



Oregon State
University



Portland State
UNIVERSITY

April 1, 2019

House Judiciary Committee
Hearing Room E
900 State St. NE
Salem, OR 97301

Subject: Public Comment on HB 3415

Chair Williamson, Vice-Chairs Sprenger and Gorsek, and Members of the House Judiciary Committee:

Oregon's public universities are deeply committed to ensuring the safety and wellbeing of students, faculty, staff and members of our communities. As a key part of that commitment, we are steadfast in our resolve to prevent sexual harassment and assault, respond swiftly to any such incidents, and remedy any effects. Accordingly, we were grateful to be included in the workgroup that resulted in HB 3415, the bill before you today.

We share the significant concerns of the other members of the workgroup regarding the proposed new Title IX rules currently being considered by the federal Department of Education (DOE). Our universities have been working to effect change in these proposed rules through our federal lobbying efforts by our government relations employees and firms, through working with a number of national associations, and through direct and substantial public comments submitted by all of our Presidents and our Title IX Coordinators.

We welcomed the previous administration's guidance (including the Dear Colleague Letter in 2011) encouraging institutions to refine grievance processes and invest more resources in supporting student and employee reporting of all forms of sexual harassment, including sexual assault. We have invested significant resources in improving our training, response, support and remedy efforts. Since the passage of Oregon HB 3476, which provides students with the ability to meet with advocates who are confidential and privileged, Oregon public universities have created survivor centers where students have the ability to talk confidentially with an advocate. The advocates then work with the Title IX offices to provide academic and other supportive measures that assist students to continue their education, file a complaint, and navigate the investigative process if they so choose. As a result, our campuses experienced a substantial increase in the number of sexual harassment complaints we receive each year. We have increased awareness among students and employees that they have a right to be free of sexual harassment and violence

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and are entitled to a fair campus process that provides all participants an opportunity to be heard. We strive to continue to improve in these areas.

We will stay the course and continue to invest in this important work, unless and until we are legally forced otherwise.

Given the pendency of proposed federal rules, it is prudent that state legislation remain high-level while extending existing protections in terms of processes, rights and obligations. This is a highly complex and often confusing area of the law, as it involves the interplay of a number of federal and state laws in addition to Title IX. Once the final federal DOE rules are released (and they may be vastly different than what was proposed), we can assess them, determine any areas pre-empted by federal law and integrate the new rules as best we can into processes that continue to support survivors, encourage reporting and provide fair process for the accused.

Additionally, under the previous federal administration, the DOE had given us the flexibility to tailor policies and processes such that they work for our campus constituents, are consistent with our educational missions and target our limited resources to their most effective ends. This has contributed to our success in this area, and it is vital that we work to maintain this kind of flexibility (as we have argued to the federal government).

We so enjoyed working closely with the group to brainstorm a legislative concept that furthers all of our shared goals and addresses the universities' particular concerns regarding the need for flexibility and the desire to reduce the risk of confusion.

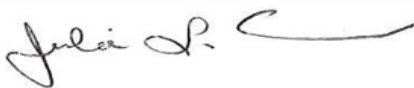
We believe this is a positive and workable piece of legislation that demonstrates that Oregon takes this issue seriously.

Thank you for considering HB 3415, as well as our comments.

Sincerely,



Becca Gose, General Counsel
Oregon State University



Julie Caron, Associate Vice President & Title IX Coordinator
Portland State University