized sexual harassment, discrimination, and false allegations that it is redundant to threaten them further with the penalty of a misdemeanor.

House Bill 1256 only further marginalizes victims of sexual harassment and discrimination, and it puts more power in the hands of abusive authorities. However, one "silver lining" of this bill is that it could give tenacity to legitimate accusers' claims. Institutions may hypothetically be more willing to hear individuals who can wager a misdemeanor on their claim in cases where they would otherwise laugh them out of the office.

If I could give any advice to those who suffer from sexual harassment, discrimination, or false allegations of the same, I would say to strictly avoid drugs and alcohol, keep your presence and clarity of mind to immediately react and respond to perpetrators as quickly as incidents occur, and treat everyone with respect and professionalism at all times. Expect nothing less than respect and professionalism in return.

Thank you,

Jesse Wiesenborn
Fargo, ND

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