

# House Bill 4150

Sponsored by Representative SALINAS, Senator GELSER; Representatives ALONSO LEON, GREENLICK, HERNANDEZ, MCLAIN, POWER, SANCHEZ, SOLLMAN, WITT (Pre-session filed.)

## 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**.

Requires specified information to be shared with student or staff member following conclusion of investigation related to sexual harassment.

Takes effect July 1, 2018.

## A BILL FOR AN ACT

1  
2 Relating to school sexual harassment policies; creating new provisions; amending ORS 342.704 and  
3 342.708; and prescribing an effective date.

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

5 **SECTION 1.** ORS 342.704 is amended to read:

6 342.704. (1) The State Board of Education shall adopt by rule minimum requirements for school  
7 district policies on sexual harassment of students by staff and other students including, but not  
8 limited to, requirements that:

9 (a) All staff and students are subject to the policies;

10 (b) Sexual harassment of students includes:

11 (A) A demand for sexual favors in exchange for benefits; and

12 (B) Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably in-  
13 terfering with a student's educational performance or that creates an intimidating, offensive or  
14 hostile educational environment;

15 (c) All complaints about behavior that may violate the policy shall be investigated;

16 (d) The initiation of a complaint in good faith about behavior that may violate the policy shall  
17 not adversely affect the educational assignments or study environment of the student; [*and*]

18 (e) The student who initiated the complaint and the student's parents shall be notified:

19 (A) When the investigation is concluded[.];

20 (B) **Of the findings of the investigation, including whether a violation occurred; and**

21 (C) **If applicable and to the extent allowed by law and any collective bargaining agree-**  
22 **ments, of any measures that the school district or the school has taken, is taking or will**  
23 **take to prevent a recurrence of sexual harassment and to eliminate an intimidating, offen-**  
24 **sive or hostile educational environment, including the nature and timing of any sanctions**  
25 **that are directly related to the student who initiated the complaint;**

26 (f) **The staff member or student who was the subject of the complaint and, if applicable,**  
27 **the student's parents shall be notified:**

28 (A) **When the investigation is concluded; and**

29 (B) **Of the findings of the investigation, including whether a violation occurred; and**

30 (g) **Information that was relied upon to support the findings of an investigation shall be**

**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 **made available to the extent allowed by law or any collective bargaining agreements and shall**  
2 **be made available in a manner that, to the extent practicable, maintains the information as**  
3 **confidential and nonpublic to the following:**

4 (A) **The student who initiated the complaint;**

5 (B) **The staff member or student who was the subject of the complaint; and**

6 (C) **If applicable, the parents of the student who initiated or who was the subject of the**  
7 **complaint.**

8 (2) The State Board of Education shall adopt by rule minimum requirements for school district  
9 policies on sexual harassment of staff by students and other staff including, but not limited to, re-  
10 quirements that:

11 (a) All staff and students are subject to the policies;

12 (b) Sexual harassment of staff includes:

13 (A) A demand for sexual favors in exchange for benefits; and

14 (B) Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably in-  
15 terfering with a staff [*person's*] **member's** ability to perform the job or that creates an intimidating,  
16 offensive or hostile work environment;

17 (c) All complaints about behavior that may violate the policy shall be investigated;

18 (d) The initiation of a complaint in good faith about behavior that may violate the policy shall  
19 not adversely affect any terms or conditions of employment or work environment of the staff  
20 complainant; and

21 (e) The staff [*member who initiated the complaint*] **complainant** shall be notified when the in-  
22 vestigation is concluded.

23 **SECTION 2.** ORS 342.708 is amended to read:

24 342.708. (1) Nothing in ORS 342.700 and 342.704 is intended to limit or operate as a prerequisite  
25 to pursuing any rights or remedies provided under other statutes or the common law.

26 (2) **A staff member, a student or a parent of a student may bring a civil action for an**  
27 **injunction or other equitable relief for a violation of ORS 342.704 (1)(e) to (g). Upon a motion,**  
28 **a court may award an injunction or other equitable relief in a civil action brought under this**  
29 **subsection. The court may award reasonable attorney fees and costs in a civil action brought**  
30 **under this subsection.**

31 **SECTION 3.** The amendments to ORS 342.704 and 342.708 by sections 1 and 2 of this 2018  
32 Act apply to complaints that are initiated under ORS 342.704 on or after the effective date  
33 of this 2018 Act.

34 **SECTION 4.** This 2018 Act takes effect on July 1, 2018.  
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