

Requested by Representative SALINAS

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4150**

1 On page 1 of the printed bill, line 2, delete “342.704 and” and insert  
2 “342.700 and 342.704.”.

3 In line 3, delete “342.708”.

4 Delete lines 5 through 30 and delete page 2 and insert:

5 **“SECTION 1.** ORS 342.704 is amended to read:

6 “342.704. (1) The State Board of Education shall adopt by rule minimum  
7 requirements for school district policies on sexual harassment of students  
8 by staff **members** and other students including, but not limited to, require-  
9 ments that:

10 “(a) All staff **members** and students are subject to the policies;

11 “(b) Sexual harassment of students includes:

12 “(A) A demand for sexual favors in exchange for benefits; and

13 “(B) Unwelcome conduct of a sexual nature that has the purpose or effect  
14 of unreasonably interfering with a student’s educational performance or that  
15 creates an intimidating, offensive or hostile educational environment;

16 **“(c) When a student or the student’s parents file a complaint al-**  
17 **leging behavior that may violate the policy, the student or student’s**  
18 **parents shall receive a written notification as described in subsection**  
19 **(3) of this section;**

20 “[c)] **(d)** All complaints about behavior that may violate the policy shall  
21 be investigated;

1       “[(d)] (e) The initiation of a complaint in good faith about behavior that  
2 may violate the policy [shall] **may** not adversely affect the educational as-  
3 signments or study environment of the student; and

4       “[(e)] (f) The student who initiated the complaint and the student’s par-  
5 ents shall be notified:

6       “(A) When the investigation is concluded[.]; **and**

7       “(B) **Of the outcomes of the investigation, including whether a vi-**  
8 **olation occurred.**

9       “(2) The State Board of Education shall adopt by rule minimum require-  
10 ments for school district policies on sexual harassment of staff **members** by  
11 students and other staff **members** including, but not limited to, requirements  
12 that:

13       “(a) All staff **members** and students are subject to the policies;

14       “(b) Sexual harassment of staff **members** includes:

15       “(A) A demand for sexual favors in exchange for benefits; and

16       “(B) Unwelcome conduct of a sexual nature that has the purpose or effect  
17 of unreasonably interfering with a staff [person’s] **member’s** ability to per-  
18 form the job or that creates an intimidating, offensive or hostile work envi-  
19 ronment;

20       “(c) **When a staff member files a complaint alleging behavior that**  
21 **may violate the policy, the staff member shall receive a written no-**  
22 **tification as described in subsection (3) of this section;**

23       “[(c)] (d) All complaints about behavior that may violate the policy shall  
24 be investigated;

25       “[(d)] (e) The initiation of a complaint in good faith about behavior that  
26 may violate the policy shall not adversely affect any terms or conditions of  
27 employment or work environment of the staff [complainant] **member who**  
28 **initiated the complaint;** and

29       “[(e)] (f) The staff member who initiated the complaint shall be notified  
30 when the investigation is concluded.

1       **“(3)(a) The written notification required under subsections (1)(c)**  
2 **and (2)(c) of this section must set forth:**

3       **“(A) The rights of the student, student’s parents or staff member**  
4 **who filed the complaint;**

5       **“(B) Information about the legal and disciplinary options that the**  
6 **student, student’s parents or staff member who filed the complaint**  
7 **may pursue, including but not limited to:**

8       **“(i) Civil and criminal remedies, including any related statutes of**  
9 **limitations; and**

10       **“(ii) Disciplinary processes available through the school or school**  
11 **district;**

12       **“(C) Information about services available to the student or staff**  
13 **member through the school or school district, including any coun-**  
14 **seling services, nursing services or peer advising.**

15       **“(D) Information about the privacy rights of the student or staff**  
16 **member, including any limitations of privacy for services available**  
17 **through the school or school district; and**

18       **“(E) Information about, and contact information for, state and**  
19 **community-based services and resources that are available to persons**  
20 **who have experienced sexual harassment.**

21       **“(b) The written notification required by this subsection must:**

22       **“(A) Be written in plain language that is easy to understand;**

23       **“(B) Use print that is of a color, size and font that allow the no-**  
24 **tification to be easily read; and**

25       **“(C) Be made available to students, students’ parents and staff**  
26 **members on the Internet website of the school or school district.**

27       **“SECTION 2. ORS 342.700 is amended to read:**

28       **“342.700. It is the policy of the State of Oregon that sexual harassment**  
29 **will not be tolerated in schools. A school district shall adopt a policy on**  
30 **sexual harassment for students and staff **members** that meets the require-**

1 ments of ORS 342.704. A school district shall make the sexual harassment  
2 policy available to students, parents of students and staff **members**. A  
3 school district’s sexual harassment policy shall be posted on a sign that is  
4 at least 8.5 by 11 inches in size. The school district shall post the sign in  
5 all grade 6 through 12 schools in the school district.

6 **“SECTION 3. The amendments to ORS 342.704 by section 1 of this**  
7 **2018 Act apply to complaints that are initiated under ORS 342.704 on**  
8 **or after the effective date of this 2018 Act.**

9 **“SECTION 4. This 2018 Act takes effect on July 1, 2018.”.**

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