

House Committee On Higher Education, Innovation, and Workforce Development

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

---

**Action Date:** 04/15/15

**Action:** Do Pass As Amended And Be Printed Engrossed.

**Meeting Dates:** 04/06, 04/15

**Vote:**

Yeas: 7 - Gallegos, Hayden, McKeown, Read, Reardon, Whisnant, Williamson

Nays: 1 - Nearman

Exc: 1 - Johnson

**Prepared By:** Victoria Cox, Committee Administrator

---

**WHAT THE MEASURE DOES:**

Prohibits retaliation against student of education program who makes good faith report regarding possible violation of state or federal law, rule or regulation. Creates private right of action. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Case of student expelled from school for complaint to Attorney General regarding suspected misuse of financial aid funds
- Whistleblower protections for employees that report suspected illegal activity in good faith
- Previous legislation to cover student interns in protection for employees
- Definition of good faith standard as not presupposing explicit knowledge of laws and/or regulations

**EFFECT OF COMMITTEE AMENDMENT:**

Removes requirement for Higher Education Coordinating Commission to develop rules prohibiting retaliation against students.

**BACKGROUND:**

ORS 659A.199 provides that, "It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information that the employee believes is evidence of a violation of a state or federal law, rule or regulation."

House Bill 3371-A creates similar whistleblower protections for students in all public and private educational institutions in Oregon. The measure provides that students may not be suspended, expelled, demoted or excluded from academic or extracurricular activities for making good faith reports of suspected violations of state or federal laws, rules or regulations. Additionally, the measure creates a private right of action for students to bring civil suits under ORS 659A.885.