



**Testimony in Support of HB 2972A
Senate Committee on Judiciary
April 24th, 2017**

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

On behalf of the Oregon Law Center (OLC), thank you for the opportunity to testify this morning in support of HB 2972A, which would close a loop to protect the privacy and confidentiality of sexual assault victims on college campuses.

HB 2972A will complement the important protections passed by this legislature in 2015, when HB 3476 was passed with bi-partisan support to codify a statutory privilege to protect the confidentiality of communications between victim advocates and survivors of campus sexual-assault.

Confidentiality and privacy is critical to survivors: Victims of sexual violence crimes suffer a wide range of emotional and psychological trauma. Often this trauma is debilitating, and can last for years. The shame and stigma that attach to these crimes is a significant part of this trauma. Often, in the aftermath of assault, victims withdraw from friends and family, and isolate themselves for fear of the embarrassment of disclosure. Isolation further exacerbates the depression and trauma. Without assurances of confidentiality, victims may never seek help from support services. If they do seek help, they may not disclose the true nature of abuse or assault, compromising their safety and undermining effective interventions. Worst of all, without assurances of confidentiality, victims may stay in unsafe situations and suffer more abuse or assault.

The right to privacy is particularly critical for victims on college campuses. College-age women are at heightened risk of assault and abuse. At a time in their lives when the trajectory should be soaring, the ramifications of assault can send victims plummeting into a spiral. Long-term mental health effects can include depression, anxiety, and post-traumatic stress disorder, among others. Educational achievement, class attendance, and graduation rates are often impacted. Confidentiality and privacy protections are critical to helping survivors on campus to access support free from public shame and stigma, so that they can pursue their education and college life and be healthy and successful.

School policies should make it clear that survivors will not be subject to discipline or the threat of discipline for choosing not to participate in a school investigation or adjudication. There are many reasons that a survivor might choose not to participate in a school investigation or administrative proceeding related to the assault. It might be unsafe for a survivor to make disclosures or testify against the perpetrator. It might be so emotionally traumatic to participate that a survivor's educational success, mental health, or physical health would be at risk. The decision about whether or not to participate in an investigation or adjudication should be solely the survivor's. Subjecting a survivor to school discipline as a sanction for failure to participate in a school proceeding against a perpetrator would be contrary to the principles of confidentiality and privacy that were codified with unanimous bi-partisan support last session.

HB 2927A will ensure that school policies make it clear that survivors will not face sanctions if they do not participate in a school disciplinary proceeding. This bill will close a gap inadvertently left unaddressed by the 2015 legislation. Passage of this bill will communicate an important message of support and respect for the privacy and confidentiality of students who are victims of campus sexual assault.

For these reasons, we urge your support.

Thank you for the opportunity to testify.