

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, if applicable, the student’s parents file a  
17 complaint alleging behavior that may violate the policy, the student  
18 or student’s parents shall receive a written notification as described  
19 in subsection (4) 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] **educational** environment of the student **who initiated**  
4 **the complaint**; and

5       “[(e)] (f) The student who initiated the complaint and, **if applicable**, the  
6 student’s parents shall be notified:

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

8       “(B) **As to whether a violation of the policy was found to have oc-**  
9 **curred, to the extent allowable under state and federal student**  
10 **confidentiality laws.**

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

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

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

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

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

22       “(c) **When a staff member files a complaint alleging behavior that**  
23 **may violate the policy, the staff member shall receive a written no-**  
24 **tification as described in subsection (4) of this section;**

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

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

1        **“(e) (f) The staff member who initiated the complaint shall be notified:**

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

3        **“(B) As to whether a violation of the policy was found to have oc-**  
4 **curred, to the extent allowable under state and federal student**  
5 **confidentiality laws.**

6        **“(3) The State Board of Education shall adopt by rule minimum**  
7 **requirements for school district policies on sexual harassment of per-**  
8 **sons described in paragraph (b) of this subsection by staff members**  
9 **and students, including, but not limited to, requirements that:**

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

11       **“(b) The policies apply to persons who are on or immediately adja-**  
12 **cent to school grounds, at any school-sponsored activity, on school-**  
13 **provided transportation or at any official school bus stop;**

14       **“(c) Sexual harassment of persons described in paragraph (b) of this**  
15 **subsection includes:**

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

17       **“(B) Unwelcome conduct of a sexual nature that:**

18       **“(i) Has the purpose or effect of unreasonably interfering with a**  
19 **person’s educational performance or a person’s ability to perform the**  
20 **job; or**

21       **“(ii) Creates an intimidating, offensive or hostile educational or**  
22 **work environment;**

23       **“(d) When a person or, if applicable, the person’s parents file a**  
24 **complaint alleging behavior that may violate the policy, the person**  
25 **or person’s parents shall receive a written notification as described in**  
26 **subsection (4) of this section;**

27       **“(e) All complaints about behavior that may violate the policy shall**  
28 **be investigated;**

29       **“(f) The initiation of a complaint in good faith about behavior that**  
30 **may violate the policy may not adversely affect any terms or condi-**

1 tions of employment or of work or educational environment of the  
2 person who initiated the complaint; and

3 “(g) The person who initiated the complaint and, if applicable, the  
4 person’s parents shall be notified:

5 “(A) When the investigation is concluded; and

6 “(B) As to whether a violation of the policy was found to have oc-  
7 curred, to the extent allowable under state and federal student  
8 confidentiality laws.

9 “(4)(a) The written notification required under subsections (1)(c),  
10 (2)(c) and (3)(d) of this section must set forth:

11 “(A) The rights of the student, student’s parents, staff member,  
12 person or person’s parents who filed the complaint;

13 “(B) Information about the internal complaint processes available  
14 through the school or school district that the student, student’s par-  
15 ents, staff member, person or person’s parents who filed the complaint  
16 may pursue;

17 “(C) Notice that civil and criminal remedies that are not provided  
18 by the school or school district may be available to the student,  
19 student’s parents, staff member, person or person’s parents through  
20 the legal system and that those remedies may be subject to statutes  
21 of limitation;

22 “(D) Information about services available to the student or staff  
23 member through the school or school district, including any coun-  
24 seling services, nursing services or peer advising;

25 “(E) Information about the privacy rights of the student, staff  
26 member or person and legally recognized exceptions to those rights for  
27 internal complaint processes and services available through the school  
28 or school district; and

29 “(F) Information about, and contact information for, state and  
30 community-based services and resources that are available to persons

1 **who have experienced sexual harassment.**

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

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

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

6 **“(C) Be made available to students, students’ parents, staff mem-**  
7 **bers and members of the public on the website of the school or school**  
8 **district.**

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

10 **“342.700. It is the policy of the State of Oregon that sexual harassment**  
11 **will not be tolerated in schools. A school district shall adopt a policy on**  
12 **sexual harassment for students and staff **members** that meets the require-**  
13 **ments of ORS 342.704. A school district shall make the sexual harassment**  
14 **policy available to students, parents of students and staff **members**. A**  
15 **school district’s sexual harassment policy shall be posted on a sign that is**  
16 **at least 8.5 by 11 inches in size. The school district shall post the sign in**  
17 **all grade 6 through 12 schools in the school district.**

18 **“SECTION 3. The amendments to ORS 342.704 by section 1 of this**  
19 **2018 Act apply to complaints that are initiated under ORS 342.704 on**  
20 **or after the effective date of this 2018 Act.**

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

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