



## SB 759 Considerations Checklist

SB 759 was enrolled in the 2015 Regular Session and first applies to this coming 2016-2017 academic year. This bill applies to each public university listed in ORS 352.002 as well as community colleges, and private universities and colleges in Oregon. This bill outlines a written protocol for colleges and universities to adopt to ensure victims of sexual assault receive information pertaining to their rights, reporting options, related on campus processes, and services available to them.

This “checklist” is not an exhaustive list of requirements under SB 759, but rather a guidance tool for campuses as they create their own written victim notification in response to SB 759. This document combines requirements and best practice within Title IX and the Clery Act as it applies to SB 759.

SATF encourages institutions of higher education to go beyond the requirements of the bill, strengthening their efforts to inform students about their rights and options through the following means: engage students in the development of materials and ensure that information is available in a variety of learning formats (video for visual/auditory learning, as well as written information). Oregon colleges and universities are as diverse as their student populations; each institution’s written notification will differ in ways that fit its’ students’ needs best.

When using this “checklist” as a resource, words in bold are direct requirements of SB 759 while other text cites Title IX, the Clery Act, and best practice as it applies to those requirements. SATF in conjunction with the SATF statewide Campus Committee and Criminal Justice Committee will release additional resources to aide in schools’ development of student reporting options off campus and state and community resources.

For questions or technical assistance contact our Campus Coordinator, Jackie Sandmeyer, at [jackie@oregonsatf.org](mailto:jackie@oregonsatf.org) or call us at 503-990-6541.



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### Content of written notification:

*The content that must be included in the written notification made available by colleges and universities to victims of sexual assault is outlined in Sec. 1 (2) of SB 759.*

- Victim's rights:** 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. See page #3 for further guidance.
- Civil legal options:** 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.
- Criminal legal options:** This should include victim's options in reporting to local law enforcement.
- Campus-based disciplinary processes the victim may pursue:** 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.
- Campus-based services available to victims of sexual assault**
- Victim's privacy rights including limitations of privacy pertaining to campus health and counseling services:** May be affected by SB 1558.
- State and community services and resources and contact information:** 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. See page #3 for further guidance.

### Format of written notification:

*The formatting requirement for the written notification made available by colleges and universities to victims of sexual assault is outlined in Sec. 1 (3) of SB 759.*

- Written in plain language that is easy to understand:** 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.
- Print, color, size and font that can be easily read**

### Dissemination of written notification:

*Dissemination requirements for the written notification made available by colleges and universities to victims of sexual assault is outlined in Sec. 1 (3) of SB 759.*

- Made available to students**
- During student orientation**
- Provided when a sexual assault is reported by a student:** <sup>1</sup> 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.
- Posted on the website of the college or university:** Schools should take into consideration the "two click rule" when deciding where to make this written notification available online.



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### Reportable Crimes:

SB 759 exclusively refers to “sexual assault.” Schools are tasked with responding to not only sexual assault, but also domestic violence, dating violence, and stalking.<sup>1</sup> Students experience a spectrum of violence related to gendered violence. Schools should consider using all-encompassing language when putting together the written notification, that includes all Title IX and Clery reportable crimes relating to intimate partner violence such as stalking, domestic violence, dating violence, and other forms of gendered harassment.

### Community Services:

SB 759 requires the incorporation of information and contact information for state and community-based services. These services can include, but are not limited to [Crime Victims Compensation](#),<sup>2</sup> [Address Confidentiality Program](#),<sup>3</sup> protective orders, lawyers who provide legal services for victims, as well as services available at [community and culturally specific programs](#)<sup>4</sup> and [District Attorney Victims Assistance Programs](#)<sup>5</sup> serving your county. Schools should establish a relationship with community partners who serve their students, to not only notify partners that their contact information and services will be included in the on-campus written notification, but to also ensure warm handoffs for students seeking services.

### Reporting Obligations:

Many campuses offer confidential options for students to seek services and find out about their options in reporting to either the campus Title IX process or to local law enforcement. Students often have a difficult time knowing who on campus they can disclose to without reporting, and who on campus is a responsible employee. Schools should consider including plain language in the written notification identifying who on their campus is a confidential resource, the limitations of that confidentiality such as mandatory reporting requirements, as well as explaining the reporting obligations of non-confidential campus members. Information about advocates on campus providing services under advocate privilege should also be included.<sup>6</sup>

**EXAMPLE:** *The following is an example of one way language pertaining to reporting obligations and confidential resources can be incorporated into the written notification. Schools should discuss with their General Counsel and Title IX Coordinator when deciding what text best represents that school’s reporting options.*<sup>7</sup>

Most members of the campus including staff and faculty are *responsible employees*, which means that if they receive a disclosure of gender based violence they must report the information to the Title IX Coordinator who may follow up with the student. This report to the Title IX Coordinator could result in an on-campus Title IX investigation.

The following people on campus can receive disclosures of gender based violence confidentially without making a Title IX report. If the person disclosing or the campus community at large is at risk of danger, these confidential resources may have to disclose some information to the Title IX Coordinator, which could trigger a Title IX investigation. Students are welcome to tell as much or as little to these resources to find out what resources are available, as well as what options they have in reporting.

[Confidential Support Person Here]  
[Position Title Here]  
email@school.edu

[Confidential Support Person Here]  
[Position Title Here]  
email@school.edu

The following resources on campus are confidential resources, and are privileged in the communication they can have with students. [Insert appropriate language and names of support persons with privilege on campus if any.]

<sup>1</sup> VAWA Amendments to Clery.

<sup>2</sup> <http://www.doj.state.or.us/victims/compensation.shtml>

<sup>3</sup> <http://www.doj.state.or.us/victims/confidentiality.shtml>

<sup>4</sup> <http://www.ocadsv.org/find-help>

<sup>5</sup> <http://www.doj.state.or.us/victims/pages/assistance.aspx>

<sup>6</sup> HB 3476 outlines the parameters of privileged advocates on campuses in Oregon.

<sup>7</sup> Schools can also link [campus.oregonsatf.org](http://campus.oregonsatf.org) which describes different reporting obligations on campus.