



200 SW Market Street, Suite 1777
Portland, Oregon 97201-5771

T 503.225.0777

F 503.225.1257

www.hk-law.com

Michael E. Haglund
Michael K. Kelley
Michael G. Nelf
Shay S. Scott
Julie A. Weis
Christopher Lundberg
Matt Malmshemer
Joshua Stellmon
Shenoa L. Payne
Sara Ghalouri

LeRoy W. Wilder
Retired

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Chair Floyd Prozanski
Senate Committee on Judiciary

TESTIMONY IN SUPPORT OF HOUSE BILL 3371

Dear Chair Prozanski and Members of the Committee,

I am writing today to express my support for HB 3371. If enacted, HB 3371 would provide much-needed protections to Oregon students who make good faith reports of violations of state or federal law. At the outset, I'd like to say that I expect that these protections would rarely be needed; I believe that the vast majority of educational institutions and technical schools comply with the law and that if a student were to report a problem of one sort or another were to arise, such reports would be handled appropriately. However, I also know from experience that, if needed, the protections would be critical to Oregon's students.

By way of background, I am a partner with the law firm Haglund Kelley, LLP, where I primarily practice in the areas of employment and labor law. Many of the clients I represent have suffered on-the-job retaliation for a variety of reasons, and it is no exaggeration to say that the loss of a job, harassment, and other forms of retaliation is devastating to them – both financially and emotionally. Because of the employment laws that are in place, those people have tools to vindicate such violations of their rights and to help to correct at least their economic impact.

I understand that there have been some concerns expressed that HB 3371 is unnecessary because Oregon students are already protected by a wide array of state and federal laws. While that is true for certain types of discrimination, such as gender and race, Oregon students do not have the whistleblowing protections that Oregon's employees enjoy. These protections are missing at a point in students' professional lives when they are extremely vulnerable to retaliation.

One of my current clients is a perfect example. Because litigation is ongoing, I will not use the names of the parties, but I currently represent a courageous young woman who attended a professional school in Oregon and who contacted the Oregon Attorney General

about what she believed was the school's illegal mishandling of financial aid funds. When the school found out about my client's report, it expelled her. This occurred near the end of her schooling, after she had invested significant time and energy into her studies and program. Because my client was expelled before she completed her studies, she lost her eligibility for financial aid, leaving a portion of her tuition unpaid. Because she owed tuition, the school has withheld her transcripts, which has prevented her from securing the licensure necessary to enter her chosen profession. She has been left with student-loan debts that she cannot pay and no way to advance her professional prospects. If left uncorrected, this retaliation would be a devastating blow to her, one which would be extremely difficult for her to overcome.

Thankfully, my client worked as a student intern at an on-campus facility, and thus was covered by the protections in HB 2669, which was passed into law in the 2013 session and extended employment law protections to unpaid interns. However, if it weren't for that fortuity, my client would have little recourse and would be facing potentially career-ending retaliation before she even got started. In short, like HB 2669, HB 3371 will impose no burden on the vast majority of educational institutions who abide by the law, but it will provide critical protections to student whistleblowers at a time when they need them most. It is for these reasons that I urge the Committee and the Legislature to enact HB 3371.

Very Truly Yours,



Matthew E. Malmshemer

