

SF1035 - 0 - Campus Sexual Misconduct Provisions Modified

Chief Author: **Lindsey Port**
 Committee: **Higher Education**
 Date Completed: **2/27/2025 10:08:19 AM**
 Lead Agency: **Office of Higher Education**
 Other Agencies:
 Minnesota State University Of Minnesota

State Fiscal Impact	Yes	No
Expenditures	X	
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative.
 Reductions shown in the parentheses.

State Cost (Savings)		Biennium		Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028
University Of Minnesota		-	-	-	-
General Fund		-	-	-	-
State Total					
General Fund		-	-	-	-
Total		-	-	-	-
Biennial Total				-	-

Full Time Equivalent Positions (FTE)		Biennium		Biennium	
		FY2025	FY2026	FY2027	FY2028
University Of Minnesota		-	-	-	-
General Fund		-	.01	-	-
Total		-	.01	-	-

Lead LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Steve McDaniel **Date:** 2/27/2025 10:08:19 AM
Phone: 651-284-6437 **Email:** steve.mcdaniel@lbo.mn.gov

State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
University Of Minnesota		-	-	-	-	-
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
University Of Minnesota		-	-	-	-	-
General Fund						
Expenditures		-	2	-	-	-
Absorbed Costs		-	(2)	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
University Of Minnesota		-	-	-	-	-
General Fund		-	-	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-

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 Agency: **Office of Higher Education**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Steve McDaniel **Date:** 2/20/2025 12:53:35 PM
Phone: 651-284-6437 **Email:** steve.mcdaniel@lbo.mn.gov

State Cost (Savings) Calculation Details

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Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

SF 1035 requires postsecondary institutions to follow certain elements in their campus sexual misconduct grievance procedures.

Subdivision 1a defines certain terms referenced in current and proposed statute.

Section 2 Subd. 2a instructs postsecondary institutions to offer a timely, impartial and thorough investigation of sexual misconduct.

- A. Establishes a sexual misconduct grievance process.
- B. Requires postsecondary institutions to treat each party with dignity and respect
- C. Codifies due process protections for the reporting and responding parties that includes specific elements
- D. Offers a hearing or other proceeding, with guardrails, for parties to inspect, question, and respond to relevant evidence and credibility of parties and witnesses, through an advisor, who can be a lawyer.
 - a. Prohibits parties from conducting cross-examination themselves
 - b. Prevents use of personal information such as mental health records or prior sexual behavior in the campus misconduct investigation and decision-making process.
 - c. Requires institutions to continue campus sexual misconduct proceeding at the same time as a criminal investigation.
 - d. Provides the ability for parties to provide testimony without seeing the other party in person.
 - e. Sends the decision or outcome to parties simultaneously
 - f. Informs of on and off campus resources at the conclusion of a proceeding and before a decision.
 - g. Uses the 'preponderance of the evidence' standard of proof in cases that involve students.
 - h. Forbids retaliation against parties or witnesses involved in the campus sexual misconduct grievance process

Assumptions

There are no foreseen financial impacts for the Office of Higher Education. Any outreach and training for 79 institutions (current) and 102 institutions when the 2024 amendments to 135A.15 take effect, will be administered by the Title IX Training Administrator at OHE within the existing appropriated funds.

The 2020 Title IX regulations require many elements of the proposed bill. Institutions are required to train on investigation and decision-making, procedures free from bias, and other elements of a campus sexual misconduct grievance process. The Sexual Violence Prevention & Response (SVPR) has previously offered the following training opportunities within the current budget of \$50,000.00 appropriated for campus outreach that fulfills support related to this provision of statute: Investigator Training, Enhancing Safety Planning with Trauma Informed Restorative Justice, Consent Analysis in Investigations, Informal Resolution Process and Navigating a Concurrent Title IX Investigation and Criminal Proceeding. Other training opportunities are available that are related to the contents in this bill. OHE Sexual Violence Prevention & Response program commits to supporting topics related to this entire statute annually under <https://www.revisor.mn.gov/statutes/cite/135A.15>

Postsecondary stakeholders in sexual misconduct prevention and response expressed they have limited funds for professional development, travel and lodging. Based on this feedback OHE SVPR offers most of the programming virtually to offer equitable access to training opportunities. Private colleges and universities may experience additional and unaccounted costs due to federal and state statutes.

Expenditure and/or Revenue Formula

None

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

OHE SVPR Program.

Agency Contact: Melissa Watschke

Agency Fiscal Note Coordinator Signature: Michelle Scott

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Chief Author: **Lindsey Port**
 Committee: **Higher Education**
 Date Completed: **2/27/2025 10:08:19 AM**
 Agency: **Minnesota State**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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State Cost (Savings)		Biennium			Biennium	
Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-
Biennial Total				-		-

Full Time Equivalent Positions (FTE)		Biennium			Biennium	
		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Steve McDaniel **Date:** 2/27/2025 10:07:19 AM
Phone: 651-284-6437 **Email:** steve.mcdaniel@lbo.mn.gov

State Cost (Savings) Calculation Details

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Dollars in Thousands		FY2025	FY2026	FY2027	FY2028	FY2029
Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

This bill amends Minnesota Statute Section 135A.15A by adding a definition of “retaliation” and changing the investigation and disciplinary hearing provisions in Subdivision 2a by:

1. amending paragraph (a) to require a grievance process that includes the possibility of non-disciplinary restorative justice options
2. amending paragraph (c) to require
 - i. due process protections before imposing disciplinary action against a responding party and
 - ii. publication of the grievance process for a responding party who is an employee if it differs from the grievance process for a responding party who is a student (paragraph c)
3. adding paragraph (d) to require that any proceeding related to discipline
 - i. provides both the reporting party and the responding party equal opportunity to:
 - present evidence and witnesses;
 - have an advisor/attorney involved;
 - inspect, review and respond to evidence and testimony; and
 - discuss the proceedings with their advisor/attorney and parents/guardians
 - ii. requires the institution to:
 - allow both parties to question the credibility of each other and witnesses;
 - appoint a decision-maker or panel (not the investigator) to assess the credibility of witnesses;
 - allow an advisor to provide opening and closing remarks or assist with formulating questions to the other party or witnesses in a hearing;
 - allow both parties to provide testimony and review the other’s testimony without encountering the other party in person;
 - proceed with any campus grievance process with a criminal investigation; and
 - deliver the outcome of the grievance process simultaneously to both parties
 - iii. requires that any cross-examination (if allowed) be performed by a neutral third party or an adjudicator of the campus proceeding
 - iv. does not permit personal information related to character witness or the sexual behavior of the reporting party or mental health records
 - v. requires the institution to involve any applicable counseling services by:

- informing the services in a timely manner that a decision of sexual misconduct will occur, without naming the parties;
- ensuring availability of the services;
- referring parties equitably

vi. applies a preponderance of evidence standard of proof, and

vii. prohibits retaliation against a reporting party, responding party, or witness due to the person's participation in the process.

Assumptions

Minnesota State's current policy is in compliance with the proposed statutory revisions, so there would be no new costs associated with the bill.

Expenditure and/or Revenue Formula

Long-Term Fiscal Considerations

In order to help disciplinary proceedings most efficiently focus on recognizing and appropriately reacting to sexual misconduct, additional efforts will need to be made to increase awareness of policies, reduce the amount of time proceedings take, and increase the effectiveness of those proceedings. Some of these efforts will require additional funding.

Local Fiscal Impact

References/Sources

Agency Contact: Steve Ernest (651-201-1710)

Agency Fiscal Note Coordinator Signature: Steve Ernest

Phone: 651-201-1710

Date: 2/27/2025 9:45:53 AM

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 Agency: **University Of Minnesota**

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Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

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	FY2025	FY2026	FY2027	FY2028	FY2029
Dollars in Thousands					
General Fund	-	-	-	-	-
Total	-	-	-	-	-
Biennial Total			-		-

Full Time Equivalent Positions (FTE)	Biennium			Biennium	
	FY2025	FY2026	FY2027	FY2028	FY2029
General Fund	-	.01	-	-	-
Total	-	.01	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Steve McDaniel **Date:** 2/26/2025 8:44:01 PM
Phone: 651-284-6437 **Email:** steve.mcdaniel@lbo.mn.gov

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Total		-	-	-	-	-
Biennial Total				-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
General Fund						
Expenditures		-	2	-	-	-
Absorbed Costs		-	(2)	-	-	-
Total		-	-	-	-	-
Biennial Total				-		-
2 - Revenues, Transfers In*						
General Fund						
Total		-	-	-	-	-
Biennial Total				-		-

Bill Description

SF1035 modifies preexisting provisions related to campus sexual misconduct. In particular, it adds a definition of retaliation and sets new and more specific requirements for sexual misconduct grievance procedures.

Assumptions

The University estimates that approximately 30 hours of the Equal Opportunity & Title IX Director's time would be required to make minor changes to University policy and procedure. This would be a one-time cost and absorbed by the University of Minnesota. The University can absorb this cost within its current operations.

The University would need to make the following changes to our sexual misconduct policy in order to implement SF 1035 as currently drafted: 1) newly state that all cross-examination must be performed by a neutral third party or disciplinary proceeding adjudicator, and could not be conducted by an advisor of the party's choice as our policy currently states; 2) newly state that character witnesses are not permitted; 3) newly state that consideration of mental health records is impermissible, even if the subject of the records provides written voluntary consent; and 4) newly state that the University will proceed with the campus sexual misconduct grievance process, if requested by the victim, concurrently with a criminal investigation.

Expenditure and/or Revenue Formula

30 hours x \$75/hour = \$2250

Long-Term Fiscal Considerations

None.

Local Fiscal Impact

References/Sources

Tina Marisam, Director and Title IX Coordinator, Equal Opportunity & Title IX Office, University of Minnesota

Agency Contact: Keeya Steel

Agency Fiscal Note Coordinator Signature: Keeya Steel

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Date: 2/26/2025 4:40:46 PM

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