

Enrolled
House Bill 3415

Sponsored by Representative WILLIAMSON; Representatives HAYDEN, HELT, KENY-GUYER,
POWER, SMITH DB, WILDE, WILLIAMS, Senators MANNING JR, WAGNER

CHAPTER

AN ACT

Relating to policies adopted by post-secondary institutions of education.

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

SECTION 1. (1) In addition to the written protocol adopted under ORS 350.255, each institution of higher education shall adopt written policies concerning sexual harassment, sexual assault, domestic violence, dating violence and stalking that occur both on and off campus.

(2) Written policies adopted under this section must include:

(a) The adoption of the definition of sexual harassment "Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature where such conduct is sufficiently severe or pervasive that it has the effect, intended or unintended, of unreasonably interfering with an individual's work or academic performance or it has created an intimidating, hostile or offensive environment and would have such an effect on a reasonable person."

(b) Procedures to address sexual harassment.

(c) Provisions clarifying that the institution of higher education is required to conduct an initial inquiry, or to make contact with named parties, whenever a designated responsible employee has actual knowledge, or in the exercise of reasonable care should know, that possible sexual harassment, sexual assault, domestic violence, dating violence or stalking has occurred.

(d) A jurisdictional statement explaining that the institution will analyze and may have an obligation to respond to any complaint received by the institution, regardless of whether the incident occurred on the campus of the institution or elsewhere, that relates to:

(A) Sexual harassment;

(B) Sexual assault;

(C) Domestic violence;

(D) Dating violence; or

(E) Stalking.

(3) Written policies adopted under subsection (2) of this section must:

(a) Be written in plain language;

(b) Use print that is of a color, size and font that allow the notification to be easily read;

and

(c) Be made available to students:

(A) When sexual harassment, sexual assault, domestic violence, dating violence or stalking is reported;

(B) During student orientation; and

(C) On the Internet website of the institution of higher education.

(4) In addition to the written policies adopted under subsection (2) of this section, each institution of higher education shall require that all Title IX coordinators, hearing officers, process advisors, institution investigators, third-party contracted investigators, campus security officers and any other individual who works at the institution who may be required to assist in conducting an investigation that is subject to Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 to 1688, as amended, participate in annual training. The training required by this subsection must include:

(a) The relevant definitions and dynamics of sexual harassment, sexual assault, domestic violence, dating violence and stalking;

(b) The prevalence of sexual harassment, sexual assault, domestic violence, dating violence and stalking both overall and, to the extent relevant data exists, within the educational and employment contexts;

(c) Trauma-informed best practices for how to serve reporting and responding students, including utilizing trauma-informed principles of support or student-centered frameworks;

(d) Best practices for addressing bias and increasing accessibility for students through the use of an anti-oppression framework; and

(e) For investigators, how to conduct effective interviews, including best practices for interviewing sexual assault survivors.

(5) In addition to containing the material described in subsection (4) of this section, training plans and materials required by this section shall:

(a) Include principles related to providing trauma-informed and culturally responsive processes, procedures and victim services;

(b) Be gender-responsive, but not reliant on gender stereotypes; and

(c) Recognize and account for the unique needs of individuals who identify as lesbian, gay, bisexual, transgender, gender nonconforming or gender nonbinary.

(6) As used in this section:

(a) “Anti-oppression,” “culturally responsive,” “gender-responsive” and “trauma-informed” shall be defined by each institution of higher education in consultation with the recognized student government of the institution.

(b) “Institution of higher education” means:

(A) A public university listed in ORS 352.002;

(B) Oregon Health and Science University;

(C) A community college operated under ORS chapter 341; or

(D) An Oregon-based private university or college.

SECTION 2. Section 1 of this 2019 Act first applies to the 2020-2021 academic year.

Passed by House April 24, 2019

Repassed by House June 11, 2019

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 6, 2019

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State