

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB 712

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Richard H. Black

3. Committee: Passed both houses

4. Title: Requires the establishment at each institution of higher education: a review committee for sexual violence, a memorandum of understanding with local sexual assault crisis centers, and annual certification of review of the institution's sexual violence policy.

5. Summary: Requires the establishment at each institution of higher education:

- A review committee to review information related to acts of sexual violence submitted to it. The committee can be the existing threat assessment team or a separate body, but shall consist of the Title IX coordinator established pursuant to this legislation, a representative of law enforcement, and a student affairs representative. The legislation requires any employee (except attorneys, clergy members, professional counselors, health care professionals or their administrators, and rape crisis or domestic violence counselors, if the information was obtained through legal, religious, or other professional duties) who obtains information that an act of sexual violence has occurred against a student, on campus, or on noncampus or public property, to report such information as soon as practicable to the Title IX coordinator, who then must report such information to the review committee. The legislation requires the review committee, within 72 hours of receiving information, to meet and review the information to determine if (i) the disclosure of such information is necessary to protect the student or other individuals or (ii) if the alleged act constitutes a felony criminal sexual assault, and for the Title IX coordinator to disclose such information in scenario (i) to the relevant law enforcement agency, or for the law enforcement representative to consult with the local Commonwealth's attorney within 24 hours in scenario (ii);
- A written memorandum of understanding with a local sexual assault crisis center or other victim support service to provide victims of sexual assault with immediate access to the center, and for the institution to adopt policies to provide information on contacting the sexual assault crisis center; and
- An annual review and update of the institution's sexual violence policy, and to certify such review and update to the State Council of Higher Education for Virginia (SCHEV). The bill requires SCHEV and the Department of Criminal Justice Services (DCJS) to establish criteria for the certification process and to report to the Secretary of Education annually the certification status of each institution. The bill also requires DCJS to monitor the impact of the legislation on local victim witness programs and to report to the Courts of Justice committees by October 2016.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final. See item 8.

8. Fiscal Implications: It is anticipated that any administrative efforts required to address the provisions of this legislation can be accommodated within existing resources of the higher education institutions. Specifically for the establishment of a Title IX Coordinator, it is expected that each institution of higher education currently has staff that possess relevant expertise and perform similar functions to the requirements of this legislation, and that this provision can be accomplished at no additional cost to the institution.

To the extent that the bill may impact law enforcement agencies and local victims services centers, it is anticipated that those entities will also be able to accommodate the provisions from within existing resources.

For the annual review of sexual misconduct policies, it is anticipated that any administrative efforts required to address the provisions of this legislation can be accommodated within existing resources of the higher education institutions. The establishment of certification criteria can be accommodated within existing resources at SCHEV and the Department of Criminal Justice Services, and it is anticipated that DCJS can also accommodate any additional costs of monitoring the workload of victim witness programs.

9. Specific Agency or Political Subdivisions Affected: Virginia's institutions of higher education, Virginia law enforcement agencies, local Commonwealth's attorneys, SCHEV, DCJS.

10. Technical Amendment Necessary: Line 95, after "of" and before "clergy" insert "the."

11. Other Comments: This bill is identical to HB 1930 as enrolled.