

OREGON TITLE IX LEGISLATION

HB 3415 LEGISLATIVE OVERVIEW

WHAT DOES THE BILL DO?

Creates requirements for institutional policies related to sexual assault, sexual harassment, stalking, dating violence and domestic violence as well as establish training standards and establish a definition for sexual harassment.

GOES INTO EFFECT:

2020/2021 Academic School Year



DEFINING SEXUAL HARASSMENT

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."

RESPONDING TO REPORTS

JURISDICTIONAL STATEMENT

- ▶ Regardless of whether incident occurred on or off campus
- ▶ Sexual harassment, sexual assault, domestic violence, dating violence and stalking

NOTICE

- ▶ Actual notice and constructive notice
- ▶ Required to conduct initial inquiry or make contact with named parties
- ▶ Provide written notification of rights and services (ORS 350.255)

ANNUAL TRAINING REQUIREMENTS

WHO MUST BE TRAINED?

- ▶ Title IX Coordinators
- ▶ Hearing Officers
- ▶ Process Advisors
- ▶ Investigators
- ▶ Third-party contract investigators
- ▶ Campus Security Officers
- ▶ Others who assist with investigation



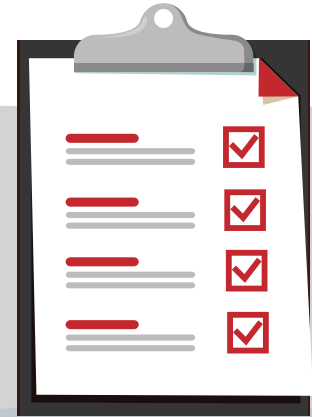
WHAT ARE THE CURRICULUM STANDARDS?

- ▶ Definitions of types of conduct
- ▶ Prevalence of conduct
- ▶ Trauma-informed best practices
- ▶ Addressing bias and anti-oppression
- ▶ Interviewing survivors of sexual assault
- ▶ Culturally-responsive procedures
- ▶ Gender responsive
- ▶ Needs of LGBTQ parties

SB 759 CONSIDERATIONS CHECKLIST

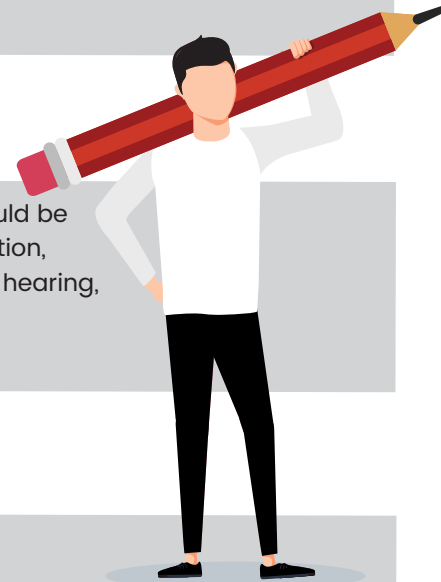
CONTENT OF WRITTEN NOTIFICATION:

- ☐ ! "#\$%&'()*+&,(Schools should include victims' rights under state law, Title IX, Clery Act, and VAWA Amendments to Clery as well as any limiting factors of these rights for victims who are not students.
- ☐ - ". //0*1/(23\$24&,(Schools should include civil options such as Office of Civil Rights (OCR) complaints, protective orders, employment protections, housing protections, name and other identity change options, address confidentiality, and legal assistance.
- ☐ -)"%"41//0*1/(23\$24&,(This should include victims' options in reporting to local law enforcement.
- ☐ - 1%35&671&08(8"&#"3/"41)9(3)2#0&&0&(\$+0(. "#\$%(%19(35)&50,((If an institution has different disciplinary processes for sexual assault if the perpetrator is a student versus staff or faculty, then both processes should be included in the written notification.
- ☐ - 1%35&671&08(0). "#0&(1. 1"/17/0(\$2(. "#\$%&(2:&0; 51/(1&&15/\$
- ☐ ! "#\$%&'(3)". 1#90)"*+&("4#/58"4*(/"%"\$1\$24&(2:(3)". 1#9(30)\$1"4"4*(2(#1%35&(+01/\$+(148(#254&0/"4*(&0). "#0&<
- ☐ =\$1\$0(148(#2%%54"\$9&0). "#0&(148)0&25)#0&(148(#24\$1#\$("4:2)%1\$24, Statewide and National hotline #'s, Address Confidentiality Program, Crime Victims' Compensation, Community-based Domestic Violence & Sexual Assault Programs, District Attorney Victim Assistance Program, Culturally-specific programs including Tribal resources and options for people with disabilities.



FORMAT OF WRITTEN NOTIFICATION:

- ☐ >)"\$\$04("4(3/1"4/(14*51*0(\$+1\$("&01&9(\$2(5480)&\$148, The written notification should be made available in languages representative of the student population of each institution, including considerations for those who are English language learners, deaf or hard of hearing, and visual impairments.
- ☐ ?)"4\$&(#2/2)&("AO(148(:24\$(\$+1\$(#14(70(01&"/9)018(

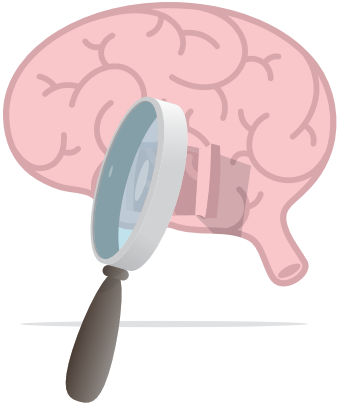


DISSEMINATION OF WRITTEN NOTIFICATION:

- ☐ B180(1. 1"/17/0(\$2(&\$5804\$&(
- ☐ C5)"4*(&\$5804(\$2)"04\$1\$24(
- ☐ ?)2. "808(D+04(1(&0; 51/(1&&15/\$("&032)\$08(79(1(&\$5804\$, Victims of sexual assault that qualify under SB 759 are outlined in Sec. 1 (a-b) of the bill. Although the bill limits the qualifying student victims to sexual assaults that occurred on the grounds or at the facilities of the university or college, schools should provide this written notification to student victims regardless of geography of assault. This aligns with Title IX best practice.
- ☐ **Provided to a non-student victim of sexual assault whose perpetrator is affiliated with the school:** This includes victims of staff and faculty as well as students, with no limitations on geography of the assault.
- ☐ ?2&\$08(24(\$+0(D07&"\$0(2:(\$+0(#2//0*0(2)(54". 0)&"\$9, Schools should take into consideration the "two click rule" when deciding where to make this written notification available online.

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TRAUMA & THE BRAIN



Why learn about trauma and the brain?

Integrating trauma-informed practices into our policies and everyday practices is critical to creating a process that not only responds to complaints of harassment and violence, but serves people best.

Adverse Childhood Experiences

Nationally, 1 in 10 children have experienced at least one traumatic experience according to the National Survey of Children's Health.

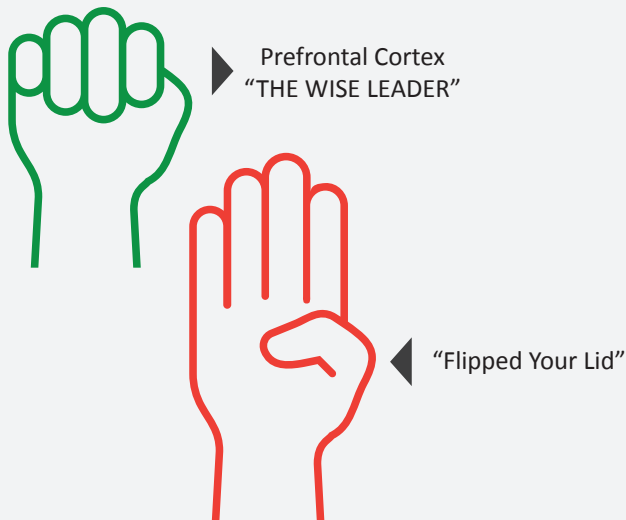
We often discuss trauma in terms of acute trauma after an assault. It's important to know that students can experience a wide spectrum of traumas that can intersect with each other.

Vicarious Trauma

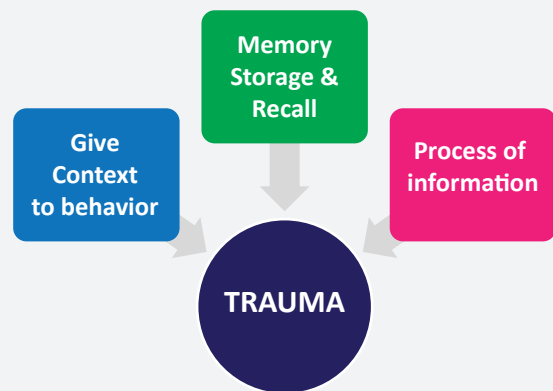
Historical Trauma

Institutional Trauma

Cultural Trauma



Better understanding trauma and how it affects the brain gives us an additional tool to better serve students and staff through the Title IX process. Trauma can affect the brain in many ways.



Tips to mitigate institutional trauma triggers:

- Check website search keywords to include common terms for Title IX conduct such as "sexual assault" and "rape".
- Ensure that Title IX Coordinator contact information and reporting information is easily accessible.
- Use vacation responders on email to let students know if you are absent from email or if you frequently have delayed email responses.
- Write down information given verbally in meetings including dates and times of next meeting.
- Avoid terms such as "remember," "why," and "alleged" that might have negative connotations.