

FISCAL IMPACT OF PROPOSED LEGISLATION**Measure: HB 3456 - A8**

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

Only Impacts on Original or Engrossed Versions are Considered Official

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Measure Description:

Establishes the Sexual Misconduct Survey Council. Directs the Higher Education Coordinating Commission to provide staff support to the council.

Government Unit(s) Affected:

Higher Education Coordinating Commission, Public Universities, Community Colleges, Oregon Health and Science University, Legislative Assembly, Cities, Counties, Department of Human Services, Department of Justice

Summary of Fiscal Impact:

Costs related to the measure may require budgetary action - See analysis.

Summary of Expenditure Impact:

	2023-25 Biennium	2025-27 Biennium
Higher Education Coordinating Commission		
General Fund		
Personal Services	\$787,914	\$576,747
Services and Supplies	\$334,630	\$232,232
Total General Fund	\$1,122,544	\$808,979
Total Fiscal Impact	\$1,122,544	\$808,979
<i>Total Positions</i>	5	4
<i>Total FTE</i>	3.53	2.75

Analysis:

HB 3456 A-engrossed, as amended by the -A8 amendment, establishes the 23-member Sexual Misconduct Survey Council, consisting of 19 voting members and four nonvoting legislative members. The Higher Education Coordinating Commission (HECC) must provide staff support to the council. Legislative members of the council are entitled to compensation and reimbursement; all other council members may be reimbursed for actual and necessary expenses to the extent funds are available.

Every two years, the council must develop a base survey for distribution to institutions of higher education. The council must submit the first base survey to each institution of higher education by no later than January 1, 2024. The base survey must gather data on the number and type of incidents of sexual misconduct at institutions of higher education, and demographic data to identify at-risk communities. In addition, each institution of higher education must conduct a sexual misconduct climate survey of all students enrolled in a credit bearing program at the institution, at least once every two years, the results of which must be reported to HECC and posted on the institution's website. HECC must establish a data repository for all summaries of sexual misconduct climate surveys conducted by institutions of higher education.

With some exceptions, each institution of higher education must employ a certified advocate as part of a qualified victim services program to provide victim services related to sexual misconduct. A certified advocate must provide confidential services to students and assist students in reporting sexual misconduct to campus police or local law enforcement. Each institution must enter a memorandum of understanding with a community-

based domestic and sexual violence advocacy agency for the provision of confidential victim services, including fee structure, unless HECC grants a waiver.

Each institution of higher education must establish a trauma-informed, gender-inclusive sexual misconduct primary prevention and awareness training that must be attended annually by each student and employee of the institution. By October 1st of each year, each institution of higher education must submit a report to various legislative and executive branch officials, detailing the prevalence of sexual misconduct on campus based on the total number of allegations of sexual misconduct, the number of law enforcement investigations, and other significant data points. By September 15th of each year, HECC must submit a report to interim legislative committees related to higher education identifying each instance in which an institution of higher education violated or failed to carry out the provisions of this measure. The measure takes effect on passage and first applies to the 2023-24 academic year.

Higher Education Coordinating Commission

The measure is anticipated to have a fiscal impact on HECC. The measure directs HECC to appoint members to the Sexual Misconduct Survey Council, provide staff support to the council, conduct rulemaking related to the collection, analysis, and distribution of survey results, and submit annual reports to interim legislative committees.

To handle this increase in workload, HECC anticipates needing five positions (3.53 FTE), including one limited duration, full-time Operations and Policy Analyst 4 position; one permanent, part-time Research Analyst 4 position; one permanent, full-time Research Analyst 4 position; one permanent, full-time Administrative Specialist 2 position; and one permanent, part-time Operations and Policy Analyst 4 position. These positions will develop council membership, coordinate with institutional and community-based partners, provide staff support to the council, develop rules around the collection, analysis, and distribution of survey results, and refine the survey methodology as needed, and annually report to interim legislative committees. In addition, HECC anticipates contracting with a survey firm to help develop the survey distributed to institutions of higher education. The estimated cost of this contract is \$150,000 in the first year and \$50,000 every year thereafter.

The estimated fiscal impact to HECC is \$1,122,544 General Fund in the 2023-25 biennium and \$808,979 General Fund in the 2025-27 biennium.

Community Colleges and Public Universities

The fiscal impact to public universities and community colleges is indeterminate but anticipated to be absorbable. The cost of administering the survey will depend on the base survey created by the Sexual Misconduct Survey Council, and how HECC decides to collect the reported data and establish a data repository for all summaries of sexual misconduct climate surveys conducted by institutions of higher education.

The measure requires each public university and community colleges to establish and administer an annual misconduct prevention and awareness training, which must be attended by all student enrolled in a credit bearing program and all college employees. Under current policies and practices, these institutions provide some level of training that could be modified to meet the requirements of this measure.

The measure also requires each institution to enter into a memorandum of understanding with a community-based domestic and sexual violence advocacy agency for the provision of confidential victim services, including fee structure, unless HECC grants a waiver. In addition, the measure requires public universities to hire a certified advocate as part of institution-based qualified victim services program. No community college has more than 1,000 students living on campus, so the certified victim advocate requirement does not apply to the colleges. Currently, all seven universities have partnerships with local crisis and domestic violence centers in their communities which can be modified to comply with the requirements of this measure.

Other Government Units

The measure is anticipated to have a minimal fiscal impact on the Legislative Assembly, and no fiscal impact on cities, counties, the Department of Human Services, and the Department of Justice.