

HB 2546 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Channa Newell, Counsel

Meeting Dates: 3/8

WHAT THE MEASURE DOES:

Allows person to bring court action to compel a school district to act in compliance with school district's sexual harassment policy. Allows award of attorney fees to person who brings action if person is prevailing part. Applies to actions filed on or after effective date. Specifies that school district must make good faith effort to comply with complaints for actions occurring within prior two years of effective date and allows a person to bring a claim if school district does not make good faith effort. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Oregon Revised Statute 342.704 requires a school district to have a policy on sexual harassment that applies to students and staff of the school district. Sexual harassment of students includes demands or requests for sexual favors in exchange for benefit, unwelcome conduct of a sexual nature, and sexual contact that occurs without a student's consent. Similar definitions apply to sexual harassment of staff. When a sexual harassment complaint is filed, or when staff become aware of conduct that violates the policy, school district officials become involved. All complaints about behavior must be investigated.

House Bill 2546 allows a person to bring an action to compel a school district to act in compliance with the district's sexual harassment policies and allows an award of attorney fees should the person be the prevailing party.