



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: February 8, 2022

TO: Senator Michael Dembrow
Chair of the Senate Committee on Education

FROM: Kimberly McCullough, Legislative Director
Oregon Department of Justice

SUBJECT: SB 1572 - Campus Sexual Assault Prevention

This testimony is presented in support of SB 1572.

Background

Title IX of the Education Amendments of 1972 (“Title IX”), 20 USC § *et seq.*, protects people from discrimination based on sex -- including sexual harassment and sexual violence -- in education programs or activities that receive federal financial assistance. Under Title IX, every school must have a policy against such discrimination, employ a Title IX coordinator, and adopt and publish procedures for complaints and reports of sexual harassment or sexual violence.

In 2019, Oregon passed HB 3415, requiring schools to respond to all reports of sexual harassment, sexual assault, dating violence, domestic violence, and stalking, which may go beyond those reports that fall under the Federal Title IX requirements. The bill requires Oregon institutions of higher education to adopt policies and procedures on sexual harassment occurring on and off campus. It also ensures that necessary staff receive evidence-informed annual training on relevant topics.

Concept

SB 1572 builds on the requirements of HB 3415 by requiring that Oregon institutions of higher education offer supportive measures to all students reporting violence. Students that have experienced sexual assault, stalking, dating violence, and/or domestic violence experience many barriers to fully participating in their education. Supportive measures are non-punitive, specialized services like counseling, medical care, academic support, and housing/relocation assistance that help students remain meaningfully engaged with their education at no charge to the student.

In addition to requiring institutions of higher education to provide supportive measures to students that have experienced violence, the bill requires schools to adopt a minimum definition of consent, ensure that primary prevention and awareness education are offered to all students, staff, and faculty, and publish comprehensive prevention plans to the institution of higher education's website.

SB 1572 ensures that all students that have experienced violence will be eligible for services that preserve meaningful access to their education, even if these reports do not meet Federal Title IX thresholds. This bill aligns Oregon law with Federal law and adds additional measures to provide Oregon institutions of higher education the foundation to create effective, comprehensive, and community-specific violence-prevention plans.

Contact:

Kimberly McCullough, Legislative Director, 503-931-0418, kimberly.mccullough@doj.state.or.us

Kate Denison, Deputy Legislative Director, 971-599-9851, kate.e.denison@doj.state.or.us