

HIGHER EDUCATION SEXUAL ASSAULT PREVENTION MEASURES

Phone: (517) 373-8080
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House Bill 5792 (proposed substitute H-1)

Sponsor: Rep. Jon Hoadley

Committee: Law and Justice

Complete to 5-21-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5792 would create the *Campus Sexual Assault Response Improvement Plan and Grant Act*. The Act would strongly encourage institutions of higher education (“institutions”) to do all of the following:

- Develop a 5-year campus sexual assault improvement plan after conducting at least two public meetings regarding the plan that identify the specific steps necessary for the institution to improve responses to campus sexual assault. The plan could include the following:
 - Specific data points in the annual Title IX report issued by the institution.
 - Methods to improve counseling services, including hiring additional counseling staff or providing additional resources to counseling staff.
 - Training for Title IX investigators and hiring additional Title IX investigators.
 - Education for students and employees regarding sexual assault, bystander intervention, and mandated reporting.
 - Hiring interim measures specialists.
- Submit the 5-year plan to the Michigan Department of Health and Human Services (DHHS) and the Michigan Domestic and Sexual Violence Prevention and Treatment Board (“the Board”) and make the plan available to the public, no later than January 1, 2019.
- Submit to DHHS and the Board a *final report* that details the specific steps identified in the report that the institution implemented and any improvements to campus responses, no later than January 1, 2024.

The bill would create a *campus sexual assault response improvement fund* (“the fund”) within the Department of Treasury, although DHHS would be the administrator of the fund for auditing purposes and would expend money from the fund, upon appropriation, only to provide grants to eligible institutions.

The state treasurer would receive money or other assets from any source for deposit into the fund, including general fund appropriations, gifts, state and federal grants, and bequests. The state treasurer would direct investment of the fund and credit interest and earnings from fund investments to the fund. Money in the fund at the close of the fiscal year would remain in the fund and not lapse to the general fund.

The bill would establish the *campus sexual assault response improvement grant program* in DHHS. Beginning October 1, 2019, DHHS, in consultation with the Michigan

Department of State Police (MSP) and the Board, would be required to assist institutions in implementing improvement measures for campus sexual assault by providing funding to eligible institutions from the fund. DHHS would also have to develop guidelines and procedures for the program, create evaluation measures for use of the fund, and make the evaluation measures available to the institutions.

Any institution that had developed a qualifying 5-year sexual assault improvement plan and had provided that plan could apply to DHHS to participate in the program. Grants awarded under this section would be for a period of 5 years.

Under the bill, institutions awarded a grant would have to submit *annual reports* on the progress of their plans. The grants could be used for any of the following:

- To hire additional counseling staff or provide additional counseling resources.
- To hire and train Title IX investigators.
- To educate students and employees regarding sexual assault, bystander intervention, and reporting.
- To hire interim measures specialists.
- To implement any other measure that the institution identified as a necessary step to improve responses to campus sexual assault.

The Board would monitor, review, and evaluate the program by providing technical assistance to each institution, rating each plan, and providing other assistance as appropriate.

After receiving a final report or annual report, and once every 5 years after that, DHHS and the Board would compile a report of best practices for responses to campus sexual assault, to be submitted to the legislature and made available to the public on DHHS's website.

FISCAL IMPACT:

House Bill 5792 would increase costs to the Department of Health and Human Services (DHHS) and would have no fiscal impact on local units of government. The amount of increase to DHHS would depend upon the cost of the additional required administrative responsibilities under the bill's provisions, such as administering both the new Campus Sexual Assault Response Improvement Fund and the new Campus Sexual Assault Response Improvement Grant Program. The bill requires that the Michigan Domestic and Sexual Violence Prevention and Treatment Board within DHHS monitor, review, and evaluate the new grant program each year, and that DHHS, in consultation with the Board, compile a report of the determined best practices for responses to campus sexual assault after the first year, and then every five years afterwards.

According to DHHS, the estimated increased administrative cost to the Department would be \$288,000 annually. These increased expenditures would fund two additional staff positions and the travel costs for monitoring and training for the grant program. In addition, any future state funding that might be appropriated for the purpose of the grant awards themselves would increase costs to the state by the amount of that funding as

well. However, House Bill 5792 does not currently appropriate any specific funding for grant awards.

House Bill 5792 would have an indeterminate impact on public community colleges and universities in the state. The bill “strongly encourages” schools to develop campus sexual assault improvement plans, potentially resulting in some schools deciding not to do any of the recommendations and the bill having no fiscal impact. Schools that wish to apply for the grant money offered in the bill would have to meet the program requirements set by DHHS, potentially leading to an increased cost for schools. Due to the wide variation between the 15 public universities and the 28 public community colleges, along with the incalculable costs associated with the encouraged changes, no fiscal figure can be determined.

House Bill 5792 would likely have no fiscal impact on the Department of State Police (MSP). The provisions of this bill would require the MSP to consult with the Department of Health and Human Services in order to assist with administering grants to institutions of higher education under the Campus Sexual Assault Response Improvement Grant Program. The Grants and Community Services Division of the MSP has knowledge in this area, as it currently administers the Sexual Assault Prevention and Education Initiative, which awards grants to institutions of higher education for various sexual assault prevention programs.

Legislative Analyst: Jenny McInerney
Fiscal Analysts: Viola Bay Wild
Perry Zielak
Kent Dell

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.