SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires specified information to be shared with student or staff member following conclusion of investigation related to sexual harassment.

Takes effect July 1, 2018.

A BILL FOR AN ACT
Relating to school sexual harassment policies; creating new provisions; amending ORS 342.704 and 342.708; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 342.704 is amended to read:

342.704. (1) The State Board of Education shall adopt by rule minimum requirements for school district policies on sexual harassment of students by staff and other students including, but not limited to, requirements that:

(a) All staff and students are subject to the policies;
(b) Sexual harassment of students includes:
(A) A demand for sexual favors in exchange for benefits; and
(B) Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's educational performance or that creates an intimidating, offensive or hostile educational environment;
(c) All complaints about behavior that may violate the policy shall be investigated;
(d) The initiation of a complaint in good faith about behavior that may violate the policy shall not adversely affect the educational assignments or study environment of the student; and
(e) The student who initiated the complaint and the student's parents shall be notified:
(A) When the investigation is concluded; and
(B) Of the findings of the investigation, including whether a violation occurred; and
(f) The staff member or student who was the subject of the complaint and, if applicable, the student's parents shall be notified:
(A) When the investigation is concluded; and
(B) Of the findings of the investigation, including whether a violation occurred; and
(g) Information that was relied upon to support the findings of an investigation shall be...
made available to the extent allowed by law or any collective bargaining agreements and shall
be made available in a manner that, to the extent practicable, maintains the information as
confidential and nonpublic to the following:

(A) The student who initiated the complaint;
(B) The staff member or student who was the subject of the complaint; and
(C) If applicable, the parents of the student who initiated or who was the subject of the
complaint.

(2) The State Board of Education shall adopt by rule minimum requirements for school district
policies on sexual harassment of staff by students and other staff including, but not limited to, re-
quirements that:
(a) All staff and students are subject to the policies;
(b) Sexual harassment of staff includes:
(A) A demand for sexual favors in exchange for benefits; and
(B) Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably in-
terfering with a staff [person’s] member’s ability to perform the job or that creates an intimidating,
offensive or hostile work environment;
(c) All complaints about behavior that may violate the policy shall be investigated;
(d) The initiation of a complaint in good faith about behavior that may violate the policy shall
not adversely affect any terms or conditions of employment or work environment of the staff
complainant; and
(e) The staff [member who initiated the complaint] complainant shall be notified when the in-
vestigation is concluded.

SECTION 2. ORS 342.708 is amended to read:

342.708. (1) Nothing in ORS 342.700 and 342.704 is intended to limit or operate as a prerequisite
to pursuing any rights or remedies provided under other statutes or the common law.

(2) A staff member, a student or a parent of a student may bring a civil action for an
injunction or other equitable relief for a violation of ORS 342.704 (1)(e) (g). Upon a motion,
a court may award an injunction or other equitable relief in a civil action brought under this
subsection. The court may award reasonable attorney fees and costs in a civil action brought
under this subsection.

SECTION 3. The amendments to ORS 342.704 and 342.708 by sections 1 and 2 of this 2018
Act apply to complaints that are initiated under ORS 342.704 on or after the effective date
of this 2018 Act.

SECTION 4. This 2018 Act takes effect on July 1, 2018.