

HB 3415 -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/5, 4/8

WHAT THE MEASURE DOES:

Requires Institutions of higher education to adopt written policies concerning sexual harassment, sexual assault, domestic violence, dating violence and stalking that occur both on and off campus. Mandates that these policies include a definition of sexual harassment, procedures to address sexual harassment that require further inquiry after notice or constructive notice, and a jurisdictional statement. Requires that these policies be made readily available to students. Requires all relevant staff to participate in specified training. Applies to the 2020-21 academic year.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-3 Technical changes.

BACKGROUND:

Nationally 1 in 5 women, 1 in 14 men, and 1 in 4 trans students experience sexual assault while in college. Sexual harassment is experienced at even higher rates - 62% of women, 43% of men, and 75% of trans students report being sexually harassed in college.

In the 2015 legislative session, Oregon passed HB 3476 making Oregon the first state in the country to provide students with privileged, trained advocates on campuses. In 2017, Oregon passed SB 759 which required universities to provide student victims with written notification about their rights and options to empower survivors to make the choices best for them.

The U.S. Department of Education recently published a notice of proposed rulemaking that would require universities to change some of their current policies and practices when responding to allegations of sexual harassment and assault. See 34 C.F.R. 106 (2018). Specifically, the proposed rules would narrow the definition of harassment, limit jurisdiction and omit constructive notice as a trigger for investigation.

House Bill 3415 requires institutions of higher education to adopt written policies on sexual harassment and assault to maintain current practices. It also ensures that necessary staff receive annual training on relevant topics and in an evidence-informed manner.