

HB 3077 B STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser**Senate Committee On Judiciary****Action Date:** 05/21/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Addie Smith, Counsel**Meeting Dates:** 5/21**WHAT THE MEASURE DOES:**

Requires school district policies to include new provisions related to sexual harassment of K-12 students, staff, individuals adjacent to school grounds, individuals at a school-sponsored activity or program, and individuals off school grounds if the harassment creates a hostile environment at school or a school activity. Clarifies definition of sexual harassment. Requires policies to state that when a staff member becomes aware of sexual harassment, they must contact a school district official to coordinate efforts to protect the student and promote a nonhostile environment and that participation in an investigation of sexual harassment may not adversely affect the educational assignment or environment of the student or staff. Requires policies to include notification of the initiation of an investigation by the school to the person who initiated the complaint or their parents to include the name of the person designated to receive complaints. Requires policies to prohibit disciplinary action for violations of a school district's drug and alcohol policy that occurred in connection with reported sexual harassment and was discovered as part of the report or investigation, unless the person gave another person alcohol or drugs without the other person's knowledge and with the intent of causing the other person to become incapacitated and vulnerable to prohibited conduct. Requires school districts to make available their policies on sexual harassment at each school office and school district office. Takes effect July 1, 2020.

ISSUES DISCUSSED:

- Stakeholder participation and consensus on measure
- History of K-12 sexual harassment school policies in Oregon
- Effect of sexual harassment on K-12 students

EFFECT OF AMENDMENT:

Removes retaliation from the definition of sexual harassment.

BACKGROUND:

The 2018 Oregon Healthy Teens Survey found that seven percent of Oregon eighth-graders and six percent of Oregon eleventh-graders reported experiencing unwanted sexual comments or attention in the thirty days prior to the administration of the survey. In Oregon, 19 percent of eleventh-graders reported having experienced sexual coercion at some point in their lives.

In 1997, the Legislative Assembly enacted statutes creating policies for sexual harassment reporting and investigation in Oregon's K-12 schools. Those requirements are codified at ORS 342.700-704. In the 2018 session, the legislature passed House Bill 4150, which modernized those protections.

House Bill 3077 B builds on the legislature's previous work on K-12 sexual harassment reporting and investigation policy requirements. Specifically, it requires a new definition of harassment, clarifies certain aspects of the reporting and investigation process, and requires the provision of resources and support to individuals who report sexual harassment.