

House Bill 3415

Sponsored by Representative WILLIAMSON

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 institutions of higher education to adopt written policies and conduct annual training on sexual harassment, sexual assault, domestic violence, dating violence and stalking. Establishes required content for policies and training.

A BILL FOR AN ACT

1
2 Relating to policies adopted by post-secondary institutions of education.

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

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

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

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

16 (b) **Procedures to address sexual harassment.**

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

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

25 (A) **Involves a student enrolled at the institution and any individual affiliated with the**
26 **institution; and**

27 (B) **Relates to:**

28 (i) **Sexual harassment;**

29 (ii) **Sexual assault;**

30 (iii) **Domestic violence;**

31 (iv) **Dating violence; or**

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 (v) Stalking.

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

3 (a) Be written in plain language;

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

6 (c) Be made available to students:

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

9 (B) During student orientation; and

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

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

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

20 (b) The prevalence of sexual harassment, sexual assault, domestic violence, dating vi-
21 olence and stalking both overall and, to the extent relevant data exists, within the educa-
22 tional and employment contexts;

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

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

27 (e) For investigators, how to conduct effective interviews, including best practices for
28 interviewing sexual assault survivors, such as forensic experimental interviewing models.

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

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

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

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

36 (6) As used in this section:

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

40 (b) "Institution of higher education" means:

41 (A) A public university listed in ORS 352.002;

42 (B) Oregon Health and Science University;

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

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

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

