

OREGON TRIAL LAWYERS ASSOCIATION

319 SW Washington Street, #607

Portland, OR 97204

www.oregontriallawyers.org

503-799-1017

Testimony of Arthur Towers
In Support of
House Bill 4150
House Committee on Judiciary
February 12, 2018

Thank you for the opportunity to testify today in support of HB 4150 to support victims of sexual harassment in Oregon schools.

OTLA members fight for the rights of victims of sexual harassment in our schools, on college campuses, and in the workplace. As should be clear by now, the prevalence of sexual harassment is a serious problem. Nothing I can say could prove that point more than the stories on the news night after night after night.

In 2015, the legislature did a terrific job enacting SB 759, requiring community colleges and universities to adopt a written protocol for victims of sexual assault. That bill mandated higher education to think through with intentionality a process for handling these issues in a student-centric, and victim-centric manner.

SB 759 ensured that any student who reports a sexual assault receives accurate and plain-language information about where to get help, and about what privacy protections they can expect when they seek help.

That bill also ensured that students who are victims receive information about what their rights and options are, should they choose to move forward with a campus or law enforcement investigation. This information is critical to allowing victims to make informed decisions in the aftermath of an assault, and will facilitate the accessing of safety services that can help victims recover from the assault.

In 2017, the legislature took the extra step of ensuring that institutions of higher education not threaten or impose sanctions against victims for failure to participate in campus disciplinary hearings involving the perpetrator. (2017 HB 2792)

Now, HB 4150 expands several of these provisions to K-12 schools. We feel this is an important step in the right direction. Providing families information when they are faced with this traumatic situation is tremendously helpful.

We would recommend that work continue in this area through the formation of a work group. One important problem not addressed is notification of a potential civil rights violation. Sexual harassment in school can also be a violation of the victim's civil rights under federal Title IX laws. The school district can commence an investigation, and while the investigation unfolds, the 180-day statute of limitations for Title IX violations could run out. If, during the pre-investigation phase, the student and their family should also be notified of this important right.

We also want to make sure that there is a shared understanding that the privacy protections are there for victims and the accused. They are not meant as a shield from responsibility for school districts.

We look forward to continued partnership with stakeholders on this very important issue and we urge a YES vote on the amended HB 4150.