

Legislative Fiscal Office

Oregon State Capitol
900 Court Street NE, H-178
Salem, Oregon 97301
503-986-1828



Joint Committee on Ways and Means

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To: Education Subcommittee

From: Michael Graham, Legislative Fiscal Office

Date: May 28, 2023

Subject: HB 3456 A – Relating to sexual misconduct at institutions of higher education
Work Session Recommendations

House Bill 3456 A establishes the 23-member Sexual Misconduct Survey Council, consisting of 19 voting members and four nonvoting legislative members. The Legislative Policy and Research Office (LPRO) must provide staff support to the council. Legislative members of the council are entitled to compensation and reimbursement. All other council members may be reimbursed for actual and necessary expenses to the extent funds are available.

Every two years, the council must develop a base survey for distribution to institutions of higher education. The council must submit the first base survey to each institution of higher education by no later than January 1, 2024. The base survey must gather data on the number and type of incidents of sexual misconduct at institutions of higher education, and demographic data to identify at-risk communities. In addition, each institution of higher education must conduct a sexual misconduct climate survey of all students enrolled at the institution, at least once every two years, the results of which must be reported to the Higher Education Coordinating Commission (HECC) and posted on the institution's website. HECC must establish a data repository for all summaries of sexual misconduct climate surveys conducted by institutions of higher education.

With some exceptions, each institution of higher education must employ a certified advocate as part of a qualified victim services program to provide victim services related to sexual misconduct. A certified advocate must provide confidential services to students and assist students in reporting sexual misconduct to campus police or local law enforcement. Each institution must enter a memorandum of understanding with a community-based domestic and sexual violence advocacy agency for the provision of confidential victim services, including fee structure, unless HECC grants a waiver.

Each institution of higher education must establish a trauma-informed, gender-inclusive sexual misconduct primary prevention and awareness training that must be attended

annually by each student and employee of the institution. By October 1st of each year, each institution of higher education must submit a report to various legislative and executive branch officials, detailing the prevalence of sexual misconduct on campus based on the total number of allegations of sexual misconduct, the number of law enforcement investigations, and other significant data points. By September 15th of each year, HECC must submit a report to the interim legislative committees related to higher education identifying each instance in which an institution of higher education violated this measure or failed to carry out its provisions. The measure takes effect on passage and first applies to the 2023-24 academic year.

Recommended Changes

The -A6 amendment appropriates a total of \$884,713 General Fund, in two separate appropriations to HECC and LPRO, in the 2023-25 biennium. This includes an appropriation of \$477,837 General Fund to HECC to retain a survey firm to develop the base survey, and hire two positions (0.91 FTE) to appoint the council members and conduct rulemaking for the collection, analysis, and distribution of the sexual misconduct climate survey results; and an appropriation of \$406,876 General Fund to LPRO to hire one position (0.88 FTE) to support the work of the council and develop a comprehensive and robust survey and methodology among the institutions of higher education.

LFO recommends adoption of the –A6 amendment.

MOTION: I move adoption of the –A6 amendment to HB 3456 A. (VOTE)

Final Subcommittee Action

LFO recommends that HB 3456 A, as amended by the –A6 amendment, be moved to the Ways and Means Full Committee.

MOTION: I move HB 3456 A, as amended, to the Full Committee with a do pass recommendation. (VOTE)

Carriers

Full Committee: _____

House Floor: _____

Senate Floor: _____