

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: HB1830

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

2. Patron: Lindsey

3. Committee: Education

4. Title: Higher educational institutions, certain; sexual violence policies, student rights.

5. Summary: Requires the Virginia Community College System, Richard Bland College, each baccalaureate public institution of higher education, and each nonprofit, private institution of higher education to include in its sexual violence policy certain rights of each student who alleges a violation of such policy and each student who is alleged to have violated such policy, including notice, an opportunity to be heard, and assistance by a licensed attorney, an advocate supervised by a licensed attorney, or another trained advocate in any disciplinary proceeding relating to the alleged violation. The bill requires the State Council of Higher Education for Virginia (the Council) (i) in consultation with state and local bar associations and legal services providers with experience and expertise in disciplinary proceedings relating to alleged violations of the sexual violence policies of such institutions, to generate and maintain a list of attorneys and advocates who are qualified and willing to provide such assistance to students on a pro bono basis or at a reduced-fee rate equivalent to the fee charged by the Legal Services Corporation of Virginia to provide such assistance and (ii) to provide to any attorney or advocate retained by a student funds to provide such assistance at such reduced-fee rate, regardless of whether such attorney or advocate is on the list generated and maintained by the Council.

6. Budget Amendment Necessary: No, as a specific dollar amount cannot be determined at this time.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: The inclusion of attorney representatives on behalf of students as defined in the legislation would cause disciplinary proceedings to become more legalistic, which would in turn necessitate attorney representatives for the institution in all such proceedings. As such, additional attorneys likely will be required at institutions of higher education or at the Office of the Attorney General, as well as associated costs relating to evidence collection and retention.

Additionally, this legislation requires the State Council of Higher Education (SCHEV) to maintain a database of attorneys willing to assist students alleged to have violated a sexual violence policy at a reduced rate and establish a fund from which to compensate attorneys at this rate. A survey of institutions reveals up to 40 cases per year at the largest campuses that

would fall under the strictures of this legislation. This could require SCHEV to compensate attorneys in hundreds of cases per year, system-wide, at an undetermined rate. The Council also would incur administrative costs to keep the database current and to process payments to attorneys, activities that are outside the scope of current activities and present expertise of SCHEV staff.

9. Specific Agency or Political Subdivisions Affected: Institutions of higher education, Office of the Attorney General, SCHEV

10. Technical Amendment Necessary: No.

11. Other Comments: None.