

STAFF MEASURE SUMMARY

CARRIER: Sen. Gelser

Senate Committee On Judiciary

Fiscal: Fiscal impact issued

Revenue: No Revenue Impact

Action Date: 05/26/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 05/26

Vote:

Yeas: 4 - Burdick, Gelser, Kruse, Prozanski

Exc: 1 - Thatcher

Prepared By: Channa Newell, Counsel

WHAT THE MEASURE DOES:

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

ISSUES DISCUSSED:

- Current protections for workers and student interns
- Example of student reporting misuse of federal financial aid funds and subsequent expulsion
- Creation of rules agencies
- Extension of existing whistleblower protections to students

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

ORS Chapter 659A provides whistleblower protections for workers who make good faith reports of possible violations of state or federal law, rule or regulation. Employers are prohibited from firing, demoting, suspending or discriminating against such employees, and may be subject to a civil action for discrimination. Remedies for prohibited conduct include reinstatement and the possibility of up to two years of back-wages.

House Bill 3377-A creates a similar whistleblower protection for students in all public and private educational institutions in Oregon. The measure specifies that students may not be suspended, expelled, dis-enrolled, denied academic or educational opportunities, harassed, threatened or have transcripts withheld for making good faith reports of possible violations of state or federal laws, rules or regulations. The measure creates a private right of action under ORS 659A.885 and allows the State Board of Education or the Higher Education Coordinating Commission, as appropriate, to impose sanctions against schools that violate the measure.