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Open Government Impact Statement

82nd Oregon Legislative Assembly
2023 Regular Session

Measure: HB 3456 - A

Only impacts on Original or Engrossed
Versions are Considered Official

Prepared by:	Cameron D. Miles
Date:	4/13/2023

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 community-based domestic and sexual violence advocacy agency in same county as institution. Establishes exception for smaller satellite or branch campuses. 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 each institution of higher education to waive certain academic or any disciplinary record requirements required to demonstrate academic success that are part of institution-provided program or activity identified by institution 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.

Requires Higher Education Coordinating Commission to submit annual report to interim committees of Legislative Assembly related to higher education identifying each instance during previous academic year in which institution of higher education either violated provision of Act or failed to carry out provision of Act.

Declares emergency, effective on passage.

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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, including personally identifiable information of a student, related to a report of sexual misconduct without the prior written consent of the student who provided the information to the certified advocate. The measure also prohibits the public disclosure of all materials that contain personally identifiable information for individuals who have requested a waiver of any requirements relating to a minimum required grade point average or disciplinary records requirements to demonstrate academic success of a student who has experienced sexual misconduct.

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 and those seeking requirement waivers after having experienced sexual misconduct.

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