



Open Government Impact Statement

82nd Oregon Legislative Assembly
2023 Regular Session

Measure: HB 3456

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by: Cameron D. Miles
Date: 2/27/2023

SUMMARY

Establishes Sexual Misconduct Survey Council. Requires council to biennially distribute base sexual misconduct climate survey and recommendations regarding use of study to each institution of higher education.

Requires each institution of higher education in state to biennially use base survey from council to conduct sexual misconduct climate survey of all students enrolled at institution. Requires each institution to submit aggregate summary of survey results to Higher Education Coordinating Commission and post copy of summary and other reports on institution's website.

Requires each institution of higher education to hire certified advocate. Lists exceptions for when hiring not required. Details duties of certified advocate.

Requires each institution of higher education to enter into and maintain memorandum of understanding with rape crisis center or domestic violence center in same county as institution. Details requirements of memorandum of understanding.

Prohibits institution of higher education from punishing students who report incidents of sexual misconduct due to stated violations of institution's policies that are discovered during investigation into misconduct.

Requires each institution of higher education to prepare and deliver sexual misconduct primary prevention and awareness training that must be attended annually by each student and employee of institution. Details requirements of training.

Requires Higher Education Coordinating Commission and each institution of higher education to waive any academic or disciplinary record requirements required to demonstrate academic success that are part of institution-provided scholarship or scholarship or grant administered by commission for students who experience sexual misconduct and obtain waiver in specified manner.

Requires each institution of higher education to provide annual report to Legislative Assembly, Higher Education Coordinating Commission and Director of Human Services detailing specified aspects of reported sexual misconduct and institution responses during previous academic year.

Authorizes Higher Education Coordinating Commission to impose civil penalty not to exceed \$150,000 or one percent of institution's annual operating budget, whichever is lower, for violation of provisions.

Declares emergency, effective on passage.



OPEN GOVERNMENT IMPACT

Legislative Counsel has not adopted standards for drafting measures that establish exemptions from disclosure of public records.

This measure prohibits the public disclosure by a certified advocate, employed by an institute of higher education as part of a victim services program, of information related to a report of sexual misconduct and the provision of victim services related to sexual misconduct, without the prior written consent of the student who provided the information to the certified advocate.

If those public records that could be subject to public disclosure were instead subject to mandatory disclosure under public records law, the public could receive confidential information related to allegations of sexual misconduct at institutions of higher education.