

Department of Legislative Services
 Maryland General Assembly
 2018 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1238 (Delegate Hettleman, *et al.*)
 Appropriations

Higher Education - Sexual Assault Response Training - Requirements and Grant Program

This bill requires each institution of higher education, beginning in the 2018-2019 academic year, to provide annual sexual assault response training that is survivor-centered and meets specified requirements to any employee, contractor, or enrolled student of the institution who may be involved in specified tasks related to sexual violence or assault. A minimum of eight hours of training must be provided to specified individuals. The bill also establishes a Sexual Assault Response Training at Institutions of Higher Education Grant Program to be administered by the Maryland Higher Education Commission (MHEC). The Governor must include at least \$1.0 million annually for the program. **The bill takes effect July 1, 2018.**

Fiscal Summary

State Effect: General fund expenditures increase by \$1.0 million annually beginning in FY 2019 to administer and award grants under the program. Public institutions of higher education expenditures increase beginning in FY 2019 to develop and deliver the required training; their expenditures may be offset by grants from MHEC. **This bill establishes a mandated appropriation beginning in FY 2020.**

(\$ in millions)	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
Higher Ed Rev.	-	-	-	-	-
GF Expenditure	\$1.0	\$1.0	\$1.0	\$1.0	\$1.0
Higher Ed Exp.	-	-	-	-	-
Net Effect	(\$1.0)	(\$1.0)	(\$1.0)	(\$1.0)	(\$1.0)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local community college expenditures increase beginning in FY 2019 to develop and deliver the required training; their expenditures may be partly or fully offset by grants from MHEC. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary:

Training

Beginning in the 2018-2019 academic year, training must be provided to individuals that may be involved in a student report of an alleged incident as specified, the referral of or provision of services to a survivor as specified, or a campus disciplinary procedure that results from an alleged violation of an institution's sexual assault policy.

At least eight hours of training must be provided to Title IX coordinators, members of the institution's campus law enforcement unit or campus security, any individual responsible for investigating alleged violations of the institution's sexual assault policy, and any individual responsible for determining whether a violation of the institution's sexual assault policy occurred.

The training must include specified elements, including the sexual assault policy of the institution and the effects of trauma on a survivor of sexual violence, domestic violence, dating violence, or stalking.

On the request of a federally recognized State sexual assault coalition or a local rape crisis program, an institution of higher education must provide a copy of the training required by the bill.

Each institution of higher education must report the costs of compliance with the bill as a separate line item in its budget.

Grant Program

The purpose of the grant program is to award grants to institutions of higher education to develop and implement programs related to sexual assault prevention and response, including:

- training programs required by the bill;
- programs to prevent sexual and gender-based harassment;
- the provision of services for victims of sexual assault; and
- education and outreach programs to prevent sexual assault.

MHEC must place priority on grants that meet specified conditions. MHEC must adopt regulations necessary to implement the grant program.

Current Law/Background: Since 1993, all institutions of higher education in the State, including local community colleges and public and private four-year institutions, have been required to have sexual assault policies. Chapter 436 of 2015 specifically requires the sexual assault policies of higher education institutions in the State to comply with Title IX of the Education Amendments of 1972 and to include additional specified procedures and provisions. Reporting sexual assault or violence can be very difficult for survivors.

St. Mary’s College of Maryland (SMCM) reports that, under the bill, almost all faculty and staff would be required to complete the annual training. SMCM advises that current practice does require faculty and staff to complete similar training, although it is not necessarily completed annually. SMCM advises training will likely be provided online.

Morgan State University (MSU) reports that its current sexual assault training costs, approximately \$13,500 per year, has been funded by a grant which ends in 2020. After that time, MSU will need to identify other funds to sustain the training. In addition, for the last two years, MSU has paid approximately \$14,000 annually for online sexual assault training; MSU has one more year under this contract.

State Fiscal Effect: Beginning in fiscal 2019, general fund expenditures increase by \$1.0 million for the grant program and related administration costs. This estimate assumes funding is provided in fiscal 2019 since the bill requires training to be provided beginning in the 2018-2019 academic year. Also, as the bill does not specify otherwise, this estimate assumes administration costs can be covered with the mandated appropriation. Accordingly, the estimate reflects the cost of hiring one half-time administrative specialist to administer the grant program, which includes prioritizing grants for institutions that meet specified conditions. The estimate reflects a 90-day start-up delay following the bill’s October 1, 2018 effective date, which assumes grant funding may be provided for the spring semester in 2019.

Position	0.5
Salary and Fringe Benefits	\$30,313
One-time and Ongoing Operating Costs	5,125
Grant Awards	<u>964,562</u>
Total MHEC Expenditures in FY 2019	1,000,000

Future year expenditures reflect a half-time salary with an annual increase and employee turnover and ongoing operating expenses. Accordingly, the residual mandated funding available for grant awards is slightly reduced each year.

It is unknown how much it will cost public four-year institutions of higher education and Baltimore City Community College to provide the required training. *For informational purposes*, similar online training currently costs MSU \$14,000 annually. It is also unknown how MHEC will distribute the grants that may partly or fully offset the costs to provide the training (or that may be used for other specified purposes). Thus, the overall impact on institutions is unknown. However, in most cases, the costs are likely to be absorbable.

Local Fiscal Effect: As stated above, the costs related to the training required by the bill are unknown. As generally nonresidential campuses with fewer resources devoted to student life, costs may not be absorbable for local community colleges. Local community colleges may receive grants from MHEC to offset those costs and for other specified purposes.

Additional Comments: Private nonprofit institutions of higher education also need to provide the required training to specified individuals. As for public institutions of higher education, their expenditures may be partly or fully offset by grants from MHEC. They may also receive grants for other specified purposes.

Additional Information

Prior Introductions: None.

Cross File: SB 1203 (Senator Kagan) - Rules.

Information Source(s): Maryland Higher Education Commission; Baltimore City Community College; University System of Maryland; Morgan State University; St. Mary's College of Maryland; Maryland Independent College and University Association; Department of Legislative Services

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nb/rhh

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