

HB 3077 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Addie Smith, Counsel

Meeting Dates: 3/29, 4/8

WHAT THE MEASURE DOES:

Requires the inclusion in school district policy of certain new provisions related to the sexual harassment of students, staff, individuals adjacent to school grounds, individuals at a school-sponsored activity or program, and individuals otherwise off school grounds if it creates a hostile environment at school or a school activity by staff or students in K-12 schools. Clarifies definition of sexual harassment for the purpose of those policies. Creates a requirement that school district policies state that when a staff member becomes aware of sexual harassment then must contact a school district official to coordinate efforts to take any necessary action to protect the student and promote a nonhostile working environment. Requires school district policies to state that participation in an investigation of sexual harassment may not adversely affect the educational assignment or environment of the student or staff. Requires school district policies to include notification of the initiation of an investigation by the school to the person who initiated a complain or their parents. Requires school district policies to include the name of the person designated for the school or school district to receive complaints. Requires school district policies to prohibit disciplinary action for violations of a school districts drug and alcohol policies that occurred in connection with reported sexual harassment and were discovered as part of the report or investigation unless the person gave another person alcohol or drugs without the other persons knowledge and with the intent of causing the other person to become incapacitated and vulnerable to prohibited conduct. Requires school districts to make available their policies on sexual harassment at each school office and school district office. Effective July 1, 2020.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Defines "district." Makes technical edits.

BACKGROUND:

The 2018 Oregon Healthy Teens Survey found that 7% of Oregon eighth-graders and 6% of Oregon eleventh-graders reported experiencing unwanted sexual comments or attention in the thirty days prior to the administration of the survey. In Oregon, 19% of eleventh-graders report having experienced sexual coercion at some point in their lives.

In 1997, the legislature passed statutes creating policies for sexual harassment reporting and investigation in Oregon's K-12 schools. Those requirements are codified at ORS 342.700-704. In 2017, the legislature passed HB 4150 which updated the protections provided in school district sexual harassment policies codified in ORS 324.704.

House Bill 3077 builds on HB 4150 and updates ORS 342.704 by revising the requirements that schools must include in their policies related to sexual harassment. Specifically it requires a new definition of harassment , clarification of certain aspects of the reporting and investigation process, and the provision of resources and support to individuals who report sexual harassment.