

**SF1035 - 3A - Campus Sexual Misconduct Provisions Modified**

Chief Author: **Lindsey Port**  
 Committee: **Higher Education**  
 Date Completed: **4/2/2025 10:16:16 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.

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

<b>Full Time Equivalent Positions (FTE)</b>		<b>Biennium</b>			<b>Biennium</b>	
		FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>		-	-	-	-	-

**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:** 4/2/2025 10:16:16 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.

<b>State Cost (Savings) = 1-2</b>		<b>Biennium</b>			<b>Biennium</b>	
Dollars in Thousands		<b>FY2025</b>	<b>FY2026</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-

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<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-

<b>Full Time Equivalent Positions (FTE)</b>		<b>Biennium</b>			<b>Biennium</b>	
		FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>		-	-	-	-	-

**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:** 3/25/2025 12:14:57 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			-		-
<b>1 - Expenditures, Absorbed Costs*, Transfers Out*</b>						
	Total	-	-	-	-	-
	Biennial Total			-		-
<b>2 - Revenues, Transfers In*</b>						
	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.

- Establishes a sexual misconduct grievance process where remedial action may include any or all of the following: disciplinary action against the responding party, alternative resolution, or academic or residential supportive measures as requested by the victim
- Requires postsecondary institutions to treat each party with dignity and respect
- Codifies due process protections for the reporting and responding parties that includes a notice to the responding party with sufficient details about the allegations, supportive measures offered to the reporting and responding parties, and access review and respond to relevant evidence and testimony in an investigative report.
- A postsecondary institution must offer and coordinate, as needed, academic and residential supportive measures equitably to both reporting and responding parties participating in a campus sexual misconduct grievance process.
- A postsecondary institution must allow the reporting and responding parties to present and review relevant testimony by parties and witnesses, and relevant evidence compiled in an investigative report.
- 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.
  - Prohibits parties from conducting cross-examination themselves
  - Prevents use of personal information of the reporting party such as mental health records or prior sexual behavior in the campus misconduct investigation and decision-making process unless the information substantiates that misconduct occurred and is deemed relevant by a decision maker; if the reporting party signs a release and nonrelevant information is redacted, and the evidence proves consent, or someone other than the respondent committed the alleged conduct.
  - Requires institutions to continue campus sexual misconduct proceeding at the same time as a criminal investigation unless otherwise requested by local law enforcement.

- Provides the ability for parties to provide testimony without seeing the other party in person.
- Sends the decision or outcome to parties simultaneously.
- Informs of on and off campus resources at the conclusion of a proceeding and before a decision.
- Uses the 'preponderance of the evidence' standard of proof in cases that involve students.
- A postsecondary institution must have a policy on retaliation, including what constitutes retaliation and possible actions for students and employees if retaliation is found to have occurred

### **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 135A.15 Subd. 2a (b) and Subd. 8.

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**

### **Long-Term Fiscal Considerations**

### **Local Fiscal Impact**

### **References/Sources**

**Agency Contact:** Melissa Watschke

**Agency Fiscal Note Coordinator Signature:** Michelle Scott

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Chief Author: **Lindsey Port**  
 Committee: **Higher Education**  
 Date Completed: **4/2/2025 10:16:16 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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<b>Biennial Total</b>				-		-

<b>Full Time Equivalent Positions (FTE)</b>		<b>Biennium</b>			<b>Biennium</b>	
		FY2025	FY2026	FY2027	FY2028	FY2029
<b>Total</b>		-	-	-	-	-

**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:** 4/2/2025 10:14:40 AM  
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	Biennial Total			-		-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
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	Biennial Total			-		-
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	Total	-	-	-	-	-
	Biennial Total			-		-

### Bill Description

This bill amends certain provisions of Minnesota Statute Section 135A.15A.

### 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

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## SF1035 - 3A - Campus Sexual Misconduct Provisions Modified

Chief Author: **Lindsey Port**  
 Committee: **Higher Education**  
 Date Completed: **4/2/2025 10:16:16 AM**  
 Agency: **University Of Minnesota**

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

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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:** 4/2/2025 10:12:56 AM  
**Phone:** 651-284-6437 **Email:** steve.mcdaniel@lbo.mn.gov



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<b>Biennial Total</b>				-		-
<b>2 - Revenues, Transfers In*</b>						
<b>Total</b>		-	-	-	-	-
<b>Biennial Total</b>				-		-

**Bill Description**

SF1035-3A 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 of Minnesota estimates no fiscal impact. The University largely already meets the requirements of the bill and implementation would not require changes to University policy and procedure.

**Expenditure and/or Revenue Formula****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

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