



Stop Abuse for Everyone (SAFE) urges you to oppose Senate Bill 1572. SB1572 is based on false advocacy that misrepresents the current status of sexual harassment at Oregon's institutions of higher education. The bill jeopardizes fair disciplinary procedures for both accusing and accused students and should be rejected.

There is no "emergency" at Oregon's colleges and universities. If there were, not one parent would allow their child to attend an Oregon school. College campuses are among the safest places in the entire state as confirmed by police records and Clery Act Reports rather than activist hype.

All of Oregon's institutions of higher education must comply with the U.S. Department of Education's current Title IX regulations. These regulations protect the interests of all students involved in the campus disciplinary process. There are clear definitions of what constitutes sexual harassment and mandatory training requirements. The federal regulation already gives complainants and respondents immediate access to support services and nondiscrimination based on sexual orientation.

SB1572 attempts to redefine sexual harassment and will put Oregon's colleges and universities in conflict with federal law.

SB1572 also attempts to define consent as "a knowing, voluntary and mutual decision among all participants to engage in sexual activity." An "affirmative consent" standard is an impossible standard with no definable boundaries; it is a nonsense trap that renders every person guilty under a claim of sexual violence. Nobody has intimate relations that meet the affirmative consent standard. No couple negotiates a "mutual decision" to "engage in sexual activity" before each touch or escalation in a sexual encounter. I challenge each committee member to think of their personal sexual activity and whether *each and every touch* was preceded by "affirmative consent." Short of a written contract and full video, no one will be able to defend against a charge that somewhere, something in the encounter did not fully satisfy this bill's definition of consent. This proposed standard is also grossly unconstitutional in its reversal of the burden of proof by making the defendant prove the existence of "affirmative consent."

SB1572 requires introductory and continuing prevention programs. There have been no prevention programs, other than bystander intervention, that have proven to decrease the rate of sexual harassment on college and university

campuses. To suggest a comprehensive violence prevention plan exists and is simply not published on the website of an institution nor implemented is a disservice to those victimized by sexual harassment.

Additionally, the bill requires training plans and materials "providing trauma-informed processes." While treating a traumatized person with sensitivity is appropriate, that is not what is intended by the activists. The term "trauma-informed" has become a purposeful way to inject bias into a proceeding by treating factual inconsistencies in a complainant's account as a bizarre proof of the truth of the basic allegation. The inconsistencies are claimed to be caused by trauma, which then is claimed to be proof of the allegation. "Trauma-informed" training is aimed to convince investigators to believe complainants, precisely when they are inconsistent and unreliable. The claim is that when a person is inconsistent and unreliable, exactly that inconsistency and unreliability is somehow proof of the basic allegation. This training is inappropriate for those involved in the grievance process as it intentionally teaches investigators to apply confirmation bias. Complainants are not served by a campus Kangaroo court process that will be over-turned in court, as has already occurred in hundreds of cases.

Finally, SB1572 requires costly Climate Surveys to be conducted every two-year period. Conducting Climate Surveys is another way activists create hysteria with grossly over-broad definitions that assure that virtually everyone can claim to be a victim of some word or glance or touch or slight in a social interaction. Please challenge the activists to submit proof that "Climate Surveys" have done anything other than ramp up unjustified fears.

SB1572 conflicts with federal law, attempts to instill an illogical definition of consent, gives false hope of a comprehensive prevention program and includes unfair procedures that do not protect the interests of all parties in the campus disciplinary process.

The alleged emergency is a false alarm. We urge you to oppose SB1572.

Respectfully,

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Stop Abuse For Everyone (SAFE) is a non-profit human rights agency recognizing the importance of ensuring that all populations, including the underserved, are protected against injustice.