



Legislative  
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**FINAL  
FISCAL NOTE**

<b>Drafting Number:</b>	LLS 18-0399	<b>Date:</b>	June 12, 2018
<b>Prime Sponsors:</b>	Rep. Duran; Winter Sen. Martinez Humenik; Kerr	<b>Bill Status:</b>	Postponed Indefinitely
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**Bill Topic:** SEXUAL MISCONDUCT IN HIGHER EDUCATION

**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> 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 biennial summit related to sexual misconduct prevention. The bill increases workload and costs on an ongoing basis.

**Appropriation Summary:** For FY 2018-19, the bill requires an appropriation of \$5,000 to the Department of Higher Education.

**Fiscal Note Status:** The fiscal note reflects the introduced bill. The bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Table 1  
State Fiscal Impacts Under HB 18-1391**

		FY 2018-19	FY 2019-20	FY 2020-21
<b>Revenue</b>		-	-	-
<b>Expenditures</b>	General Fund	at least \$5,000	-	at least \$5,000
<b>Transfers</b>		-	-	-
<b>TABOR Refund</b>		-	-	-

## 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, 2019, 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 and violation;
- procedures for investigating reports of sexual misconduct that meet certain criteria;
- prohibitions on certain actions, such as retaliation or consideration of prior, irrelevant sexual conduct;
- protection from disciplinary action against a complainant, or witness, for policy violations such as consumption of alcohol or drugs; and
- an appeal process that applies to both the complainant and the accused.

**Support services.** Each institution must provide information to students on how to access support regarding sexual misconduct. A faculty or staff member may fill this role, 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.** Each institution must offer annual training to new students and staff about the institution's sexual misconduct policy, the resources available to students, and awareness and prevention of sexual misconduct. The bill specifies what may be included in the training and that information on the policy and sexual misconduct prevention must also be displayed on the institution's website and annually distributed through email or other means of communication.

**Reporting.** By January 1, 2019 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.** 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, by January 15 in the year following a summit, must report to the education committees of the General Assembly a summary of events, attendees, outcomes, and recommendations.

## State Expenditures

The bill increases state General Fund expenditures by at least \$5,000 in the DHE in FY 2018-19. Costs occur in FY 2018-19, but do not occur in FY 2019-20, as a summit must be held every other year and the fiscal note assumes that the first summit will be held in FY 2018-19.

**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, the fiscal note assumes that a minimum of \$5,000 is required to hold the summit; however, should the General Assembly decide to provide additional funding, the scope, profile, and size of the summit will increase.

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 the institutions, and convene the planning committee. 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 significantly among institutions and depend on the sexual misconduct policies, training, and support staff that are currently in place.

## Technical Note

The bill requires that institutions provide a copy of their sexual misconduct policy and description of the required training to DHE by January 1, 2019, but policies do not have to be adopted until August 1, 2019. The fiscal note assumes that a bulk of the work developing the policy and training will occur in FY 2018-19.

## Effective Date

The bill was postponed indefinitely by the Senate Appropriations Committee on May 1, 2018.

## State Appropriations

For FY 2018-19, the bill requires a General Fund appropriation of \$5,000 to the Department of Higher Education.

## State and Local Government Contacts

Higher Education