

HB 2972 A STAFF MEASURE SUMMARY

Carrier: Rep. Lininger

House Committee On Judiciary

Action Date: 03/30/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 11-0-0-0

Yeas: 11 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Fiscal: No fiscal impact

Revenue: No revenue impact

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WHAT THE MEASURE DOES:

Prohibits universities and colleges from imposing, or threatening to impose, discipline or sanction, for purpose of influencing student-victim's decision to participate in investigation or adjudication of sexual assault, domestic violence or stalking.

ISSUES DISCUSSED:

- Threats of discipline or sanction further traumatize vulnerable victims
- Survivors compelled to participate in proceeding related to the assault through threats or actual discipline
- Codifying best practice to prevent national problem from coming to Oregon
- Ability to achieve educational goals and remain safe risked by compelled participation and involuntary disclosure

EFFECT OF AMENDMENT:

Prohibits, in addition to threats, actually imposing discipline or sanctions to influence decision of victim to participate in investigation or adjudication of crime.

BACKGROUND:

Federal law requires certain institutions to collect and report information about crimes committed on campus. 20 U.S.C. 1092. In addition, Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in educational programs or activities that receive federal financial assistance. The United States Department of Education's Office of Civil Rights enforces Title IX and regularly investigates the manner in which colleges and universities handle cases of sexual assault. House Bill 2972-A prohibits universities and colleges from using discipline to encourage or discourage a student-victim from participating in an investigation or adjudication related to sexual assault, domestic violence or stalking.