



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 5792 (Substitute H-1 as passed by the House)
Sponsor: Representative Jon Hoadley
House Committee: Law and Justice
Senate Committee: Judiciary

Date Completed: 6-4-18

CONTENT

The bill would enact the "Campus Sexual Assault Response Improvement Plan and Grant Act" to do the following:

- **Encourage institutions of higher education to develop a five-year campus sexual assault improvement plan.**
- **Encourage institutions to submit the plans to the Department of Health and Human Services and the Michigan Domestic and Sexual Violence Prevention and Treatment Board by January 1, 2019, and submit to those entities a final report regarding the plans' implementation and any improvements to responses to campus sexual assault by January 1, 2024.**
- **Establish the "Campus Sexual Assault Response Improvement Grant Fund" within the Department of Treasury.**
- **Establish the Campus Sexual Assault Response Improvement Grant Program within the Department of Health and Human Services, and require the Michigan Domestic and Sexual Violence Prevention and Treatment Board to monitor, review, and evaluate the Program.**
- **Allow an institution of higher education that had developed a five-year campus sexual assault improvement plan to participate in the Program.**
- **Provide for grants to be given to Program participants, and specify the purposes for which grant funds could be used.**
- **Require the Department to compile a report of best practices for responses to campus sexual assault after receiving a final report or an annual report, and then once every five years.**

The bill would take effect 90 days after it was enacted.

Five-Year Campus Sexual Assault Improvement Plan

Each institution of higher education would be "strongly encouraged" to develop a five-year campus sexual assault improvement plan, after conducting the meetings described below, that identified the specific steps necessary for that institution to improve responses to campus sexual assault. A 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 investigators; education for students and employees regarding sexual assault, bystander intervention, and reporting; and hiring interim measures specialists.

Each institution of higher education also would be strongly encouraged to do the following:

- Conduct at least two public meetings regarding the development of the five-year campus sexual assault improvement plan.
- Not later than January 1, 2019, submit the five-year plan to the Department and the Michigan Domestic and Sexual Violence Prevention and Treatment Board and make the report available to the public on that institution's website.
- Not later than January 1, 2024, submit to the Department and the Board a final report that detailed the specific steps identified in the report that the institution of higher education implemented and any improvements to responses to campus sexual assault.

"Institution of higher education" would mean an institution of higher education, a public community college, or a public junior college created under or established by law under the State Constitution.

"Interim measures specialist" would mean an employee who oversees the implementation of interim measures to ensure continued participation in education by and the safety of a student who has filed an initial complaint of sexual assault until the final resolution of the complaint.

"Title IX" would mean Title IX of Public Law 92-318. (Title IX is a Federal law that prohibits discrimination based on sex in educational programs or activities that receive Federal financial assistance.)

"Title IX report" would mean the report described in Section 274d of the State School Aid Act. (That section requires each university receiving appropriations under the Act, by October 1, to report to the House and Senate Appropriations subcommittees on higher education, the House and Senate Fiscal Agencies, and the State Budget Director its annual Title IX report, also known as the student sexual misconduct report, issued by the Title IX coordinator, as required by Federal law.)

Campus Sexual Assault Response Improvement Grant Fund

The Fund would be created within the Department of Treasury. The State Treasurer could 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 have to direct investment of the Campus Sexual Assault Response Improvement Grant Fund, and credit to it interests and earnings from Fund investments.

The Department of Health and Human Services would be the administrator of the Fund for auditing purposes, and would have to spend money from the Fund, upon appropriation, only to provide grants to eligible institutions of higher education. Money in the Fund at the close of the fiscal year would have to remain in the Fund and not lapse to the General Fund.

Campus Sexual Assault Response Improvement Grant Program

The Program would be established in the Department. Beginning October 1, 2019, the Department, in consultation with the Department of State Police and the Michigan Domestic and Sexual Violence Prevention and Treatment Board, would have to assist institutions of higher education in implementing improvement measures for campus sexual assault response by providing funding to do so to eligible institutions from the Campus Sexual Assault Response Improvement Grant Fund. The Department of Health and Human Services would have to develop guidelines and procedures for the Program, create evaluation measures for the use of the Fund, and make the evaluation measures available to the institutions of higher education that participated in the Program.

An institution of higher education could apply to the Department to participate in the Program and would not be prohibited from applying if that institution had been or were awarded a different grant to improve the safety and security of students, faculty, and staff by addressing campus sexual assault issues.

An institution of higher education that had developed a five-year campus sexual assault improvement plan would be eligible to participate in the Program. An eligible institution could apply to participate in the Program by providing the Department with the five-year sexual assault improvement plan in the manner required by the Department.

A grant awarded to an institution of higher education would be for a period of five years. The institution would have to give to the Department and the Michigan Domestic and Sexual Violence Prevention and Treatment Board an annual report on the progress of the five-year campus sexual assault improvement plan provided to the Department and the Board, and could use the grant funds for any of the following:

- To improve counseling services by hiring additional counseling staff or providing additional resources to counseling staff.
- To train Title IX investigators and hire additional 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 Michigan Domestic and Sexual Violence Prevention and Treatment Board would have to monitor, review, and evaluate the Program by doing the following each year:

- Providing technical assistance to each institution of higher education participating in the Program.
- Rating each five-year campus sexual assault improvement plan by identifying the steps implemented as a result of participation in the Program to improve responses to campus sexual assault.
- Providing other assistance in implementing the Program, as appropriate.

Best Practices Report

After receiving a final report or an annual report, and then once every five years, the Department, in consultation with the Domestic and Sexual Violence Prevention and Treatment Board, would have to compile a report of best practices for responses to campus sexual assault. A compiled report would have to be submitted to the Legislature and made available to the public on the internet on the Department's website.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill would have an indeterminate impact on public universities and local community college districts that would depend on the number of institutions that chose to develop five-year campus sexual assault improvement plans, costs related to the development of those plans, and the availability and amount of grant funding available in the Campus Sexual Assault Response Improvement Grant Fund.

The bill also would result in a cost to the Michigan Department of Health and Human Services (DHHS) to assist institutions of higher education in implementing improvement measures for campus sexual assault response. The cost to the DHHS would be in administering the Program and for the Michigan Domestic and Sexual Violence Prevention and Treatment Board to monitor, review, and evaluate the grant program. The DHHS has estimated a cost of \$288,000 annually to administer the Program. As the requirement on the Board would be contingent on appropriations made to the proposed Fund as well as any participating institutions of higher education, there would be no costs in administering the Program until there were participants and funds available to be awarded. It is likely that there would be some implementation costs to set up the Program regardless of the commencement of activity related to the Fund.

The bill also would have a minor fiscal impact on the Department of Treasury. The Department would experience costs from administering the Campus Sexual Assault Response Improvement Grant Fund. These costs would likely be minimal and within current appropriations.

Fiscal Analyst: Bill Bowerman
John Maxwell
Cory Savino

SAS\S1718\s5792sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.