

## Legislative Fiscal Office

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



## Joint Committee on Ways and Means

Senator Elizabeth Steiner, Senate Co-Chair  
Representative Tawna Sanchez, House Co-Chair

Senator Fred Girod, Senate Co-Vice Chair  
Representative David Gomberg, House Co-Vice Chair  
Representative Greg Smith, House Co-Vice Chair

Amanda Beitel, Legislative Fiscal Officer  
Tom MacDonald, Deputy Legislative Fiscal Officer (Budget)  
Paul Siebert, Deputy Legislative Fiscal Officer (Audit/IT)

**To:** General Government Subcommittee

**From:** Michael Graham, Legislative Fiscal Office

**Date:** June 5, 2023

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

House Bill 3456 establishes the 23-member Sexual Misconduct Survey Council, consisting of 19 voting members and four nonvoting members. The Higher Education Coordinating Commission must provide staff support to the council.

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 by January 1, 2024. The base survey must gather data on the number and type of incidents of sexual misconduct at institutions of higher education, as well as 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, which must be posted on the institution's website and reported to the Higher Education Coordinating Commission. The commission must establish a data repository of all sexual misconduct climate surveys conducted by the institutions.

With some exceptions, each institution of higher education must employ a certified advocate to provide confidential victim 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 the Higher Education Coordinating Commission grants a waiver.

Each institution of higher education must establish an annual sexual misconduct prevention and awareness training that must be attended by every student and employee of the institution. By October 1st of each year, each institution 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, the Higher Education Coordinating Commission must submit a report to the interim legislative committees related to higher education identifying each instance in which an institution violated or failed to carry out the provisions of this measure. The measure takes effect on passage and first applies to the 2023-24 academic year.

### **Recommended Changes**

There are two amendments to HB 3456: the –A8 amendment and the –A9 amendment.

The –A8 amendment deletes the requirement that the Legislative Policy and Research Office provide staff support to the Sexual Misconduct Survey Council, and instead directs the Higher Education Coordinating Commission to provide staff support to the council.

LFO recommends adoption of the –A8 amendment.

**MOTION: I move adoption of the –A8 amendment to HB 3456. (VOTE)**

The –A9 amendment appropriates \$1,122,544 General Fund to the Higher Education Coordinating Commission in the 2023-25 biennium to establish and provide staff support to the Sexual Misconduct Survey Council and to conduct rulemaking for the collection, analysis, and distribution of the sexual misconduct climate survey results.

LFO recommends adoption of the –A9 amendment.

**MOTION: I move adoption of the –A9 amendment to HB 3456. (VOTE)**

### **Final Subcommittee Action**

LFO recommends that HB 3456, as amended by the –A8 and –A9 amendments, be moved to the Ways and Means Full Committee.

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

### **Carriers**

Full Committee: \_\_\_\_\_

House Floor: \_\_\_\_\_

Senate Floor: \_\_\_\_\_