

HB 3415 B STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 05/21/19

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Addie Smith, Counsel

Meeting Dates: 5/16, 5/21

WHAT THE MEASURE DOES:

Requires institutions of higher education to adopt written policies concerning sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Mandates that policies include a definition of sexual harassment, procedures to address sexual harassment that require further inquiry after notice or constructive notice, and a jurisdictional statement that includes sexual harassment, sexual assault, domestic violence, dating violence, and stalking occurring both on and off campus, if it involves a student and individual affiliated with the institution. Requires policies be made readily available to students. Requires all relevant staff to participate in specified training. Applies to the 2020-21 academic year.

ISSUES DISCUSSED:

- Prevalence of sexual harassment on college campuses
- Trauma and effect of sexual harassment on college students
- Overlay of federal law
- Enforcement measures

EFFECT OF AMENDMENT:

Makes technical change.

BACKGROUND:

Nationally, 1 in 5 women, 1 in 14 men, and 1 in 4 transgender students experience sexual assault while in college. Sexual harassment is experienced at even higher rates: 62 percent of women, 43 percent of men, and 75 percent of transgender students report being sexually harassed in college.

In the 2015 legislative session, the Legislative Assembly enacted House Bill 3476, making Oregon the first state in the country to provide students with privileged, trained advocates on campuses. In 2017, Senate Bill 795 required universities to provide student victims with written notification about their rights and options to empower survivors to make the choices best for them.

The U.S. Department of Education recently published a notice of proposed rulemaking that would require universities to change some of their current policies and practices when responding to allegations of sexual harassment and assault. See 34 C.F.R. 106 (2018). Specifically, the proposed rules would narrow the definition of harassment, limit jurisdiction, and omit constructive notice as a trigger for investigation.

House Bill 3415 B requires institutions of higher education to adopt written policies on sexual harassment and assault to maintain current practices. It also ensures that necessary staff receive evidence-informed annual training on relevant topics.