

# House Bill 4164

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Higher Education for Representative John Lively)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

The Act makes changes to a survey on sexual misconduct at colleges. (Flesch Readability Score: 60.7).

Removes the condition on reimbursement for expenses for nonlegislative members of the Sexual Misconduct Survey Council. Permits the council to distribute a sexual misconduct survey developed under federal law in lieu of the survey required under state law. Prohibits the data for an institution of higher education that contains 10 or fewer reports of sexual misconduct from being made available to the public. Limits the individuals who may issue a waiver from certain institution-sponsored programs or activities to students. Requires the delivery of the base survey by the council to institutions of higher education by the beginning of the 2025-2026 academic year.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to sexual misconduct at institutions of higher education; amending ORS 350.335, 350.336,  
3 350.337, 350.338, 350.339, 350.340, 350.341, 350.343, 350.344 and 350.345 and section 13, chapter  
4 550, Oregon Laws 2023; and declaring an emergency.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 350.335 is amended to read:

7 350.335. As used in ORS 350.335 to 350.346:

8 (1) "Certified advocate" and "qualified victim services program" have the meanings given those  
9 terms in ORS 40.264.

10 (2) "Institution of higher education" has the meaning given that term in ORS 350.330.

11 (3) "Reporting party" means a student or employee at an institution of higher education who  
12 reports having experienced an incident of sexual misconduct to the institution.

13 (4) "Sexual misconduct" means an incident of sexual harassment, sexual violence, intimate  
14 partner violence, domestic violence, sexual exploitation, stalking, harassment or violence based on  
15 sexual orientation or gender identity or expression, or other gender-based harassment or violence.

16 (5) "Student" means an individual who:

17 (a) Is enrolled [*or who is seeking to enroll*] in a credit-bearing program at an institution of higher  
18 education, whether part-time, full-time or as an extension student; [*or*]

19 (b) **Has contacted an institution of higher education requesting information concerning**  
20 **admission to that institution; or**

21 (c) Who has taken a leave of absence or withdrawn from the institution of higher education  
22 after reporting an incident of sexual misconduct to the Title IX coordinator at the institution.

23 (6) "Trauma-informed response" means a response involving an understanding of the complexi-  
24 ties of intimate partner violence, domestic violence, sexual assault and stalking through training  
25 centered on the neurobiological impact of trauma, the influence of societal myths and stereotypes

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 surrounding the causes and impacts of **sexual assault and related** trauma[, *an understanding of*  
2 *perpetration methodology*] and knowledge of how to conduct an effective investigation.

3 **SECTION 2.** ORS 350.336 is amended to read:

4 350.336. (1) The Sexual Misconduct Survey Council is established, consisting of 19 voting mem-  
5 bers and four nonvoting members.

6 (2) The four nonvoting members of the council shall be appointed as follows:

7 (a) The President of the Senate shall appoint two nonvoting members from among members of  
8 the Senate; and

9 (b) The Speaker of the House of Representatives shall appoint two nonvoting members from  
10 among members of the House of Representatives.

11 (3)(a) The executive director of the Higher Education Coordinating Commission, in consultation  
12 with the Attorney General's Sexual Assault Task Force and the Oregon Coalition Against Domestic  
13 and Sexual Violence, shall appoint the following 17 voting members of the council:

14 (A) One individual who represents a public university listed in ORS 352.002;

15 (B) One individual who represents a private institution of higher education;

16 (C) One individual who represents a community college operated under ORS chapter 341;

17 (D) One Title IX coordinator from an institution of higher education that awards bachelor's de-  
18 grees;

19 (E) One individual from the Oregon Coalition Against Domestic and Sexual Violence;

20 (F) One representative from the Attorney General's Sexual Assault Task Force;

21 (G) One individual from a national coalition focused on ending campus sexual violence, including  
22 but not limited to the Every Voice Coalition;

23 (H) Two students who are enrolled at a public university listed in ORS 352.002 and who are  
24 affiliated with a group or organization that advocates for multicultural, diversity or antidiscrimi-  
25 nation training;

26 (I) Two students who are enrolled at a private institution of higher education and who are af-  
27 filiated with a group or organization that advocates for multicultural, diversity or antidiscrimination  
28 training;

29 (J) Two students who are enrolled at a community college operated under ORS chapter 341 and  
30 who are affiliated with a group or organization that advocates for multicultural, diversity or anti-  
31 discrimination training;

32 (K) One individual who has demonstrated experience in the development and design of sexual  
33 misconduct climate surveys;

34 (L) One individual who has demonstrated expertise in statistics, data analytics or econometrics  
35 and experience in higher education survey analysis;

36 (M) One individual who is a medical or mental health care professional with experience working  
37 with victims of trauma at a health services program at an institution of higher education; and

38 (N) One individual from a community-based domestic and sexual violence advocacy agency.

39 (b) An individual appointed under paragraph (a)(E) to (G) of this subsection may appoint a  
40 designee to serve on the council in place of the individual appointed.

41 (4) In addition to the individuals described in subsections (2) and (3) of this section, the Attorney  
42 General and the executive director of the commission, or the designee of the Attorney General or  
43 the executive director of the commission, shall serve as voting members of the council.

44 (5) In appointing members to the council, the appointing authorities shall:

45 (a) Seek to ensure that membership on the council is reflective of the gender, racial and ge-

1 ographic diversity of Oregon; and

2 (b) Seek to appoint individuals with a background, education or experience in the fields of public  
 3 health, survey design or Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 to 1688,  
 4 as amended.

5 (6)(a) The term of office of each individual appointed to the council under subsections (2) and  
 6 (3) of this section is two years. Before the expiration of the term of a member, the appointing au-  
 7 thority shall appoint a successor. A member is eligible for reappointment.

8 (b) If there is a vacancy for any cause, the appointing authority shall make an appointment to  
 9 become immediately effective for the unfinished term.

10 (7) The council shall select one or more of its voting members as chairperson or as  
 11 cochairpersons.

12 (8) A majority of the voting members of the council constitutes a quorum for the transaction  
 13 of business.

14 (9) The Higher Education Coordinating Commission shall provide staff support to the council.

15 (10)(a) Except as provided in paragraphs (b) and (c) of this subsection, members of the council  
 16 are not entitled to compensation for their service on the council.

17 (b) *[To the extent moneys are available, members]* **Members** of the council who are not members  
 18 of the Legislative Assembly shall be reimbursed for actual and necessary travel and other expenses  
 19 incurred by the members in the performance of official duties in the manner and amount as provided  
 20 in ORS 292.495.

21 (c) Legislative members of the council shall be entitled to payment of compensation and expense  
 22 reimbursement under ORS 171.072, payable from funds appropriated to the Legislative Assembly.

23 **SECTION 3.** ORS 350.337 is amended to read:

24 350.337. (1) At least once every two years, the Sexual Misconduct Survey Council established  
 25 under ORS 350.336 shall:

26 (a) Develop a base survey for distribution to institutions of higher education; and

27 (b) Provide each institution of higher education with any recommendations regarding use of the  
 28 survey, including but not limited to additional content that could be added, the timing for conducting  
 29 the survey, recommendations for achieving statistically valid response rates and how the survey  
 30 results should be interpreted.

31 (2) In developing the base survey required under subsection (1) of this section, the council shall:

32 (a) Utilize best practices from peer-reviewed research and consult with individuals with exper-  
 33 tise in the development and use of sexual misconduct climate surveys by post-secondary institutions  
 34 of education;

35 (b) Review sexual misconduct climate surveys that have been developed and previously used by  
 36 post-secondary institutions of education;

37 (c) Provide opportunities for written comment from organizations that work directly with victims  
 38 of sexual misconduct in order to ensure the adequacy and appropriateness of the proposed content;

39 (d) Consult with institutions of higher education on strategies for optimizing the effectiveness  
 40 of the survey;

41 (e) Account for the diverse needs and differences of institutions of higher education;

42 (f) Provide opportunities for student feedback through optional comment boxes at the end of the  
 43 survey and by providing a time and space for students to comment to the council on what could be  
 44 done to improve the sexual misconduct climate survey described in ORS 350.338 so that the results  
 45 of the survey convey an accurate representation of happenings on campus; and

- 1 (g) Use a trauma-informed framework.
- 2 (3) The base survey shall gather data on topics including but not limited to:
  - 3 (a) The number and type of incidents, both reported and unreported, of sexual misconduct at the
  - 4 institution of higher education;
  - 5 (b) When incidents of sexual misconduct occurred, without requiring a specific date or time;
  - 6 (c) Whether incidents of sexual misconduct occurred on campus, off campus, overseas or virtu-
  - 7 ally;
  - 8 (d) If the sexual misconduct was perpetrated by a student, faculty member, nonfaculty staff
  - 9 member, third-party vendor to the institution of higher education or other individual;
  - 10 (e) How aware students are of institutional policies and procedures related to campus sexual
  - 11 misconduct;
  - 12 (f) Whether a student reported sexual misconduct, with specific follow-up questions regarding:
    - 13 (A) For students who reported sexual misconduct, whether the report was made to a campus
    - 14 resource or law enforcement agency; and
    - 15 (B) For students who did not report sexual misconduct, why the student chose not to make a
    - 16 report;
    - 17 (g) Whether students who experienced sexual misconduct disclosed the sexual misconduct to a
    - 18 friend, peer, family member, faculty or nonfaculty staff member, campus resource or law enforcement
    - 19 official;
    - 20 (h) For a student who reported sexual misconduct:
      - 21 (A) Whether the student was informed of or referred to local, state, campus or other resources,
      - 22 or to victim support services, including but not limited to appropriate medical care, mental health
      - 23 counseling and legal services; and
      - 24 (B) Whether the student was provided with protection from retaliation, access to institution-
      - 25 based supportive measures or institution-based accommodations and criminal justice remedies;
      - 26 (i) For a student who experienced assault, the types of contextual factors that were present
      - 27 during the assault, including but not limited to the involvement of force, incapacitation, coercion,
      - 28 drugs or alcohol;
      - 29 (j) Demographic information that could be used to identify at-risk groups, including but not
      - 30 limited to sex, race, ethnicity, national origin, economic status, disability status, gender identity,
      - 31 immigration status and sexual orientation;
      - 32 (k) Perceptions of campus safety among members of the campus community;
      - 33 (L) Student confidence in the institution's ability to protect against and respond to incidents of
      - 34 sexual misconduct;
      - 35 (m) Whether students who reported sexual misconduct took a leave of absence from the insti-
      - 36 tution, or considered transferring to another institution or withdrawing;
      - 37 (n) Whether students who experienced sexual misconduct withdrew from any classes or were
      - 38 placed on academic probation;
      - 39 (o) Whether students experienced any financial impacts from sexual misconduct or the
      - 40 institution's response to a report of sexual misconduct;
      - 41 (p) Whether students experienced any negative health impacts from sexual misconduct or the
      - 42 institution's response to a report of sexual misconduct, including but not limited to post-traumatic
      - 43 stress disorder, anxiety, depression, chronic pain or eating disorders;
      - 44 (q) Community attitudes towards sexual misconduct, including but not limited to students' will-
      - 45 ingness to intervene as bystanders; and

- 1 (r) Any other questions the council determines would be beneficial.
- 2 (4) A base survey developed under this section:
- 3 (a) Shall:
- 4 (A) Include a “decline to state” and “not applicable” option for each question;
- 5 (B) Be offered to all students enrolled at the institution of higher education, including students
- 6 who are [*on a leave of absence or*] studying abroad **or who have been enrolled at the institution**
- 7 **within the last academic year;**
- 8 (C) Be created taking into account all reasonable measures to ensure that an adequate, random
- 9 and representative sample of students complete the survey; and
- 10 (D) Be administered online, with reasonable accommodations provided to all students in order
- 11 to ensure accessibility; and
- 12 (b) May not require the disclosure of any personally identifiable information.
- 13 **(5) This section does not apply to the council if the council determines that a survey that**
- 14 **is substantively similar to the survey required under this section is available for distribution**
- 15 **to institutions of higher education in accordance with the federal Violence Against Women**
- 16 **Act Reauthorization Act of 2022, P.L. 117-103.**
- 17 **SECTION 4.** ORS 350.338 is amended to read:
- 18 350.338. (1) At least once every two years, each institution of higher education shall conduct a
- 19 sexual misconduct climate survey of all students enrolled at the institution.
- 20 (2)(a) A survey conducted under this section shall include:
- 21 (A) The most recent base survey provided by the Sexual Misconduct Survey Council under ORS
- 22 350.337 **or a survey that the council determines is substantively similar to the survey re-**
- 23 **quired under ORS 350.337 and that is available for distribution to institutions of higher edu-**
- 24 **cation in accordance with the federal Violence Against Women Act Reauthorization Act of**
- 25 **2022, P.L. 117-103;** and
- 26 (B) Any additional campus-specific questions chosen by the institution, provided that the addi-
- 27 tional questions do not:
- 28 (i) Require the disclosure of any personally identifiable information; and
- 29 (ii) Are not objectively traumatizing for victims of sexual misconduct.
- 30 (b) The council may review any questions that are added by an institution under paragraph
- 31 (a)(B) of this subsection to ensure that the questions do not violate the requirements set forth in
- 32 paragraph (a)(B)(i) or (ii) of this subsection. If the council determines that an institution has in-
- 33 cluded questions that violate paragraph (a)(B)(i) or (ii) of this subsection the council, and any ap-
- 34 propriate experts appointed by the council, shall assist the institution in developing appropriate
- 35 campus-specific questions.
- 36 (3) No later than 120 days after completing a survey under this section, each institution of
- 37 higher education shall:
- 38 (a) Submit an aggregate summary of the results to the Higher Education Coordinating Commis-
- 39 sion; and
- 40 (b) Post on the institution’s website in an easily accessible manner:
- 41 (A) A summary of the results of the survey;
- 42 (B) Any annual security reports required to be reported under federal law, including but not
- 43 limited to the Annual Security Report required to be reported under the Clery Act of 1990
- 44 (P.L. 101-542), as amended; and
- 45 (C) A link to the data repository for summaries of sexual misconduct climate surveys established

1 by the commission under ORS 350.339.

2 **SECTION 5.** ORS 350.339 is amended to read:

3 350.339. (1) The Higher Education Coordinating Commission shall establish a data repository for  
4 all summaries of sexual misconduct climate surveys conducted by institutions of higher education  
5 and submitted to the commission under ORS 350.338.

6 (2) The data repository established under this section must:

7 (a) Be made available to the public in an easily accessible manner on the website of the com-  
8 mission; and

9 (b) Except as provided in subsection (3) of this section, include all sexual misconduct climate  
10 survey data received by the commission.

11 (3) Prior to making the data of any sexual misconduct climate survey the commission receives  
12 publicly available, the commission shall ensure that the data is anonymized and does not contain  
13 any personally identifiable information. [*The commission may alter the data it receives to the degree*  
14 *necessary to ensure conformity with this subsection.*]

15 (4) **Notwithstanding subsection (2) of this section, the commission may not make avail-**  
16 **able to the public the data for any institution that contains 10 or fewer reports of sexual**  
17 **misconduct at that institution.**

18 (5) The commission shall adopt rules for the dissemination and collection of sexual misconduct  
19 climate surveys at institutions of higher education. In adopting these rules, the commission shall  
20 seek to promote effective solicitation that will achieve the highest practicable response rate, col-  
21 lection and publication of statistical information from institutions of higher education.

22 **SECTION 6.** ORS 350.340 is amended to read:

23 350.340. (1)(a) Except as provided in paragraph (b) of this subsection, each institution of higher  
24 education shall employ at least one certified advocate as part of a institution-based qualified victim  
25 services program.

26 (b) An institution of higher education is not required to employ a certified advocate if the in-  
27 stitution:

28 (A)(i) Does not have an institution-based qualified victim services program; or

29 (ii) Has fewer than 1,000 enrolled students who reside on campus; and

30 (B)(i) Partners with a local victim advocacy organization to provide a certified advocate;

31 (ii) Ensures that the certified advocate has on-campus office hours; and

32 (iii) Ensures that the services of the certified advocate are provided without charge to enrolled  
33 students.

34 (2) A certified advocate employed by an institution of higher education under this section shall  
35 be appointed based on the individual's experience and demonstrated ability to effectively provide  
36 victim services related to sexual misconduct and:

37 (a) May not:

38 (A) Be a student of the institution;

39 (B) Be a Title IX coordinator for the institution;

40 (C) Be an authorized administrator of disciplinary processes on behalf of the institution;

41 (D) Be a member of campus police or law enforcement; or

42 (E) Have any additional job responsibilities that could create a conflict of interest, including but  
43 not limited to being a general counsel, director of athletics, dean of students, clergy member, or any  
44 employee who serves on a judicial or hearing board or to whom an appeal regarding an allegation  
45 of sexual misconduct may be made; and

1 (b) Shall receive training:

2 (A) Required to be a certified advocate;

3 (B) On the requirements of Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681  
4 to 1688, as amended;

5 (C) On the policies of the institution of higher education relating to sexual misconduct; and

6 (D) On trauma-informed response.

7 (3) **Nothing in this section prohibits a certified advocate who is employed full-time under**  
8 **this section from receiving employment benefits, including tuition benefits.**

9 (4) A certified advocate who is employed under this section shall:

10 (a) Provide confidential services to students and inform students of all information required to  
11 be provided under ORS 350.330 and 350.331;

12 (b) Provide written notification to all institution staff involved in providing or enforcing sup-  
13 portive measures or accommodations of the respective duties of these staff members;

14 (c) If directed by a student, assist the student in contacting campus police or local law  
15 enforcement agencies to make a report;

16 (d) Notify students of their rights, and the responsibilities of the institution, regarding protection  
17 orders, no contact orders and any other lawful [ordered] **order** issued by the institution or by a  
18 criminal, civil or tribal court;

19 (e) Be subject to privilege as a certified advocate under ORS 40.264;

20 (f) Coordinate with on-campus sexual misconduct response resources and any community-based  
21 domestic and sexual violence advocacy agency with which the institution has entered into a memo-  
22 randum of understanding under ORS 350.341 within a reasonable time after being designated as a  
23 certified advocate; and

24 (g) If requested by signed written consent from a student, assist the student with coordinating  
25 on-campus supports and supports available with any community-based domestic and sexual violence  
26 advocacy agency with which the institution has entered into a memorandum of understanding under  
27 ORS 350.341.

28 [(4)] (5) A certified advocate employed under this section:

29 (a) If requested by a student, may attend an administrative or institution-based adjudication  
30 proceeding as the advocate or support person for the student;

31 (b) May not:

32 (A) Be required to report an incident to the institution or a law enforcement agency unless  
33 otherwise required to do so by state or federal law;

34 (B) Disclose confidential information, including but not limited to the name, contact information  
35 or any personally identifiable information of a student or any information on the sexual misconduct,  
36 without the prior written consent of the student who provided the information to the certified ad-  
37 vocate;

38 (C) Provide services to both the reporting party and the responding party of the same sexual  
39 misconduct incident; or

40 (D) Act as a counselor or therapist.

41 [(5)] (6) Nothing in this section may be construed to limit either party's right of cross exam-  
42 ination of the certified advocate in a criminal or civil proceeding if the advocate testifies after  
43 written consent has been given.

44 [(6)] (7) Providing notice to a certified advocate of an alleged act of sexual misconduct or an  
45 advocate's performance of a service under this section may not be considered actual or constructive

1 notice to the institution of higher education of the alleged act.

2 [(7)] (8) If a conflict of interest arises for an institution of higher education in which a certified  
 3 advocate is advocating for a student’s need for sexual misconduct crisis services or for campus re-  
 4 sources or law enforcement services, the institution may not discipline, penalize or otherwise retal-  
 5 iate against the certified advocate for representing the interest of the reporting party.

6 **SECTION 7.** ORS 350.341 is amended to read:

7 350.341. (1) Except as provided in subsection (4) of this section, each institution of higher edu-  
 8 cation shall enter into and maintain a memorandum of understanding with a community-based do-  
 9 mestic and sexual violence advocacy agency that is in the same county as the institution.

10 (2) The memorandum of understanding entered into under this section shall ensure that the  
 11 community-based domestic and sexual violence advocacy agency will:

12 (a) Assist in developing the institution’s [*policies, programming and*] training regarding sexual  
 13 misconduct that involves students and employees;

14 (b) Provide an accessible off-campus alternative where students and employees of the institution  
 15 can receive free and confidential sexual misconduct crisis services, including but not limited to ac-  
 16 cess to a sexual assault nurse examiner, if available, and to domestic violence crisis services in re-  
 17 sponse to sexual misconduct;

18 (c) Ensure that a student or employee of the institution can access free and confidential coun-  
 19 seling and advocacy services either on campus or off campus; and

20 (d) Ensure cooperation and training between the institution and the community-based domestic  
 21 and sexual violence advocacy agency to ensure an understanding of the roles that the institution  
 22 or center should play in responding to reports and disclosures of sexual misconduct against students  
 23 and employees of the institution and the institution’s protocols for providing support and services  
 24 to students and employees who have been the victims of sexual misconduct.

25 (3)(a) A memorandum of understanding entered into under this section may include an agree-  
 26 ment, including a fee structure, between the community-based domestic and sexual violence advo-  
 27 cacy agency and the institution of higher education for the provision of confidential victim services.

28 (b) As used in this subsection, “confidential victim services” means case consultation and  
 29 training fees for certified advocates, consultation fees for the development and implementation of  
 30 student education and prevention programs, the development of staff training and prevention cur-  
 31 riculum and confidential on-site office space for a representative from a community-based domestic  
 32 and sexual violence advocacy agency to meet with students or employees of the institution of higher  
 33 education.

34 (4) Notwithstanding subsection (1) of this section:

35 (a) The Higher Education Coordinating Commission may waive the requirements of this section  
 36 if the commission determines that, despite reasonable efforts, an institution of higher education was  
 37 unable to enter into a memorandum of understanding with a community-based domestic and sexual  
 38 violence advocacy agency.

39 (b) This section does not apply to a satellite campus or branch campus of an institution of higher  
 40 education if the satellite campus or branch campus has 1,000 or fewer enrolled students who reside  
 41 on campus.

42 **SECTION 8.** ORS 350.343 is amended to read:

43 350.343. (1) In addition to any requirements set forth in ORS 350.330 and 350.331, each institu-  
 44 tion of higher education shall:

45 (a) Receive guidance from the Title IX coordinator of the institution, local law enforcement, vi-



1 olence prevention specialists, public health specialists, other individuals with experience identifying  
 2 protective and risk factors related to violence and the community-based domestic and sexual vi-  
 3 olence advocacy agency with which the institution entered into a memorandum of understanding  
 4 under ORS 350.341; and

5 (b) Use the guidance received under paragraph (a) of this subsection to establish a trauma-  
 6 informed, gender-inclusive sexual misconduct primary prevention and awareness training that must  
 7 be attended annually by each student and employee of the institution.

8 (2) Trainings provided under this section:

9 (a) Must be accessible to individuals with a disability;

10 (b) Must be culturally responsive and address the unique experiences and challenges faced by  
 11 students based on race, color, ethnicity, national origin, religion, economic status, disability status,  
 12 immigration status, sexual orientation, gender identity and pregnancy or parenting status; and

13 (c) Must include:

14 (A) An explanation of consent as it applies to sexual activity and sexual relationships;

15 (B) The role drugs and alcohol play in an individual's ability to consent;

16 (C) Information on options relating to the reporting of an incident of sexual misconduct, the ef-  
 17 fects of each option presented and the methods to report an incident of sexual misconduct, including  
 18 confidential and anonymous disclosure;

19 (D) Information on the institution's procedures for resolving sexual misconduct reports and the  
 20 range of sanctions or penalties the institution may impose on students and employees responsible for  
 21 a violation;

22 (E) The *[name, contact information and role of the certified advocate employed by the institution]*  
 23 **contact information for the office charged with handling complaints and information on how**  
 24 **to reach a certified advocate confidentially;**

25 (F) Strategies for bystander intervention and risk reduction; and

26 (G) Opportunities for ongoing sexual misconduct prevention and awareness training and pro-  
 27 gramming.

28 (3) Notwithstanding ORS 350.335 (5), as used in this section, "student" means an individual who  
 29 is enrolled at least half-time in an academic credit-bearing program at an institution of higher edu-  
 30 cation.

31 **SECTION 9.** ORS 350.344 is amended to read:

32 350.344. (1) Each institution of higher education shall waive any requirements relating to a  
 33 minimum required grade point average or disciplinary record requirements required to demonstrate  
 34 academic success that are part of an institution-sponsored program or activity identified by the in-  
 35 stitution under subsection (2) of this section for any participant who:

36 (a) Has experienced sexual misconduct **while enrolled at the institution;** and

37 (b) Has received a waiver in the manner described in subsection (3) of this section.

38 (2)(a) Each institution of higher education shall identify the institution-sponsored programs or  
 39 activities that a waiver granted under this section shall apply to.

40 (b) A student must obtain a separate waiver under this section for each institution-sponsored  
 41 program or activity.

42 (3) A student may obtain a waiver under this section from the certified advocate employed by  
 43 the institution[,] **or** the Title IX coordinator at the institution[, *a student basic needs coordinator at*  
 44 *the institution, any law enforcement personnel at the institution, the student's academic advisor at the*  
 45 *institution or any disability resource center personnel].*

1 (4) Each institution of higher education shall maintain confidentiality of all materials that con-  
 2 tain personally identifiable information for individuals who have requested a waiver under this sec-  
 3 tion unless disclosure is required specifically for the purpose of *[making required accommodations]*  
 4 **providing supportive measures** or if otherwise required by a court of law.

5 (5) As used in this section, “institution-sponsored program or activity” includes but is not lim-  
 6 ited to a scholarship provided by an institution of higher education or an institution-sponsored ac-  
 7 ademic or extracurricular activity.

8 **SECTION 10.** ORS 350.345 is amended to read:

9 350.345. (1) No later than October 1 of each year, each institution of higher education shall  
 10 submit a report in the manner provided by ORS 192.245 to:

11 (a) The Secretary of the Senate and the Chief Clerk of the House of Representatives;

12 (b) The interim committees of the Legislative Assembly relating to higher education;

13 (c) The Higher Education Coordinating Commission; and

14 (d) The Director of Human Services.

15 (2) Except as provided in subsection (3) of this section, the report shall include:

16 (a) The total number of allegations of *[intimate partner violence, domestic violence, sexual assault,*  
 17 *sexual harassment and stalking]* **sexual misconduct** that were reported to the institution’s Title IX  
 18 coordinator by a student or employee of the institution against another student or employee of the  
 19 institution during the previous academic year;

20 (b) The number of law enforcement investigations known to have been initiated during the pre-  
 21 vious academic year in response to reports of sexual misconduct that were brought forward by a  
 22 student or employee of the institution against another student or employee of the institution;

23 (c) The number of students and employees at the institution who were found responsible during  
 24 the previous academic year for violating the institution’s policies prohibiting sexual misconduct;

25 (d) The number of students and employees at the institution who during the previous academic  
 26 year, faced academic or employment disciplinary action due to having violated the institution’s pol-  
 27 icies prohibiting sexual misconduct;

28 (e) The number of students and employees at the institution who, during the previous academic  
 29 year, were investigated, but found not responsible for having violated the institution’s policies pro-  
 30 hibiting sexual misconduct;

31 (f) The number of students at the institution who, during the previous academic year, requested  
 32 supportive measures;

33 (g) The number of supportive measures requested by each student described in paragraph (f) of  
 34 this subsection;

35 (h) The number of supportive measures granted to each student described in paragraph (f) of this  
 36 subsection; *[and]*

37 (i) *[The number of students during the previous academic year who took a leave of absence,*  
 38 *transferred to a different institution of higher education or withdrew from the institution of higher ed-*  
 39 *ucation]* **The number of students or employees of the institution who report experiencing**  
 40 **sexual misconduct at the institution but who declined to participate or requested no inves-**  
 41 **tigation; and**

42 **(j) The number of ongoing investigations into an accusation of sexual misconduct.**

43 (3) *[A report submitted by a community college operated under ORS chapter 341 or a career school*  
 44 *as defined in ORS 345.010 is not required to include the information described in subsection (2)(i) of*  
 45 *this section.]*

1        [(4)] The information provided in the report must be provided in an anonymous and aggregate  
2 manner that complies with all state and federal privacy laws. **If any institution's information**  
3 **contains 10 or fewer reports of sexual misconduct, that institution's report may not be made**  
4 **available to the public.**

5        **SECTION 11.** Section 13, chapter 550, Oregon Laws 2023, is amended to read:

6        **Sec. 13.** The Sexual Misconduct Survey Council must submit the first base survey and related  
7 recommendations, including but not limited to recommendations on achieving statistically valid re-  
8 sponse rates, to each institution of higher education no later than [*January 1, 2024*] **the start of**  
9 **the 2025-2026 academic year.**

10        **SECTION 12.** **This 2024 Act being necessary for the immediate preservation of the public**  
11 **peace, health and safety, an emergency is declared to exist, and this 2024 Act takes effect**  
12 **on its passage.**

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