

DRAFT

SUMMARY

The Act makes changes to a survey on sexual misconduct at colleges. (Flesch Readability Score: 60.7).

Removes the condition on reimbursement for expenses for nonlegislative members of the Sexual Misconduct Survey Council. Permits the council to distribute a sexual misconduct survey developed under federal law in lieu of the survey required under state law. Prohibits the data for an institution of higher education that contains 10 or fewer reports of sexual misconduct from being made available to the public. Limits the individuals who may issue a waiver from certain institution-sponsored programs or activities to students. Requires the delivery of the base survey by the council to institutions of higher education by the beginning of the 2025-2026 academic year.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sexual misconduct at institutions of higher education; amending
3 ORS 350.335, 350.336, 350.337, 350.338, 350.339, 350.340, 350.341, 350.343,
4 350.344 and 350.345 and section 13, chapter 550, Oregon Laws 2023; and
5 declaring an emergency.

6 **Be It Enacted by the People of the State of Oregon:**

7 **SECTION 1.** ORS 350.335 is amended to read:

8 350.335. As used in ORS 350.335 to 350.346:

9 (1) “Certified advocate” and “qualified victim services program” have the
10 meanings given those terms in ORS 40.264.

11 (2) “Institution of higher education” has the meaning given that term in
12 ORS 350.330.

13 (3) “Reporting party” means a student or employee at an institution of
14 higher education who reports having experienced an incident of sexual mis-

1 conduct to the institution.

2 (4) “Sexual misconduct” means an incident of sexual harassment, sexual
3 violence, intimate partner violence, domestic violence, sexual exploitation,
4 stalking, harassment or violence based on sexual orientation or gender
5 identity or expression, or other gender-based harassment or violence.

6 (5) “Student” means an individual who:

7 (a) Is enrolled [*or who is seeking to enroll*] in a credit-bearing program
8 at an institution of higher education, whether part-time, full-time or as an
9 extension student; [*or*]

10 (b) **Has contacted an institution of higher education requesting in-**
11 **formation concerning admission to that institution; or**

12 (c) Who has taken a leave of absence or withdrawn from the institution
13 of higher education after reporting an incident of sexual misconduct to the
14 Title IX coordinator at the institution.

15 (6) “Trauma-informed response” means a response involving an under-
16 standing of the complexities of intimate partner violence, domestic violence,
17 sexual assault and stalking through training centered on the neurobiological
18 impact of trauma, the influence of societal myths and stereotypes surround-
19 ing the causes and impacts of **sexual assault and related** trauma[, *an*
20 *understanding of perpetration methodology*] and knowledge of how to conduct
21 an effective investigation.

22 **SECTION 2.** ORS 350.336 is amended to read:

23 350.336. (1) The Sexual Misconduct Survey Council is established, con-
24 sisting of 19 voting members and four nonvoting members.

25 (2) The four nonvoting members of the council shall be appointed as fol-
26 lows:

27 (a) The President of the Senate shall appoint two nonvoting members from
28 among members of the Senate; and

29 (b) The Speaker of the House of Representatives shall appoint two non-
30 voting members from among members of the House of Representatives.

31 (3)(a) The executive director of the Higher Education Coordinating Com-

1 mission, in consultation with the Attorney General’s Sexual Assault Task
2 Force and the Oregon Coalition Against Domestic and Sexual Violence, shall
3 appoint the following 17 voting members of the council:

4 (A) One individual who represents a public university listed in ORS
5 352.002;

6 (B) One individual who represents a private institution of higher educa-
7 tion;

8 (C) One individual who represents a community college operated under
9 ORS chapter 341;

10 (D) One Title IX coordinator from an institution of higher education that
11 awards bachelor’s degrees;

12 (E) One individual from the Oregon Coalition Against Domestic and
13 Sexual Violence;

14 (F) One representative from the Attorney General’s Sexual Assault Task
15 Force;

16 (G) One individual from a national coalition focused on ending campus
17 sexual violence, including but not limited to the Every Voice Coalition;

18 (H) Two students who are enrolled at a public university listed in ORS
19 352.002 and who are affiliated with a group or organization that advocates
20 for multicultural, diversity or antidiscrimination training;

21 (I) Two students who are enrolled at a private institution of higher edu-
22 cation and who are affiliated with a group or organization that advocates for
23 multicultural, diversity or antidiscrimination training;

24 (J) Two students who are enrolled at a community college operated under
25 ORS chapter 341 and who are affiliated with a group or organization that
26 advocates for multicultural, diversity or antidiscrimination training;

27 (K) One individual who has demonstrated experience in the development
28 and design of sexual misconduct climate surveys;

29 (L) One individual who has demonstrated expertise in statistics, data an-
30 alytics or econometrics and experience in higher education survey analysis;

31 (M) One individual who is a medical or mental health care professional

1 with experience working with victims of trauma at a health services program
2 at an institution of higher education; and

3 (N) One individual from a community-based domestic and sexual violence
4 advocacy agency.

5 (b) An individual appointed under paragraph (a)(E) to (G) of this sub-
6 section may appoint a designee to serve on the council in place of the indi-
7 vidual appointed.

8 (4) In addition to the individuals described in subsections (2) and (3) of
9 this section, the Attorney General and the executive director of the com-
10 mission, or the designee of the Attorney General or the executive director
11 of the commission, shall serve as voting members of the council.

12 (5) In appointing members to the council, the appointing authorities shall:

13 (a) Seek to ensure that membership on the council is reflective of the
14 gender, racial and geographic diversity of Oregon; and

15 (b) Seek to appoint individuals with a background, education or experi-
16 ence in the fields of public health, survey design or Title IX of the Education
17 Amendments Act of 1972, 20 U.S.C. 1681 to 1688, as amended.

18 (6)(a) The term of office of each individual appointed to the council under
19 subsections (2) and (3) of this section is two years. Before the expiration of
20 the term of a member, the appointing authority shall appoint a successor.
21 A member is eligible for reappointment.

22 (b) If there is a vacancy for any cause, the appointing authority shall
23 make an appointment to become immediately effective for the unfinished
24 term.

25 (7) The council shall select one or more of its voting members as chair-
26 person or as cochairpersons.

27 (8) A majority of the voting members of the council constitutes a quorum
28 for the transaction of business.

29 (9) The Higher Education Coordinating Commission shall provide staff
30 support to the council.

31 (10)(a) Except as provided in paragraphs (b) and (c) of this subsection,

1 members of the council are not entitled to compensation for their service on
2 the council.

3 (b) [*To the extent moneys are available, members*] **Members** of the council
4 who are not members of the Legislative Assembly shall be reimbursed for
5 actual and necessary travel and other expenses incurred by the members in
6 the performance of official duties in the manner and amount as provided in
7 ORS 292.495.

8 (c) Legislative members of the council shall be entitled to payment of
9 compensation and expense reimbursement under ORS 171.072, payable from
10 funds appropriated to the Legislative Assembly.

11 **SECTION 3.** ORS 350.337 is amended to read:

12 350.337. (1) At least once every two years, the Sexual Misconduct Survey
13 Council established under ORS 350.336 shall:

14 (a) Develop a base survey for distribution to institutions of higher edu-
15 cation; and

16 (b) Provide each institution of higher education with any recommen-
17 dations regarding use of the survey, including but not limited to additional
18 content that could be added, the timing for conducting the survey, recom-
19 mendations for achieving statistically valid response rates and how the sur-
20 vey results should be interpreted.

21 (2) In developing the base survey required under subsection (1) of this
22 section, the council shall:

23 (a) Utilize best practices from peer-reviewed research and consult with
24 individuals with expertise in the development and use of sexual misconduct
25 climate surveys by post-secondary institutions of education;

26 (b) Review sexual misconduct climate surveys that have been developed
27 and previously used by post-secondary institutions of education;

28 (c) Provide opportunities for written comment from organizations that
29 work directly with victims of sexual misconduct in order to ensure the ade-
30 quacy and appropriateness of the proposed content;

31 (d) Consult with institutions of higher education on strategies for opti-

1 mizing the effectiveness of the survey;

2 (e) Account for the diverse needs and differences of institutions of higher
3 education;

4 (f) Provide opportunities for student feedback through optional comment
5 boxes at the end of the survey and by providing a time and space for students
6 to comment to the council on what could be done to improve the sexual
7 misconduct climate survey described in ORS 350.338 so that the results of the
8 survey convey an accurate representation of happenings on campus; and

9 (g) Use a trauma-informed framework.

10 (3) The base survey shall gather data on topics including but not limited
11 to:

12 (a) The number and type of incidents, both reported and unreported, of
13 sexual misconduct at the institution of higher education;

14 (b) When incidents of sexual misconduct occurred, without requiring a
15 specific date or time;

16 (c) Whether incidents of sexual misconduct occurred on campus, off cam-
17 pus, overseas or virtually;

18 (d) If the sexual misconduct was perpetrated by a student, faculty member,
19 nonfaculty staff member, third-party vendor to the institution of higher ed-
20 ucation or other individual;

21 (e) How aware students are of institutional policies and procedures re-
22 lated to campus sexual misconduct;

23 (f) Whether a student reported sexual misconduct, with specific follow-up
24 questions regarding:

25 (A) For students who reported sexual misconduct, whether the report was
26 made to a campus resource or law enforcement agency; and

27 (B) For students who did not report sexual misconduct, why the student
28 chose not to make a report;

29 (g) Whether students who experienced sexual misconduct disclosed the
30 sexual misconduct to a friend, peer, family member, faculty or nonfaculty
31 staff member, campus resource or law enforcement official;

1 (h) For a student who reported sexual misconduct:

2 (A) Whether the student was informed of or referred to local, state, cam-
3 pus or other resources, or to victim support services, including but not lim-
4 ited to appropriate medical care, mental health counseling and legal services;
5 and

6 (B) Whether the student was provided with protection from retaliation,
7 access to institution-based supportive measures or institution-based accom-
8 modations and criminal justice remedies;

9 (i) For a student who experienced assault, the types of contextual factors
10 that were present during the assault, including but not limited to the in-
11 volvement of force, incapacitation, coercion, drugs or alcohol;

12 (j) Demographic information that could be used to identify at-risk groups,
13 including but not limited to sex, race, ethnicity, national origin, economic
14 status, disability status, gender identity, immigration status and sexual ori-
15 entation;

16 (k) Perceptions of campus safety among members of the campus commu-
17 nity;

18 (L) Student confidence in the institution's ability to protect against and
19 respond to incidents of sexual misconduct;

20 (m) Whether students who reported sexual misconduct took a leave of
21 absence from the institution, or considered transferring to another institu-
22 tion or withdrawing;

23 (n) Whether students who experienced sexual misconduct withdrew from
24 any classes or were placed on academic probation;

25 (o) Whether students experienced any financial impacts from sexual mis-
26 conduct or the institution's response to a report of sexual misconduct;

27 (p) Whether students experienced any negative health impacts from sexual
28 misconduct or the institution's response to a report of sexual misconduct,
29 including but not limited to post-traumatic stress disorder, anxiety, de-
30 pression, chronic pain or eating disorders;

31 (q) Community attitudes towards sexual misconduct, including but not

1 limited to students' willingness to intervene as bystanders; and

2 (r) Any other questions the council determines would be beneficial.

3 (4) A base survey developed under this section:

4 (a) Shall:

5 (A) Include a "decline to state" and "not applicable" option for each
6 question;

7 (B) Be offered to all students enrolled at the institution of higher educa-
8 tion, including students who are [*on a leave of absence or*] studying abroad
9 **or who have been enrolled at the institution within the last academic**
10 **year;**

11 (C) Be created taking into account all reasonable measures to ensure that
12 an adequate, random and representative sample of students complete the
13 survey; and

14 (D) Be administered online, with reasonable accommodations provided to
15 all students in order to ensure accessibility; and

16 (b) May not require the disclosure of any personally identifiable infor-
17 mation.

18 **(5) This section does not apply to the council if the council deter-**
19 **mines that a survey that is substantively similar to the survey re-**
20 **quired under this section is available for distribution to institutions**
21 **of higher education in accordance with the federal Violence Against**
22 **Women Act Reauthorization Act of 2022, P.L. 117-103.**

23 **SECTION 4.** ORS 350.338 is amended to read:

24 350.338. (1) At least once every two years, each institution of higher ed-
25 ucation shall conduct a sexual misconduct climate survey of all students
26 enrolled at the institution.

27 (2)(a) A survey conducted under this section shall include:

28 (A) The most recent base survey provided by the Sexual Misconduct Sur-
29 vey Council under ORS 350.337 **or a survey that the council determines**
30 **is substantively similar to the survey required under ORS 350.337 and**
31 **that is available for distribution to institutions of higher education in**

1 **accordance with the federal Violence Against Women Act Reauthori-**
2 **zation Act of 2022, P.L. 117-103; and**

3 (B) Any additional campus-specific questions chosen by the institution,
4 provided that the additional questions do not:

5 (i) Require the disclosure of any personally identifiable information; and

6 (ii) Are not objectively traumatizing for victims of sexual misconduct.

7 (b) The council may review any questions that are added by an institution
8 under paragraph (a)(B) of this subsection to ensure that the questions do not
9 violate the requirements set forth in paragraph (a)(B)(i) or (ii) of this sub-
10 section. If the council determines that an institution has included questions
11 that violate paragraph (a)(B)(i) or (ii) of this subsection the council, and any
12 appropriate experts appointed by the council, shall assist the institution in
13 developing appropriate campus-specific questions.

14 (3) No later than 120 days after completing a survey under this section,
15 each institution of higher education shall:

16 (a) Submit an aggregate summary of the results to the Higher Education
17 Coordinating Commission; and

18 (b) Post on the institution's website in an easily accessible manner:

19 (A) A summary of the results of the survey;

20 (B) Any annual security reports required to be reported under federal law,
21 including but not limited to the Annual Security Report required to be re-
22 ported under the Clery Act of 1990 (P.L. 101-542), as amended; and

23 (C) A link to the data repository for summaries of sexual misconduct
24 climate surveys established by the commission under ORS 350.339.

25 **SECTION 5.** ORS 350.339 is amended to read:

26 350.339. (1) The Higher Education Coordinating Commission shall estab-
27 lish a data repository for all summaries of sexual misconduct climate surveys
28 conducted by institutions of higher education and submitted to the commis-
29 sion under ORS 350.338.

30 (2) The data repository established under this section must:

31 (a) Be made available to the public in an easily accessible manner on the

1 website of the commission; and

2 (b) Except as provided in subsection (3) of this section, include all sexual
3 misconduct climate survey data received by the commission.

4 (3) Prior to making the data of any sexual misconduct climate survey the
5 commission receives publicly available, the commission shall ensure that the
6 data is anonymized and does not contain any personally identifiable infor-
7 mation. [*The commission may alter the data it receives to the degree necessary*
8 *to ensure conformity with this subsection.*]

9 (4) **Notwithstanding subsection (2) of this section, the commission**
10 **may not make available to the public the data for any institution that**
11 **contains 10 or fewer reports of sexual misconduct at that institution.**

12 (5) The commission shall adopt rules for the dissemination and collection
13 of sexual misconduct climate surveys at institutions of higher education. In
14 adopting these rules, the commission shall seek to promote effective solici-
15 tation that will achieve the highest practicable response rate, collection and
16 publication of statistical information from institutions of higher education.

17 **SECTION 6.** ORS 350.340 is amended to read:

18 350.340. (1)(a) Except as provided in paragraph (b) of this subsection, each
19 institution of higher education shall employ at least one certified advocate
20 as part of a institution-based qualified victim services program.

21 (b) An institution of higher education is not required to employ a certified
22 advocate if the institution:

23 (A)(i) Does not have an institution-based qualified victim services pro-
24 gram; or

25 (ii) Has fewer than 1,000 enrolled students who reside on campus; and

26 (B)(i) Partners with a local victim advocacy organization to provide a
27 certified advocate;

28 (ii) Ensures that the certified advocate has on-campus office hours; and

29 (iii) Ensures that the services of the certified advocate are provided
30 without charge to enrolled students.

31 (2) A certified advocate employed by an institution of higher education

1 under this section shall be appointed based on the individual's experience
2 and demonstrated ability to effectively provide victim services related to
3 sexual misconduct and:

4 (a) May not:

5 (A) Be a student of the institution;

6 (B) Be a Title IX coordinator for the institution;

7 (C) Be an authorized administrator of disciplinary processes on behalf of
8 the institution;

9 (D) Be a member of campus police or law enforcement; or

10 (E) Have any additional job responsibilities that could create a conflict
11 of interest, including but not limited to being a general counsel, director of
12 athletics, dean of students, clergy member, or any employee who serves on
13 a judicial or hearing board or to whom an appeal regarding an allegation
14 of sexual misconduct may be made; and

15 (b) Shall receive training:

16 (A) Required to be a certified advocate;

17 (B) On the requirements of Title IX of the Education Amendments Act
18 of 1972, 20 U.S.C. 1681 to 1688, as amended;

19 (C) On the policies of the institution of higher education relating to sex-
20 ual misconduct; and

21 (D) On trauma-informed response.

22 (3) **Nothing in this section prohibits a certified advocate who is**
23 **employed full-time under this section from receiving employment**
24 **benefits, including tuition benefits.**

25 (4) A certified advocate who is employed under this section shall:

26 (a) Provide confidential services to students and inform students of all
27 information required to be provided under ORS 350.330 and 350.331;

28 (b) Provide written notification to all institution staff involved in pro-
29 viding or enforcing supportive measures or accommodations of the respective
30 duties of these staff members;

31 (c) If directed by a student, assist the student in contacting campus police

1 or local law enforcement agencies to make a report;

2 (d) Notify students of their rights, and the responsibilities of the institu-
3 tion, regarding protection orders, no contact orders and any other lawful
4 [*ordered*] **order** issued by the institution or by a criminal, civil or tribal
5 court;

6 (e) Be subject to privilege as a certified advocate under ORS 40.264;

7 (f) Coordinate with on-campus sexual misconduct response resources and
8 any community-based domestic and sexual violence advocacy agency with
9 which the institution has entered into a memorandum of understanding un-
10 der ORS 350.341 within a reasonable time after being designated as a certi-
11 fied advocate; and

12 (g) If requested by signed written consent from a student, assist the stu-
13 dent with coordinating on-campus supports and supports available with any
14 community-based domestic and sexual violence advocacy agency with which
15 the institution has entered into a memorandum of understanding under ORS
16 350.341.

17 [(4)] **(5)** A certified advocate employed under this section:

18 (a) If requested by a student, may attend an administrative or
19 institution-based adjudication proceeding as the advocate or support person
20 for the student;

21 (b) May not:

22 (A) Be required to report an incident to the institution or a law enforce-
23 ment agency unless otherwise required to do so by state or federal law;

24 (B) Disclose confidential information, including but not limited to the
25 name, contact information or any personally identifiable information of a
26 student or any information on the sexual misconduct, without the prior
27 written consent of the student who provided the information to the certified
28 advocate;

29 (C) Provide services to both the reporting party and the responding party
30 of the same sexual misconduct incident; or

31 (D) Act as a counselor or therapist.

1 [(5)] (6) Nothing in this section may be construed to limit either party's
2 right of cross examination of the certified advocate in a criminal or civil
3 proceeding if the advocate testifies after written consent has been given.

4 [(6)] (7) Providing notice to a certified advocate of an alleged act of sex-
5 ual misconduct or an advocate's performance of a service under this section
6 may not be considered actual or constructive notice to the institution of
7 higher education of the alleged act.

8 [(7)] (8) If a conflict of interest arises for an institution of higher educa-
9 tion in which a certified advocate is advocating for a student's need for
10 sexual misconduct crisis services or for campus resources or law enforcement
11 services, the institution may not discipline, penalize or otherwise retaliate
12 against the certified advocate for representing the interest of the reporting
13 party.

14 **SECTION 7.** ORS 350.341 is amended to read:

15 350.341. (1) Except as provided in subsection (4) of this section, each in-
16 stitution of higher education shall enter into and maintain a memorandum
17 of understanding with a community-based domestic and sexual violence ad-
18 vocacy agency that is in the same county as the institution.

19 (2) The memorandum of understanding entered into under this section
20 shall ensure that the community-based domestic and sexual violence advo-
21 cacy agency will:

22 (a) Assist in developing the institution's [*policies, programming and*]
23 training regarding sexual misconduct that involves students and employees;

24 (b) Provide an accessible off-campus alternative where students and em-
25 ployees of the institution can receive free and confidential sexual misconduct
26 crisis services, including but not limited to access to a sexual assault nurse
27 examiner, if available, and to domestic violence crisis services in response
28 to sexual misconduct;

29 (c) Ensure that a student or employee of the institution can access free
30 and confidential counseling and advocacy services either on campus or off
31 campus; and

1 (d) Ensure cooperation and training between the institution and the
2 community-based domestic and sexual violence advocacy agency to ensure
3 an understanding of the roles that the institution or center should play in
4 responding to reports and disclosures of sexual misconduct against students
5 and employees of the institution and the institution's protocols for providing
6 support and services to students and employees who have been the victims
7 of sexual misconduct.

8 (3)(a) A memorandum of understanding entered into under this section
9 may include an agreement, including a fee structure, between the
10 community-based domestic and sexual violence advocacy agency and the in-
11 stitution of higher education for the provision of confidential victim services.

12 (b) As used in this subsection, "confidential victim services" means case
13 consultation and training fees for certified advocates, consultation fees for
14 the development and implementation of student education and prevention
15 programs, the development of staff training and prevention curriculum and
16 confidential on-site office space for a representative from a community-based
17 domestic and sexual violence advocacy agency to meet with students or em-
18 ployees of the institution of higher education.

19 (4) Notwithstanding subsection (1) of this section:

20 (a) The Higher Education Coordinating Commission may waive the re-
21 quirements of this section if the commission determines that, despite rea-
22 sonable efforts, an institution of higher education was unable to enter into
23 a memorandum of understanding with a community-based domestic and sex-
24 ual violence advocacy agency.

25 (b) This section does not apply to a satellite campus or branch campus
26 of an institution of higher education if the satellite campus or branch cam-
27 pus has 1,000 or fewer enrolled students who reside on campus.

28 **SECTION 8.** ORS 350.343 is amended to read:

29 350.343. (1) In addition to any requirements set forth in ORS 350.330 and
30 350.331, each institution of higher education shall:

31 (a) Receive guidance from the Title IX coordinator of the institution, lo-

1 cal law enforcement, violence prevention specialists, public health special-
2 ists, other individuals with experience identifying protective and risk factors
3 related to violence and the community-based domestic and sexual violence
4 advocacy agency with which the institution entered into a memorandum of
5 understanding under ORS 350.341; and

6 (b) Use the guidance received under paragraph (a) of this subsection to
7 establish a trauma-informed, gender-inclusive sexual misconduct primary
8 prevention and awareness training that must be attended annually by each
9 student and employee of the institution.

10 (2) Trainings provided under this section:

11 (a) Must be accessible to individuals with a disability;

12 (b) Must be culturally responsive and address the unique experiences and
13 challenges faced by students based on race, color, ethnicity, national origin,
14 religion, economic status, disability status, immigration status, sexual ori-
15 entation, gender identity and pregnancy or parenting status; and

16 (c) Must include:

17 (A) An explanation of consent as it applies to sexual activity and sexual
18 relationships;

19 (B) The role drugs and alcohol play in an individual's ability to consent;

20 (C) Information on options relating to the reporting of an incident of
21 sexual misconduct, the effects of each option presented and the methods to
22 report an incident of sexual misconduct, including confidential and anony-
23 mous disclosure;

24 (D) Information on the institution's procedures for resolving sexual mis-
25 conduct reports and the range of sanctions or penalties the institution may
26 impose on students and employees responsible for a violation;

27 (E) The *[name, contact information and role of the certified advocate em-*
28 *ployed by the institution]* **contact information for the office charged with**
29 **handling complaints and information on how to reach a certified ad-**
30 **vocate confidentially;**

31 (F) Strategies for bystander intervention and risk reduction; and

1 (G) Opportunities for ongoing sexual misconduct prevention and aware-
2 ness training and programming.

3 (3) Notwithstanding ORS 350.335 (5), as used in this section, “student”
4 means an individual who is enrolled at least half-time in an academic
5 credit-bearing program at an institution of higher education.

6 **SECTION 9.** ORS 350.344 is amended to read:

7 350.344. (1) Each institution of higher education shall waive any require-
8 ments relating to a minimum required grade point average or disciplinary
9 record requirements required to demonstrate academic success that are part
10 of an institution-sponsored program or activity identified by the institution
11 under subsection (2) of this section for any participant who:

12 (a) Has experienced sexual misconduct **while enrolled at the**
13 **institution**; and

14 (b) Has received a waiver in the manner described in subsection (3) of this
15 section.

16 (2)(a) Each institution of higher education shall identify the institution-
17 sponsored programs or activities that a waiver granted under this section
18 shall apply to.

19 (b) A student must obtain a separate waiver under this section for each
20 institution-sponsored program or activity.

21 (3) A student may obtain a waiver under this section from the certified
22 advocate employed by the institution[,] **or** the Title IX coordinator at the
23 institution[, *a student basic needs coordinator at the institution, any law*
24 *enforcement personnel at the institution, the student’s academic advisor at the*
25 *institution or any disability resource center personnel*].

26 (4) Each institution of higher education shall maintain confidentiality of
27 all materials that contain personally identifiable information for individuals
28 who have requested a waiver under this section unless disclosure is required
29 specifically for the purpose of [*making required accommodations*] **providing**
30 **supportive measures** or if otherwise required by a court of law.

31 (5) As used in this section, “institution-sponsored program or activity”

1 includes but is not limited to a scholarship provided by an institution of
2 higher education or an institution-sponsored academic or extracurricular
3 activity.

4 **SECTION 10.** ORS 350.345 is amended to read:

5 350.345. (1) No later than October 1 of each year, each institution of
6 higher education shall submit a report in the manner provided by ORS
7 192.245 to:

8 (a) The Secretary of the Senate and the Chief Clerk of the House of
9 Representatives;

10 (b) The interim committees of the Legislative Assembly relating to higher
11 education;

12 (c) The Higher Education Coordinating Commission; and

13 (d) The Director of Human Services.

14 (2) Except as provided in subsection (3) of this section, the report shall
15 include:

16 (a) The total number of allegations of [*intimate partner violence, domestic*
17 *violence, sexual assault, sexual harassment and stalking*] **sexual misconduct**
18 that were reported to the institution's Title IX coordinator by a student or
19 employee of the institution against another student or employee of the in-
20 stitution during the previous academic year;

21 (b) The number of law enforcement investigations known to have been
22 initiated during the previous academic year in response to reports of sexual
23 misconduct that were brought forward by a student or employee of the in-
24 stitution against another student or employee of the institution;

25 (c) The number of students and employees at the institution who were
26 found responsible during the previous academic year for violating the
27 institution's policies prohibiting sexual misconduct;

28 (d) The number of students and employees at the institution who during
29 the previous academic year, faced academic or employment disciplinary
30 action due to having violated the institution's policies prohibiting sexual
31 misconduct;

1 (e) The number of students and employees at the institution who, during
2 the previous academic year, were investigated, but found not responsible for
3 having violated the institution’s policies prohibiting sexual misconduct;

4 (f) The number of students at the institution who, during the previous
5 academic year, requested supportive measures;

6 (g) The number of supportive measures requested by each student de-
7 scribed in paragraph (f) of this subsection;

8 (h) The number of supportive measures granted to each student described
9 in paragraph (f) of this subsection; *[and]*

10 (i) *[The number of students during the previous academic year who took a*
11 *leave of absence, transferred to a different institution of higher education or*
12 *withdrew from the institution of higher education]* **The number of students**
13 **or employees of the institution who report experiencing sexual mis-**
14 **conduct at the institution but who declined to participate or requested**
15 **no investigation; and**

16 (j) **The number of ongoing investigations into an accusation of**
17 **sexual misconduct.**

18 (3) *[A report submitted by a community college operated under ORS chapter*
19 *341 or a career school as defined in ORS 345.010 is not required to include the*
20 *information described in subsection (2)(i) of this section.]*

21 [(4)] The information provided in the report must be provided in an
22 anonymous and aggregate manner that complies with all state and federal
23 privacy laws. **If any institution’s information contains 10 or fewer re-**
24 **ports of sexual misconduct, that institution’s report may not be made**
25 **available to the public.**

26 **SECTION 11.** Section 13, chapter 550, Oregon Laws 2023, is amended to
27 read:

28 **Sec. 13.** The Sexual Misconduct Survey Council must submit the first
29 base survey and related recommendations, including but not limited to rec-
30 ommendations on achieving statistically valid response rates, to each insti-
31 tution of higher education no later than *[January 1, 2024]***the start of the**

1 **2025-26 academic year.**

2 **SECTION 12. This 2024 Act being necessary for the immediate**
3 **preservation of the public peace, health and safety, an emergency is**
4 **declared to exist, and this 2024 Act takes effect on its passage.**

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