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SB 19-007

FISCAL NOTE

Drafting Number: LLS 19-0437 Date: April 15, 2019
Prime Sponsors: Sen. Pettersen; Winter Bill Status: Senate Education
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Bill Topic: PREVENT SEXUAL MISCONDUCT AT HIGHER ED CAMPUSES

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill requires institutions of higher education to adopt sexual misconduct policies and offer related training to students and staff, and requires the Department of Higher Education to convene a biennial summit related to sexual misconduct prevention. The bill increases state workload and costs on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

Sexual misconduct policies. The bill requires that institutions of higher education adopt sexual misconduct policies for enrolled students. Policies must be adopted by August 1, 2020, updated periodically, and include the following:

- definitions consistent with federal law;
confidential and nonconfidential reporting options for sexual misconduct;
an explanation of the role of the institution in response to a report or violation;
procedures for investigating reports of sexual misconduct;
prohibitions on certain actions, such as retaliation or consideration of prior, irrelevant sexual conduct;
protection from disciplinary action against a complainant, reporting party, or witness, for policy violations such as consumption of alcohol or drugs; and
an appeals process that applies to both the complainant and the accused.

Support services. By August 1, 2020, each institution must provide information to students how to access support regarding sexual misconduct. A faculty or staff member may provide the support, as long as the individual is not the institution's Title IX coordinator, or the institution may designate an outside entity to provide support. Institutions with fewer than 1,000 students may partner with another institution to provide support services.

Training. By August 1, 2020, each institution must offer annual training to new students and staff about the institution's sexual misconduct policy, the resources available, and awareness and prevention of sexual misconduct. The bill specifies what may be included in the training, and that information on the policy, training, and sexual misconduct prevention must be posted to the institution's website and distributed through email or other means of communication.

Reporting. By January 1, 2020, and each subsequent year, institutions must provide to the Department of Higher Education (DHE) their policy, or any updates to the policy, and a description of the training provided, to be posted on DHE's website.

Summits. Beginning August 1, 2020, DHE must convene a planning committee to host biennial summits on sexual misconduct on institution campuses for interested persons to facilitate communication, share information, and hear from experts as it relates to awareness and prevention of sexual misconduct. The bill specifies the membership and appointment procedures of the ten-person committee, which must report to the General Assembly a summary of the events, attendees, outcomes, and recommendations by January 15 in the year following a summit.

State Expenditures

The bill increases workload and costs for DHE and institutions of higher education, as discussed below.

Department of Higher Education. The bill increases expenditures for the DHE to host and the committee to convene the summit every other year. Costs may include food, materials, speakers, travel, and other related costs. Based on the cost of convening meetings of a similar size, holding the summit is expected to cost approximately \$5,000 every other year. No change in appropriations is required.

In addition, the bill increases the workload for DHE to collect the required information from the institutions to be posted on the website, answer any questions from institutions, and convene the planning committee. The fiscal note assumes that members of the planning committee will not be compensated or reimbursed for expenses. This workload increase can be accomplished within current appropriations.

Institutions of higher education. The bill increases costs and workload for institutions of higher education to adopt sexual misconduct policies, adjust current procedures, and provide training to students and staff. Costs will vary among institutions and depend on the sexual misconduct policies, training, and support staff that are already in place. No change in appropriations is required.

Technical Note

The bill requires that institutions provide a copy of their sexual misconduct policy and a description of the required training to DHE by January 1, 2020, but the policies do not have to be adopted until August 2, 2020. The fiscal note assumes that the bulk of the work developing the policy and training will occur in FY 2019-20.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Higher Education