

Multiple Agency Fiscal Note Summary

Bill Number: 2242 S HB	Title: Sexual assault/higher ed.
-------------------------------	---

Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
University of Washington	9.3	2,162,750	2,162,750	2,162,750	23.1	5,490,770	5,490,770	5,490,770	27.6	6,556,040	6,556,040	6,556,040
Washington State University	55.4	9,299,850	9,299,850	9,299,850	110.8	17,774,700	17,774,700	17,774,700	110.1	19,147,700	19,147,700	19,147,700
Eastern Washington University	2.0	480,000	480,000	480,000	6.0	1,380,000	1,380,000	1,380,000	8.0	1,930,000	1,930,000	1,930,000
Central Washington University	10.0	1,220,025	1,220,025	1,220,025	10.0	2,440,050	2,440,050	2,440,050	10.0	2,440,050	2,440,050	2,440,050
The Evergreen State College	5.0	1,038,607	1,038,607	1,038,607	10.0	1,958,714	1,958,714	1,958,714	10.0	1,958,714	1,958,714	1,958,714
Western Washington University	9.3	1,811,901	1,811,901	1,811,901	18.5	3,160,002	3,160,002	3,160,002	18.5	3,160,002	3,160,002	3,160,002
Community and Technical College System	34.0	10,613,000	10,613,000	10,613,000	68.0	20,776,000	20,776,000	20,776,000	68.0	20,776,000	20,776,000	20,776,000
Total \$	125.0	26,626,133	26,626,133	26,626,133	246.4	52,980,236	52,980,236	52,980,236	252.2	55,968,506	55,968,506	55,968,506

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
University of Washington	.0	0	0	.0	0	0	.0	0	0
Washington State University	.0	0	0	.0	0	0	.0	0	0
Eastern Washington University	.0	0	0	.0	0	0	.0	0	0
Central Washington University	.0	0	0	.0	0	0	.0	0	0
The Evergreen State College	.0	0	0	.0	0	0	.0	0	0
Western Washington University	.0	0	0	.0	0	0	.0	0	0
Community and Technical College System	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Ramona Nabors, OFM	Phone: (360) 742-8948	Date Published: Preliminary 2/ 5/2024
--	---------------------------------	---

Individual State Agency Fiscal Note

Bill Number: 2242 S HB	Title: Sexual assault/higher ed.	Agency: 360-University of Washington
-------------------------------	---	---

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	18.5	9.3	23.1	27.6
Account					
General Fund-State 001-1	0	2,162,750	2,162,750	5,490,770	6,556,040
Total \$	0	2,162,750	2,162,750	5,490,770	6,556,040

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/28/2024
Agency Preparation: Lauren Hatchett	Phone: 2066167203	Date: 02/01/2024
Agency Approval: Michael Lantz	Phone: 2065437466	Date: 02/01/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/01/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Compared to the original bill, Substitute House Bill 2242 makes the following changes:

- Uses “sex-based violence and harassment” instead of “sexual harassment, sexual assault, and gender-based violence.”
- Changes the timeline for Title IX and other investigations to begin at the time of an investigation is initiated rather than when a report is made.
- Notes that “confidential advocates” may be institutional personnel or personnel from local victims advocacy organizations in partnership with the institution.
- Certain requirements are delayed.
- Provisions of the bill now only apply to public institutions of higher education that serve 8,000 students or more.
- Public and Private institutions of higher education are prohibited from requesting, proposing, or pressuring a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, law enforcement, or in a civil court action to enter a nondisclosure agreement relating to the alleged sexual misconduct by another student or employee.

Because some of the requirements in the bill are now delayed and the scope has been limited, we have revised our fiscal note accordingly.

SHB 2242 intends to strengthen protections, resources, and accommodations for survivors of sex-based violence and harassment at postsecondary institutions of higher education.

Section 2 outlines the rights students have after surviving sex-based violence and harassment.

Section 3 requires that institutions of higher education, that serve 8,000 or more students, establish a student health and safety committee that evaluates existing barriers and adjustments and report to the legislature, annually, recommendations to better serve survivors.

Section 4 requires that institutions of higher education provide education (in person or electronically) on Title IX reporting processes, accessing support services, consent, and the role of confidential advocates at the start of each academic term, beginning in the 2025 fall academic term.

Section 5 prohibits post-secondary education institutions from proposing, requesting, or pressuring students to enter into nondisclosure agreements relating to the alleged sexual misconduct by another student or employee of the institution.

Section 6 outlines the timeline for the Title IX process.

As written, the University of Washington (UW) anticipates expenditures will total \$2.2 million FY25-26 and \$3.3 million beginning in FY27 and each year thereafter. Please see the expenditures section for a detailed, section-by-section, explanation of fiscal impact.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

As mentioned in the summary section of this fiscal note, this bill intends to strengthen protections, resources, and accommodations for survivors of sexual assault at postsecondary institutions of higher education. The definition of “survivor” is unclear to us, but we assume that this includes all students who report experiencing sex-based violence or harassment.

The bill has been redefined to apply only to campuses with over 8,000 students. UW has interpreted this to include only UW-Seattle. UW assumes the bill excludes UW-Bothell, UW-Tacoma, and UW Medicine hospitals and clinics.

For the purposes of this fiscal note, we have outlined our anticipated costs by section.

SECTION 2: \$786,500 in FY25, FY26, and \$1.7 million in FY27+

Under this section, students who are survivors of sex-based violence and harassment have the right to the following (that will result in new fiscal impact to the University of Washington):

- Engage with staff who have been trained in trauma-informed care throughout the entirety of the disclosing process. The cost associated with Title IX personnel and campus-based advocates receiving specific training is already accounted for by the UW. The fiscal impact of providing education for other employees who may be a part of a student's disclosing process has been addressed under notes for SECTION 4.
- A quick and timely institutional investigation process not to exceed six months from the date an investigation is initiated. To ensure UW meets the investigation and adjudication timelines established in this bill we anticipate additional staffing needs. Those specific fiscal impacts are detailed in SECTION 6. In-person or live electronic education on reporting, available resources are provided at the beginning of each term. The fiscal impact of providing education for students and employees has been addressed under notes for SECTION 4.
- Protection from legal retaliation for reporting. It is not feasible for the UW to be involved with decisions and processes that are handled by courts. However, retaliation in the University setting can be addressed within existing processes (see Executive Order 70 and Executive Order 31). Because the former is not feasible, we assume there would be no additional fiscal impact on the UW for this subsection.
- Good faith effort to ensure students have access to no less than six visits with the same mental health provider. To meet this requirement, we anticipate the following beginning in FY25 and each year thereafter:
 - o 6 FTE Mental Health Therapist (annual salary: \$80,000; benefits rate: 30.0%) to ensure complainants and respondents both have access to the same counseling services required by this bill.
 - o 1.0 FTE Assistant Director (annual salary: \$125,000; benefits rate: 30.0% to supervise Mental Health Therapists and ensure compliance with requirements outlined in this bill.
- Access to confidential support services, including peer advocates and support groups. Under federal law, equity is required for both complainants and respondents. UW Seattle currently has resources to support both complainants and respondents; however, requirements in around 24/7 transportation that will take place in FY27 will necessitate increased resources for respondents in FY27. To meet this requirement, we anticipate the following beginning in FY27 and each year thereafter:
 - o Confidential Advocates: Campus Advocates described below would provide support services to complainants.
 - o Respondent resources: 3.0 FTE Counseling Services Coordinator (annual salary: 70,000; benefits rate: 30.0%) will provide commensurate resources to respondents to meet federal Title IX requirements.
- Access to 24/7 transportation to sexual assault nurse examiners (SANE) exam. Survivors must have the option to be

accompanied by a confidential advocate or peer advocate trained in trauma-informed care. To meet this requirement, we anticipate the following beginning in FY27 and each year thereafter:

- o Access to vehicle for advocates to respond to 24/7 transportation needs: \$2400/year/campus = \$2400
- o 5.61 FTE Campus Advocates (annual salary: \$90,000; benefits rate: 30.0%) to increase the current campus advocate team and provide 24/7 coverage on the Seattle campus. 5 FTE will be new positions and 0.61 FTE accounts for 2 existing positions that currently serve as Campus Advocates, but their position descriptions and salary will need to change to ensure 24/7 coverage.

- Academic adjustments to reduce impact to academic progress. The bill states that a confidential advocate must be made available to a survivor to assist with the academic adjustment request. Currently, Title IX Case Managers, confidential advocates, and/or respondent resources provide support to complainants and respondents for academic adjustments and so this requirement is already being met.

SECTION 3: \$185,500 in each FY

This section of the bill would require staff time to facilitate and coordinate a student health and safety committee; include cost of staff time to schedule and run meetings, evaluation activities (focus groups, surveys, strategic interviewing of key partners), analysis of data gathered, and time to format and finalize annual reports to the legislature. The UW does not currently have a committee of this nature nor staff to meet this requirement. As a result of this section of the bill the Office of the Title IX Coordinator would need the following beginning in FY25 and each year thereafter:

- 0.5 FTE Program Manager (annual salary: \$90,000; benefits rate: 30.0%)
- 1.0 FTE Institutional Analyst (annual salary of \$90,000; benefits rate: 30.0%) who would also provide evaluation services in SECTION 4.
- \$10,000 for stipends for committee members and participant incentives for additional evaluation activities

SECTION 4: \$924,250 in each FY

This section indicates that all students and any employees who might interact with a survivor must be provided 3 hours of in-person or electronic education on Title IX at the beginning of every academic term. This is interpreted as a requirement to provide an annual training opportunity to almost all employees because any individual could interact with a survivor in the academic environment. Currently the UW provides a 60-90 minute online asynchronous course on Title IX for all new employees and new students. The UW does not currently provide annual in-person or electronic education on Title IX for existing employees and students and does not currently have staff to support this work. To meet this bill's requirements, the UW will use a combination of asynchronous online learning modules, live virtual education sessions, and in-person education sessions. To develop this educational program the Office of the Title IX Coordinator has the following staffing requirements beginning in FY25 and each year thereafter:

- 1.0 FTE Training Director (annual salary: \$110,000; benefits rate: 30.0%)
- 6.0 FTE Training Specialists (annual salary: \$80,000; benefits rate: 30.0%)
- 0.5 FTE Training Administrative Specialist (annual salary: \$75,000; benefits rate: 30.0%)
- 0.5 FTE Technology Analyst (annual salary: \$90,000; benefits rate: 30.0%)

The Training Director and Training Specialist's responsibilities will include developing curricula for the in-person, live virtual, and online asynchronous learning modules, developing topical videos, integrating survivor perspectives, developing evaluation surveys, facilitating live and in-person sessions, post-training engagement with participants, marketing, and reporting. The rationale for the above FTE considers that the UW Seattle campus has over 26,000 non-student employees and 50,000 students. UW is estimating providing annual education to 80% of the employee and student population.

In addition, there will be a room reservation cost of \$20,000 to provide in-person sessions for employees who do not have access to computers and a cost of \$15,000 for interpretation and document translation services for employees who need the education delivered in a language other than English. There will also be a cost of \$10,000 per year for video production support. To ensure participation in educational evaluation activities there is a cost of \$5,000 for student and employee incentives. These would all be annual recurring costs.

SECTION 5:

This section prohibits post-secondary education institutions from proposing, requesting, or pressuring a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, law enforcement, or in a civil court action to enter into a nondisclosure agreement relating to the alleged sexual misconducts by another student or employee of the institution. There are no fiscal impacts anticipated with this section.

SECTION 6: \$416,000 in FY25 and FY26; \$649,500 in FY27; and \$599,000 in FY28+

This section concerns the timeline for the Title IX process. It requires that the Title IX Office, the Civil Rights Investigation Office, and Hearing Office staff to provide flexibility and capacity to meet the 10-day assessment timeline, the 180-day investigation/hearing timeline, and the increased communication with complainants and respondents to inform them of the inevitable extensions to the law’s-imposed timelines. To meet the requirements of this section, we estimate the following additional FTE beginning in FY25 and each year thereafter:

- 1.0 FTE Investigator (annual salary: \$120,000; benefits rate: 30.0%) in the Investigator’s Office.
- 1.0 FTE Hearing Officer (annual salary: \$115,000; benefits rate: 30.0% in the Hearing Office.
- 1.0 FTE for a Title IX Case Manager (annual salary: \$85,000; benefits rate 30.0%) in the Title IX Office.

This section also requires the University to provide an online tool for students to track their investigation's progress beginning in the 2027-28 academic year. The University of Washington does not currently have an online tool that allows students to track their investigation progress. The University would have to implement an external vendor product to meet this requirement. The ongoing cost for these types of tools (e.g., Salesforce or Navex) is approximately \$125,000 annually with a \$50,000 one-time set-up fee. A technology analyst would be required to implement the software, provide ongoing support for the platform, record UW data, respond to student questions, and staff user needs. To meet the requirements of this section, we estimate the following additional FTE beginning in FY27 and each year thereafter:

- 0.5 FTE Technology Analyst (annual salary: \$90,000; benefits rate: 30.0%)

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	2,162,750	2,162,750	5,490,770	6,556,040
Total \$			0	2,162,750	2,162,750	5,490,770	6,556,040

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		18.5	9.3	23.1	27.6
A-Salaries and Wages		1,617,500	1,617,500	3,994,900	4,754,800
B-Employee Benefits		485,250	485,250	1,198,470	1,426,440
C-Professional Service Contracts		25,000	25,000	225,000	300,000
E-Goods and Other Services		35,000	35,000	70,000	70,000
G-Travel				2,400	4,800
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	2,162,750	2,162,750	5,490,770	6,556,040

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Assistant Director	125,000		1.0	0.5	1.0	1.0
Campus Advocate	90,000				2.8	5.6
Counseling Services Coordinator	70,000				1.5	3.0
Institutional Analyst	90,000		1.0	0.5	1.0	1.0
Investigator	120,000		1.0	0.5	1.0	1.0
Mental Health Therapist	80,000		6.0	3.0	6.0	6.0
Program Manager	90,000		0.5	0.3	0.5	0.5
Technology Analyst I	90,000		0.5	0.3	0.5	0.5
Technology Analyst II	90,000				0.3	0.5
Title IX Case Manager	85,000		1.0	0.5	1.0	1.0
Training Administrative Specialist	75,000		0.5	0.3	0.5	0.5
Training Director	110,000		1.0	0.5	1.0	1.0
Training Specialist	80,000		6.0	3.0	6.0	6.0
Total FTEs			18.5	9.3	23.1	27.6

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2242 S HB	Title: Sexual assault/higher ed.	Agency: 365-Washington State University
-------------------------------	---	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	110.8	55.4	110.8	110.1
Account					
General Fund-State 001-1	0	9,299,850	9,299,850	17,774,700	19,147,700
Total \$	0	9,299,850	9,299,850	17,774,700	19,147,700

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/28/2024
Agency Preparation: Chris Jones	Phone: 509-335-9682	Date: 01/31/2024
Agency Approval: Chris Jones	Phone: 509-335-9682	Date: 01/31/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/01/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

SHB 2242 relates to supporting sexual assault survivors at institutions of higher education.

Section 2 grants additional rights to students at Washington institutions of higher education who are survivors of sexual assault, sexual harassment, and gender-based violence. These include the rights: to engage with staff who have been trained in trauma-informed care; a quick and timely institutional investigation process not to exceed six months; in-person or live electronic education on reporting sexual assault, sexual harassment, and gender-based violence at institutions of higher education and available resources; protection from legal retaliation; mental health or counseling services; access to support services; academic accommodations to prevent academic harm; have court-issued no-contact and restraining orders honored and reported to university police and security services; be made aware by an employee if the employee is a Title IX mandatory reporter and to whom the employee reports.

Section 3 requires public institutions of higher education that serve 8,000 students or more to establish a student health and safety committee that evaluates barriers that impact survivors of sexual assault, sexual harassment, and gender-based violence.

Section 4 requires that beginning in the fall 2025 academic term, institutions of higher education shall provide at least three hours of education on the Title IX reporting process for sexual assault, sexual harassment, and gender-based violence, accessing support services, consent, and the availability and role of confidential advocates. The education must be provided to all students and any staff of the institution who may interact with a survivor of sexual assault, sexual harassment, or gender-based violence.

Section 6 (1) requires that the Title IX process may not exceed 180 business days from the date a report is made unless extenuating circumstances exist. This section also defines the required timeline for the process.

Section 6 (3) requires that students be kept informed on the status of the investigation and, if conducted, the hearing, through the entirety of the Title IX process. Beginning in the 2027-28 academic year, all state universities that serve 8,000 or more students shall provide an online tool for students to track the process of investigation and, if conducted, the hearing

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Assumptions

WSU's costs are driven by two main factors: The volume of new activity prescribed in the bill and the number of locations for which this new activity is required. If the bill is further limited to the primary residential campus of Pullman, WSU's fiscal note would be significantly lower (approximately \$1.8 million in the initial year of implementation to \$2.8 million in the out years).

Fiscal costs are based on the following assumptions.

1. The bill is applied, in part, to "state universities." WSU assumes this includes WSU-Pullman, WSU-Vancouver,

WSU-Tri-Cities, WSU-Spokane, and WSU-Everett. WSU assumes the bill excludes the Global Campus, satellite locations in Bremerton and Yakima, and multiple WSU Research and Extension sites across the state.

2. The bill identifies both confidential and peer advocates. WSU has assumed that both peer and confidential advocates need to be available to students 24/7.

Overview of Expenditures and FTE

Training Expenditures

Training requirements are listed in multiple sections including:

1. Section 2(1)(a) requires identified staff to receive specific competency-based training for all who interact with students in the disclosure process,
2. Section 4 requires, beginning fall 2025 academic term, three hours of education at the beginning of each academic term and additional trainings throughout the academic year, and for such education to be provided to all students and any staff of the institution who may interact with a student survivor,
3. Section (2)(1)(c) requires in-person or live interactive electronic education on reporting and resources for students at the beginning of each academic term, and
4. Section (2)(1)(f) requires peer advocates to receive and be paid for 40 hours of basic advocacy training provided by the institution.

WSU provides ongoing training to Title IX personnel, including training required under Title IX Regulations. However, the scope or focus of that training is dependent on specific roles. Additionally, WSU provides numerous on-demand online modules, trainings at request, and scheduled trainings to employees and students. However, although the WSU employee one hour ‘discrimination and harassment prevention’ training is required annually for all employees (and available through an online module), WSU does not currently require all students to receive training commensurate with the bill requirements. WSU’s training modules and live trainings are available to students, but not mandatory for all students.

To gain compliance with the bill, WSU would need to hire five trainer/coordinators (annual salary \$75,000) to provide in-person or electronic training on each campus for students and staff focused on reporting, resources, confidential advocates, and gender-based violence dynamics, as well as providing trauma informed training to university personnel. In order to ensure live training opportunities, the five trainer/coordinators would ensure mandatory training is available to all student and employee populations replacing existing on-line modules. Further, WSU requires \$10,000 yearly to purchase training materials/handouts/communication tools for students and/or to host speakers (including sexual assault survivors), and \$20,000 yearly to purchase and/or host advocacy trainings from professional agencies.

Timely Grievance Process

Section 2(1)(b) and Section 5 require a quick and timely investigative process not to exceed six months from the date an investigation is initiated and have identified specific timelines for stages of that process.

In order to improve timely services to student survivors, WSU requires several dedicated FTEs:

1. One Hearing Board officer (annual salary \$90,000) and one Conduct Officer (annual salary \$75,000): WSU is currently reliant on our partnership with the Office of Administrative Hearing for scheduling hearings and responding to requests from parties to delay proceedings. WSU anticipates an internal, dedicated hearing board officer would result in more control over a timely hearing processes. The WSU Center for Community standards oversees the conduct process for the entire WSU campus system. Further, the addition of another conduct officer will allow for more timely resolution on cases that do not require a full conduct board.
2. Two Investigators (annual salary \$75,000) to augment existing four investigators who investigate all student and employee complaints.
3. One Conduct Advisor (annual salary \$75,000) to augment existing conduct advisor already required under Title IX to

increase student access to a well-trained advisor throughout the hearing process.

4. 1.25 supervisory dedicated FTE/salary for increases in administrative responsibilities to supervise additional FTE and/or FTE for multiple supervisors overseeing conduct advisors, investigative staff, and conduct officers.

Mental Health or Counseling Services

Section 2(1)(e) requires ensuring students have access to no less than six visits with the same mental health provider.

WSU provides counseling services at many locations where students are present throughout the WSU system, but not all. Where services are provided, the services differ based on campus size and resources.

Under federal law, equity is required for both complainants and respondents. To comply with the bill, WSU requires two new counselors (annual salary \$92,000) at each campus location (10 total). Further, WSU requires an additional yearly cost of approximately \$25,000 to support healthcare administration, software, new staff IT equipment, and privacy support.

Advocates

Section 2(1)(f) requires access to peer advocates, confidential advocates, and gender based violence support groups, as well as 24/7 transportation services with the survivor's choice of being accompanied by a confidential or peer advocate.

WSU does not currently have confidential advocates. WSU regularly facilitates meetings for students with local victim advocacy agencies and provides office space for Alternatives to Violence of the Palouse on the WSU-Pullman campus. Under federal law, equity is required for both complainants and defendants.

Because WSU does not have confidential advocacy services, WSU would need to build out a new department for peer advocates and confidential employee advocates. WSU has identified the following FTEs and costs to support a new advocacy program:

1. One FTE Director (annual salary \$90,000) for system confidential advocate services
2. 40 FTE confidential advocate positions (annual salary \$70,000) to provide 24/7 day, swing, and night shift services. This would provide each of the five campuses with two confidential advocates per shift for seven days a week. This includes personnel to drive survivors to local medical providers.
3. Five FTE Peer advocate coordinators (annual salary \$70,000) (one at each of five campus locations) responsible for recruitment, training, and managing peer advocate programs.
4. 40 FTE peer advocate student employees (annual salary \$26,000) to provide 24/7 day, swing, and night shift services (based on having two peer advocates available each shift) at each of five campuses, including personnel to drive survivors to local medical providers.
5. 1.25 FTE for Gender-Based Violence Support Group (annual salary \$92,000) which includes 0.25 FTE on each campus to facilitate support groups for various types of gender-based violence.
6. WSU anticipates having advocates operate vehicles, as needed to shuttle survivors to medical facilities. The procurement of wheelchair accessible vans will help ensure compliance with this bill and with the Americans with Disabilities Act. Because WSU does not currently have a transportation system to support the requirements in this bill, WSU reviewed online sources which noted wheelchair accessible vans are \$130,000-\$235,000. WSU used a mid-point value of \$183,000 for a wheelchair accessible van. An initial budget is included in the fiscal note in FY-2028, and additional costs are distributed in following years to ensure budget is available to purchase new vehicles when the prior vehicles fail. Further, WSU requires \$100,000 additional costs annually for maintenance, parking, snow tires, insurance, and gas, as well as emergency services, as needed for the fleet of five vehicles.
7. WSU expects a one-time expense of \$100,000 (for each of five campuses) to set up confidential advocacy FTE office locations and allocation of furniture, computers, software, and victim support group spaces.
8. To comply with this bill, WSU requires an annual yearly budget of \$60,000 (for each of five campuses) for goods and services, student incentives and programming, and office inventory needs.

Accommodations

Section 2(1)(g) requires that a confidential advocate must be available to a survivor to assist with accommodations requests, and that such accommodations should be available whether or not a formal report is made.

WSU does not have confidential advocates currently. WSU's Title IX staff arrange accommodations for students and staff who have discrimination concerns; participation in a formal grievance procedure is not required to receive accommodations

WSU has outlined costs for confidential advocates in the previous section, to ensure students who prefer to engage confidentially have access to accommodation services. WSU further identifies a need for a one FTE Case Manager position (annual salary \$70,000) to ensure support is more broadly provided and readily available to those who choose to participate in campus grievance processes, to assist with technical support for accommodations system-wide, and to facilitate training on accommodation requirements and responsibilities to campus faculty (in particular as it relates to intellectual property concerns held by faculty in opposition to recorded lectures).

Student Health and Safety Committee

Section 3 requires the establishment of a student health and safety committee that involves representatives from various campus groups to examine and evaluate barriers that impact survivors, make recommendations to better processes, and annually report to the state legislature.

WSU currently has a number of committees that work on student safety and sexual assault issues, but their focus is not as described in this section. WSU facilitates: (1) a Student Feedback Committee to request yearly feedback on processes from students, (2) a Case Collaboration meeting between Title IX staff, conduct staff, and student care case managers to consider options to best support students, and (3) a victim advocacy agency led coordinated community response team to ensure university staff, victim advocates, district attorneys, hospital personnel, and police can consider challenges/barriers to victims in the Pullman, WA, community. WSU further convenes committees which includes employee and student representatives each time changes are proposed to university policy impacting sexual assault survivors.

To comply with the bill, WSU requires adding 1.25 FTE Coordinator (\$75,000) positions (0.25 FTE for each of the five campus locations) to facilitate committees, evaluate information, and draft/submit annual reports to the state Legislature.

Online Status Tool

Section 6(3) requires institutions to provide students with access to an online tool to track the process of their investigation.

WSU does not provide access to an online case tracking tool, but informs students in their intakes that their department representative (investigator or conduct advisor) will provide them with updates via email or phone, based on the students' preferences (e.g. some students ask for weekly updates, whereas some students ask to only be informed at critical stages to they can focus on their academics).

WSU requires a one-time set-up fee of \$50,000 and yearly software license of \$125,000, which is the mid-point based on quotes from two reputable services. The software costs cover all five campuses included in this fiscal note. Costs are assumed to begin in FY-2027 to ensure adequate setup and testing before implementation in the 2027-28 academic year.

Additional Costs

WSU requires an additional \$60,000 per year to cover travel and professional development opportunities for the high number of FTEs identified (covers 23.5 FTEs with approximately \$2550/year each).

WSU also requires yearly \$117,500 budget to cover IT cost (hardware/software), and additional administrative costs for the

numerous new FTEs (outside of the advocacy center, which is already accounted for in the previous section). This works out to approximately \$5,000 per each of 23.5 new employees (outside of the advocacy center whose costs are described in a previous section)

No Cost Provisions

WSU anticipates not incurring costs for the below items:

1. Section 2(1)(d) requires protection from legal retaliation. WSU already prohibits retaliation.
2. Section 2(1)(h) requires universities to honor no-contact and restraining orders and have such orders reported to university police and security services. WSU already engages in this process.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	9,299,850	9,299,850	17,774,700	19,147,700
Total \$			0	9,299,850	9,299,850	17,774,700	19,147,700

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		110.8	55.4	110.8	110.1
A-Salaries and Wages		6,368,750	6,368,750	12,737,500	12,737,500
B-Employee Benefits		1,898,600	1,898,600	3,797,200	3,797,200
C-Professional Service Contracts					
E-Goods and Other Services		972,500	972,500	1,120,000	2,493,000
G-Travel		60,000	60,000	120,000	120,000
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	9,299,850	9,299,850	17,774,700	19,147,700

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Case Manager	70,000		1.0	0.5	1.0	1.0
Committee Coordinator	75,000		1.3	0.6	1.3	1.3
Conduct Advisor	75,000		1.0	0.5	1.0	1.0
Conduct Officer	75,000		1.0	0.5	1.0	1.0
Confidential Advocate	70,000		40.0	20.0	40.0	40.0
Director - Advocacy Center	90,000		1.0	0.5	1.0	1.0
Gender Based Violence Support	92,000		1.3	0.6	1.3	0.6
Hearing Officer	90,000		1.0	0.5	1.0	1.0
Investigator	75,000		2.0	1.0	2.0	2.0
Mental Health Counselor	92,000		10.0	5.0	10.0	10.0
Peer Advocate Coordinator	70,000		5.0	2.5	5.0	5.0
Peer Advocate Student Employees	26,000		40.0	20.0	40.0	40.0
Supervisor	100,000		1.3	0.6	1.3	1.3
Trainer	75,000		5.0	2.5	5.0	5.0
Total FTEs			110.8	55.4	110.8	110.1

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2242 S HB	Title: Sexual assault/higher ed.	Agency: 370-Eastern Washington University
-------------------------------	---	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	4.0	2.0	6.0	8.0
Account					
General Fund-State 001-1	0	480,000	480,000	1,380,000	1,930,000
Total \$	0	480,000	480,000	1,380,000	1,930,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/28/2024
Agency Preparation: Tammy Felicijan	Phone: (509) 359-7364	Date: 02/01/2024
Agency Approval: Tammy Felicijan	Phone: (509) 359-7364	Date: 02/01/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/01/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Sections of SHB 2242 with amendments impacting EWU are as follows. Compliance with these sections will require significant resources for staffing as well as infrastructure that EWU currently does not have.

The provisions of section 2(1)(a-h) provide students of institutions of higher education who are survivors of sex-based violence and harassment rights to support services:

- (a) engagement with institutional staff trained in trauma-informed care throughout the disclosure process. Title IX staff who may interact with a survivor must receive at least three hours of training on relationship violence, abuse dynamics, impacts of trauma on the body, and other forms of violence, to be provided by the institution.
- (b) an institutional investigation process not to exceed six months
- (c) In-person or live electronic education provided at the beginning of each academic term on reporting sex-based violence and harassment and available resources including confidential advocates.
- (d) Institutions must have a policy against legal retaliation for reporting sex-based violence and harassment
- (e) on campus or offsite mental health or counseling services. Institutions must make a good-faith effort to provide access to no less than six visits to the same provider.
- (f) access to support services. A trained confidential advocate must be made available within two business days of a report. Institutions must provide 24/7 transportation to sexual assault nurse examiners and forensic medical services on campus or at a medical facility. Survivors must have the option to be accompanied by a confidential advocate or peer advocate. Peer advocates must be trained in trauma-informed care and have 40 hours of basic advocacy training provided by the institution.
- (g) accommodations to prevent academic harm, including availability of a confidential advocate to assist with the accommodation request.
- (h) have court-issued no-contact and restraining orders honored and reported to university police and security services by a trained staff person

Section 5 states that (1) the Title IX process may not exceed 180 business days from the date a report is made except under extenuating circumstances. (2) If the process will take longer than 180 days, the institution must provide the student with a written explanation and estimated date to complete. (3) Institutions must provide an online tool for students to track the process of their investigation.

Implementation of various requirements are phased in over three biennia.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

FY25 - mandatory 3- hour training for anyone who may interact with a survivor and Title IX processes that do not exceed 6 months

1 Dedicated Title IX investigator - \$140,000 ongoing

1 Program Coordinator - \$90,000 ongoing

2 Professional Counselors - \$190,000 ongoing

Stipends to serve on Title IX student conduct boards - \$30,000 ongoing

Licensing with Get Inclusive/Vector Solutions for online training - \$20,000 ongoing

Training and expenses - \$10,000 ongoing

FY26 - confidential victim advocates and surveys, along with new committee requirements
 2 Confidential victim advocates, \$95,000 each - \$190,000 ongoing
 Training and expenses - \$20,000 ongoing

FY28 - 24/7 transportation to a SANE exam and software system
 2 Confidential victim advocates, \$95,000 each - \$190,000 ongoing
 Software for communication with survivors - \$60,000 1x
 Training and expenses - \$20,000 ongoing
 Automobile for transportation - \$70,000 1x

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	480,000	480,000	1,380,000	1,930,000
Total \$			0	480,000	480,000	1,380,000	1,930,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		4.0	2.0	6.0	8.0
A-Salaries and Wages		315,000	315,000	915,000	1,200,000
B-Employee Benefits		105,000	105,000	305,000	400,000
C-Professional Service Contracts					
E-Goods and Other Services		60,000	60,000	160,000	330,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	480,000	480,000	1,380,000	1,930,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Confidential Victim Advocate	142,500				2.0	4.0
Professional Counselor	142,500		2.0	1.0	2.0	2.0
Program Coordinator	67,500		1.0	0.5	1.0	1.0
Title IX Investigator	105,000		1.0	0.5	1.0	1.0
Total FTEs			4.0	2.0	6.0	8.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2242 S HB	Title: Sexual assault/higher ed.	Agency: 375-Central Washington University
-------------------------------	---	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	10.0	10.0	10.0	10.0	10.0
Account					
General Fund-State 001-1	0	1,220,025	1,220,025	2,440,050	2,440,050
Total \$	0	1,220,025	1,220,025	2,440,050	2,440,050

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/28/2024
Agency Preparation: Alexa Orcutt	Phone: 5099632955	Date: 02/01/2024
Agency Approval: Lisa Plesha	Phone: (509) 963-1233	Date: 02/01/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/01/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Proposed Substitute House Bill 2242 changes "sexual harassment, sexual assault, and gender-based violence" to "sex-based violence and harassment" and inserts "all state universities, regional universities, and the state college as defined in RCW 28B.10.016 that serve 8,000 or more students" throughout the bill." The amended bill also prohibits nondisclosure agreements between an employee and an institution where the institution agrees not to disclose findings of sexual misconduct as it creates a high potential for students in jeopardy of being victimized.

2242 SHB section 2(1)(b) adds that "unless extenuating circumstances exist" an investigation must not exceed 6 months from when it was initiated, and that students must be kept informed on the status of the investigation throughout the process. (f) adds "confidential" in describing the support services a survivor has a right of access to, and also adds that beginning with the 2025-26 academic year IHEs must hire and train confidential advocates. Beginning the 2027-28 academic year, the state college, state universities, and regional universities that serve 8,000+ students will provide students on campus and within a one-mile radius of campus 24/7 transportation access to SANE and forensic medical services on campus or at a medical facility. Confidential advocates can include personnel from the institution or from a partnership with a local victim's advocacy organization. (g) inserts "Title IX staff" and the "survivor's instructors/supervisors to assist with the adjustment request", and also adds that survivors must be allowed to participate in academic activities through alternate means where feasible, while removing the requirement for recording classes and lectures. When negotiating academic adjustments, confidential advocates can't disclose any information regarding the survivor's experience. (2) Clarifies that this section applies to (a) state universities, regional universities, and the state college as defined in RCW 28B.10.016 and (b) all community and technical colleges that serve 8,000+ students.

Section 3(1) allows institutions to either establish or expand an existing committee which should include a student health and safety committee comprised of representatives from various defined groups. (2) adds forming community partnerships with local victims' advocacy organizations. Moves (3) to (2)(c). Therefore (3) now states beginning the 2025-26 academic year, the state college and universities that serve 8,000+ students will survey and outreach to collect student feedback on relevant issues including the availability of 24/7 transportation to a hospital or medical facility with SANE provided by the institutio

2242 SHB inserts a new section, thus moving down the other sections and section references. The new section 5 states that postsecondary educational institutions can't propose, request or pressure a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, law enforcement or in a civil court action to enter into a nondisclosure agreement.

2242 SHB section 6(1)(a) states "IHE" must provide information to the student on available resources. (b) Adds ...student meeting with "Title IX personnel". (3) An online tracking tool is only needed for those serving 8,000+ students beginning the 2027-28 academic year, but all institutions are encouraged to provide a tracking tool.

2242 SHB section 7 is writing to a different RCW, and it is now amending RCW 28B.112.040 and 2023 c 79 s 2. Strikes through "section and RCW 28.112.050-.080". (8) strikes out "postsecondary educational". (10) Adds definition for "confidential advocate" and (11) "sex-based violence and harassment".

Please see the original 2242 HB summary below:

Section 1: New: The legislature recognizes that policies regarding sexual assault/harassment, and gender-based violence have evolved into a survivor-focused, victim-centered approach on a state level. While postsecondary institutions are lacking protections for students against sexual assault/harassment and gender-based violence. Survivors at IHEs should be entitled to certain protections, resources, and accommodations to help them navigate the aftermath of traumatic sexual assault/harassment, and gender-based violence.

Section 2: New: (1) A student at a Washington state IHE (in addition to other rights provided by law) who is a survivor of sexual assault/harassment, and gender-based violence has the right to:

- (a) Engage with trauma-informed care trained staff throughout the disclosure process. Trained for staff in accordance with section 4 of this act;
 - (b) Investigational process can't exceed six months from the date an investigation is initiated;
 - (c) In-person or live electronic education must be provided at the beginning of each academic term on reporting sexual assault/harassment and gender-based violence. Also, have available resources, such as confidential advocates;
 - (d) Institutions need to have a policy against legal retaliation for reporting sexual assault/harassment and gender-based violence;
 - (e) Mental health/counseling service, on campus or off-site, regardless of whether the student chooses to make a formal report via Title IX or law enforcement. The IHE must make a good faith effort to ensure students have access to a minimum of six visits with the same mental health provider either in-person or via telehealth;
 - (f) Access to support services: peer and confidential advocates, and gender-based violence support groups. Will need to provide 24/7 transportation access to sexual assault nurse examiners and forensic medical services on-campus or at a medical facility;
 - (g) Academic accommodations to prevent academic harm, and students will not be required to disclose sexual assault to faculty to receive accommodations under this subsection;
 - (h) Court-issued no-contact and restraining orders honored and report to university police by a trained staff person (i.e. confidential advocate); and
 - (i) Made aware by an employee if the employee is a Title IX mandatory reporter and to whom the employee reports.
- (2) Describes "confidential advocate". Confidential advocates don't report incidents to the university.

Section 3: New: Public IHEs that serve 8,000+ students will establish a student health and safety committee with various representatives to evaluate barriers that impact survivors and their ability to access services and obtain accommodations. The committee will evaluate existing accommodations and make recommendations. And report its recommendations annually to the appropriate committees of the legislature in accordance with RCW 43.01.036.

Section 4: New: (1) Starting the 2025 fall academic term, institution will provide education on the Title IX report process for sexual assault/harassment, and gender-based violence, accessing support services, consent, and availability/role of confidential advocates at the beginning of each academic term. And make sure the education is available throughout the year. (2) Education required in (1) of this section must be provided to all students and any staff who may interact with a survivor.

Section 5: New: (1) Title IX process can't exceed 180 business days from the date a report is made unless there are certain circumstances. Timeline for each step of Title IX process is:

- (a) student must receive information on available resources;
- (b) initial assessment must be completed within 10 business days;
- (c) investigation must be completed within 120 days of the initial report or disclosure; and
- (d) if a sanction is issued it must be determined and administered within 10 days of the final decision.

(2) If the process will take longer than 180 business days due to extenuating circumstances, the IHE will provide an explanation to the student. (3) Students must be kept informed. IHEs will provide an online tool for student to track the process of their investigation.

Section 6: New: Provision of this act apply only to main campus locations.

Section 7: Amending RCW 28B.110.020 and 1989 c 341 s 2 as follows: Adding technical colleges.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The proposed SHB 2242 represents significant costs to comply. Section 2 (1) (a-i) outlines the requirements of institutions of higher education to provide to survivors of sex-based violence and harassment. Central Washington University has services and mechanisms that currently meet some of the requirements of this bill. Those, as well as areas where funding would be needed to comply, are outlined below:

(a) CWU would utilize an online training program (SUNY) to meet the requirements of Section 2.1.a for trauma-informed training of Title IX staff at an annual cost of \$5,500.

(b) To ensure compliance with a quick and timely investigation not lasting longer than 6 months, and to meet the necessary timelines listed in Section 6, CWU would need the effort of 2 Civil Rights Investigators and 1 Deputy Title IX Coordinator at an annual cost of \$360,700 (2 FTE Civil Rights Investigators: Annual Salary of \$87,200 * 2 + 33% Benefits Rate = \$232,000 and 1 FTE Deputy Title IX Coordinator: Annual Salary of \$96,800 + 33% Benefits Rate = \$128,700). To maintain Title IX Compliance in providing equitable services, CWU would need to hire a support person at 1 FTE with an estimated cost of \$65,170/year. This position would provide equitable services to the respondents required under Title IX. (Respondent Support position: Annual Salary of \$49,000 + benefits of 33% = \$65,170. CWU has also established a Conduct Council Board, made up of volunteers, which will ensure we have an adequate number of hearing panel members and advisors for complainants and respondents. A large pool of volunteers will help ensure that we have sufficient resources to draw from. CWU has included \$5,000 for the purpose of providing stipends for volunteers who agree to serve on this council and participate in hearings and/or serve as advisors.

(c) Costs associated with in-person or live electronic education requirements are estimated at \$25,000 annually and would include anti-hazing, sexual misconduct prevention, and DEI modules. CWU assumes pre-recorded, online training modules could be used to satisfy this requirement. Costs listed align with that assumption. If the requirement prohibited pre-recorded, online training modules, then costs to comply would require additional staffing. The requirements of available confidential advocates would add 2 FTE of staffing, costing an estimated \$149,000/year. These confidential advocates or PATH advocates would support survivors of sex-based violence and harassment. It should be noted that CWU included the 2 FTE PATH Advocate positions in its budget request decision package for Basic Student Needs. The FTE costs for the PATH Advocate positions in this fiscal note represent the same FTE that were requested in our budget request. 1 FTE PATH Advocate Coordinator annual salary of \$49,000 + 33% benefits rate = \$65,170, 1 FTE PATH Advocate Director annual salary of \$63,000 + 33% benefits rate = \$83,790.

(d) The requirement for institutions to have a policy against legal retaliation is not within the purview of the institution and would be impossible to fulfill. However, CWU does have policies in place against retaliation for reporting sex-based violence and harassment as it pertains to the operations of the University.

(e) To fulfill the requirements of access to no less than 6 visits with the same mental health counselor, either in person or electronically via telehealth, CWU estimates needing a combination of staffing and telehealth contract support to meet the needs of survivors while still attending to the needs of non-survivor students. CWU estimates needing support of our telehealth platform contract in the amount of \$150,000 annually, as well as 1 FTE Counseling Psychologist position (annual salary of \$90,000 + benefits of 33% = \$119,700), for a total of \$269,700.

(f) CWU does not have 24/7 advocacy that can provide for the requirements in (f). Currently, CWU works closely with ASPEN, a victim advocacy service organization located in Ellensburg, to provide victim services after hours, including

transportation. The rural community hospital system in Ellensburg employs 4 SANE nurses. There is never a guarantee that one of these nurses will be on shift at the time a victim may need their services. It is possible for a victim to have a wait time of 10+ hours to receive an exam from a SANE nurse. To provide for the requirements of this legislation for training, education, and improved community awareness of rights and resources, CWU would require the effort of 1 FTE Mental Health Promotion/Prevention position at an annual salary of \$63,500 + 33% benefits rate, 1 FTE Case Manager to support environmental, psychological, academic, financial, and social aspects of wellbeing at an annual salary of \$65,000 + 33% benefits rate, and 1 Mental Health Care Coordinator position to support survivor physical and psychological dimensions of wellbeing in coordination with Student Health Services in-house specialists, as well as direct care planning and referrals for PATH, SANE/community provider services, OCM, and SCS. 1 FTE Mental Health Care Coordinator position at an annual salary of \$65,000 + 33% benefits rate. Total FTE costs to comply with (f), \$257,400 annually. Additionally, the hiring of student PATH Advocates would assist in complying with (f). The estimated costs for six student peer advocates is \$37,128 (6*340 hours needed/year/student*\$17.50/hour= \$35,700+4% benefits= \$37,128). Travel and training costs for permanent confidential advocacy and prevention employees continuing education certification and professional development would roughly cost \$30,000/year.

(g) CWU can provide courses for survivors through an alternate means when feasible, software that would help with compliance is a digital note-taking software at a cost of \$1,300/5 licenses. Examples of programs where an alternative means of instruction/attendance would not be feasible include the Aviation program which requires many hours operating an airplane and would not be able to be completed through any other virtual delivery system, as well as various labs, which require student attendance and participation. It is unclear what types of formats would be acceptable, therefore costs to comply with the requirements in (f) are indeterminate as it is unknown how many courses CWU would need to make adjustments for or whether those adjustments would be adequate.

(h) There is no cost to CWU to comply with (h)

Section 3 – CWU has established a Culture of Respect Council that would meet the requirements of this Section.

Section 4 – To comply with subsection 1 of this section, CWU is using the Step-Up Facilitator Training at \$1,750/year. CWU is in the process of delivering the training required in subsection 2 with a confidential advocate training regarding Title IX reporting processes provided by the Association for Title IX Administrators at a cost of \$2,625/annually.

Section 6 – Outlines a timeline for which the Title IX staff must comply in their investigation and reporting. There does not appear to be anything preventing compliance with this section. To comply with the requirement to provide an online tool for victims to track the progress of their investigation CWU would consider purchasing the Guardian software at a cost of \$4,552/year. Additional software to track caseload would cost \$1,500/year, while training for confidential advocates would cost an additional \$1,500/year.

For overall improved marketing and visibility of the confidential advocacy (PATH) resources, \$5,000/year of support would be needed.

In total the estimated costs to comply with this legislation would be as follows:

Staffing costs (salaries/benefits) - \$989,098
Telehealth Services Contract Support - \$150,000
Volunteer Stipends - \$5,000
Marketing/Visibility - \$5,000
Training - \$64,875
Software - \$6,052
Total costs - \$1,220,025

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	1,220,025	1,220,025	2,440,050	2,440,050
Total \$			0	1,220,025	1,220,025	2,440,050	2,440,050

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	10.0	10.0	10.0	10.0	10.0
A-Salaries and Wages		751,400	751,400	1,502,800	1,502,800
B-Employee Benefits		237,698	237,698	475,396	475,396
C-Professional Service Contracts					
E-Goods and Other Services		230,927	230,927	461,854	461,854
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	1,220,025	1,220,025	2,440,050	2,440,050

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Case Manager	65,000	1.0	1.0	1.0	1.0	1.0
Civil Rights Investigator	87,200	2.0	2.0	2.0	2.0	2.0
Counseling Psychologist	90,000	1.0	1.0	1.0	1.0	1.0
Deputy Title IX Coordinator	96,800	1.0	1.0	1.0	1.0	1.0
Mental Health Care Coordinator	65,000	1.0	1.0	1.0	1.0	1.0
Mental Health Promotion/Prevention	63,500	1.0	1.0	1.0	1.0	1.0
Path Advocate Coordinator	49,000	1.0	1.0	1.0	1.0	1.0
Path Advocate Director	63,000	1.0	1.0	1.0	1.0	1.0
Respondent Support Position	49,000	1.0	1.0	1.0	1.0	1.0
Total FTEs		10.0	10.0	10.0	10.0	10.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Revised

Bill Number: 2242 S HB	Title: Sexual assault/higher ed.	Agency: 376-The Evergreen State College
-------------------------------	---	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	10.0	5.0	10.0	10.0
Account					
General Fund-State 001-1	0	1,038,607	1,038,607	1,958,714	1,958,714
Total \$	0	1,038,607	1,038,607	1,958,714	1,958,714

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/28/2024
Agency Preparation: Daniel Ralph	Phone: 360-867-6500	Date: 01/31/2024
Agency Approval: Lisa Dawn-Fisher	Phone: 564-233-1577	Date: 01/31/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/01/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

SHB 2242 relates to supporting survivors of sexual assault at institutions of higher education.

Section 1 replaces the language of “sexual assault, sexual harassment and gender-based violence,” and replaces it with “sex-based violence and harassment.” The same revision is made in section 2.

Section 1 also reinforces with accompanying rationale that non-disclosure agreements between employees and employers in these situations are against public policy and should not be enforced by Washington Courts.

Section 2(1)(f) requires institutions to hire and train confidential advocates starting in the 2025-26 school year. This section further replaces the language of “the institutions shall provide 24/7 transportation” with “Beginning with the 2027-28 academic year, colleges that serve \$8,000 or more students shall provide students with 24/7 transportation access.”

HB 2242 relates to supporting sexual assault survivors at institutions of higher education.

Section 2.1 states that students who are survivors of sexual assault, sexual harassment, and gender based violence have a right to:

Section 2.1(a) engage with staff who have been trained in trauma-informed care. These staff must be listed on the institutional website in any easily accessible place. Title IX staff must receive at least three hours of training provided by the institution of higher education.

Section 2.1(b) a quick and timely institutional investigation process not to exceed six months;

Section 2.1(c) in person or live electronic education for reporting sexual assault. Education must be provided at the beginning of each academic term.

Section 2.1(d) protection from retaliation for reporting sexual assault, sexual harassment or gender-based violence. Institutions must also have a policy against legal retaliation for reporting.

Section 2.1(e) mental health or counseling services, regardless of whether a student decides to file a formal complaint. The institution shall make a good faith effort to provide access to no less than six visits with the same provider.

Section 2.1(f) access to support services, including a confidential advocate who must be made available within two days; 24/7 access to transportation services to nurse examiners and forensic medical services on campus or at a medical facility. Survivors must have the option to be accompanied by a confidential advocate trained in trauma informed care. Peer advocates must be trained in trauma-informed care and have 40 hours of basic advocacy training provided by the institution

Section 2.1(g) academic accommodations to prevent academic harm;

Section 2.1(h) have court-issued restraining orders honored and reported to university police.

Section 2.1(i) be made aware by an employee if that employee is a Title IX mandatory reporter and to whom the employee reports.

Section 4.1 states that each institution shall provide at least three hours of education on the Title IX reporting process. This training will be available throughout the year and shall be available throughout the academic year. Institutions will make a good faith effort to include perspectives from sexual assault survivors.

Section 4.2 states that the training required in section 4.1 shall be provided to all students and any staff who may interact with a survivor of sexual assault, sexual harassment or gender-based violence.

Section 5.1 states that the Title IX process may not exceed 180 days from the date a report is made. The timeline for each step of the process is as follows:

Section 5.1(a) A student must receive information on available resources within two business days of making a report;

Section 5.1(b) The initial assessment must be completed within 10 business days;

Section 5.1(c) must be completed within 120 days; this includes the final decision and subsequent hearings;

Section 5.1(d) if a sanction is issued it must be determined and administered within ten business days of the final decision.

Section 5.3 states that students must be kept informed of the status of the process throughout the process. Institutions shall provide an online tool for students to track the process of their investigation.

Section 6 states that the provisions of this act apply only to main campus locations.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

A total of seven regular FTEs would be added, including 1- Civil Rights/Title IX Investigator (Range 9, step 17), 2 - Support Advisors (Range 6, step 16), 1 - Prevention Educator (Range 6, step 16), 2 - Mental Health Counselors (Range 9, step 16), and 1 - Confidential Advocate (Range 9, step 20). In addition, six student peer advocates would be employed at minimum wage for 20/hours per week. All wages are anticipated to grow 3% per year and benefits grow accordingly.

A professional service contracts are anticipated as follows:

1. Subscription for training Title IX staff = \$45,000/annually
2. Subscription for trauma-informed training = \$25,000/annually
3. Case management software = The initial cost to set up is estimated at \$37,500 in FY 2025 and ongoing maintenance costs are estimated at \$18,750 in subsequent years.
4. Training in victimology and trauma for counselors = \$6,000/annually.
5. Subscription to TeleHealth DoxyMe = \$3,000/annually
6. Subscription to Timely Care = 1st year set up and subscription = \$102,710 with ongoing costs of \$95,210/annually.
7. Stipends for hearings officers and decision makers = \$500/case x 10 cases x 2 stipends = \$10,000/annually.

Goods and services include materials and supplies needed for staff, faculty, and student trainings and one-time recruitment costs. Set up costs for each new FTE are estimated at \$6,000/FTE in the first year (includes computer and software licensing) with ongoing costs of \$ 2,000 for goods and services per FTE.

Transportation is estimated at \$240/year based on 10 trips by taxi at \$24/trip. The cost of an advocate to accompany the

student is included in the salary and benefits costs.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	1,038,607	1,038,607	1,958,714	1,958,714
Total \$			0	1,038,607	1,038,607	1,958,714	1,958,714

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		10.0	5.0	10.0	10.0
A-Salaries and Wages		567,884	567,884	1,135,768	1,135,768
B-Employee Benefits		184,373	184,373	368,746	368,746
C-Professional Service Contracts		229,210	229,210	405,920	405,920
E-Goods and Other Services		56,900	56,900	47,800	47,800
G-Travel		240	240	480	480
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	1,038,607	1,038,607	1,958,714	1,958,714

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Civil Rights/Title IX Investigator	74,160		1.0	0.5	1.0	1.0
Confidential Advocate	55,704		1.0	0.5	1.0	1.0
Mental Health Counselor	74,160		2.0	1.0	2.0	2.0
Peer advocate	101,587		3.0	1.5	3.0	3.0
Prevention Educator	55,704		1.0	0.5	1.0	1.0
Support Advisor	55,704		2.0	1.0	2.0	2.0
Total FTEs			10.0	5.0	10.0	10.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2242 S HB	Title: Sexual assault/higher ed.	Agency: 380-Western Washington University
-------------------------------	---	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	18.5	9.3	18.5	18.5
Account					
General Fund-State 001-1	0	1,811,901	1,811,901	3,160,002	3,160,002
Total \$	0	1,811,901	1,811,901	3,160,002	3,160,002

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/28/2024
Agency Preparation: Timothy Davenport	Phone: 3606503257	Date: 02/01/2024
Agency Approval: Anna Hurst	Phone: 360-650-3569	Date: 02/01/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/01/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Brief Summary of Substitute Bill:

- Establishes a list of rights to which survivors of sex-based violence and harassment are entitled at institutions of higher education.
- Requires certain public institutions of higher education to establish a Student Health and Safety Committee.
- Requires public institutions of higher education to provide education on the Title IX reporting process and other resources available to survivors of sex-based violence and harassment.
- Provides that the Title IX process may not exceed 180 business days from the date a sex-based violence and harassment investigation begins.

Substitute Bill Compared to Original Bill (from legislative bill report):

The substitute bill uses "sex-based violence and harassment" instead of "sexual harassment, sexual assault, and gender-based violence."

- The timeline for Title IX and other investigations begins at the time an investigation begins rather than when a report is made.
- Confidential advocates may be institutional personnel or be personnel from local victims' advocacy organization in partnership with the institution. Certain requirements are delayed.
- Most provisions apply only to public four-year institutions and, in some cases, to CTCs that serve 8,000 students or more. Employees who may come into contact with survivors of sex-based violence or assault must take the required training, rather than all employees.
- All public and private institutions are prohibited from requesting, proposing, or pressuring a student reporting sexual misconduct in a complaint filed with the institution under Title IX or otherwise, law enforcement, or in a civil court action to enter a nondisclosure agreement relating to the alleged sexual misconduct by another student or employee.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Sec. 2b – This 180-day timeline requirement for investigations without an exception for extenuating circumstances requires additional staff to monitor and expedite cases. The majority of cases are currently completed within this timeframe.

Sec. 2c – This training is currently required of all employees once every three years, and is required by policy of new

students and transfer students. To provide this training at the beginning of each academic term will take significant staff time and require additional hires to implement.

Sec. 2e – To provide six visits with the same mental health provider would require additional counseling staff. It's unclear if this is with the same mental health provider (i.e., organization) or the same counselor (i.e., person); we presume the latter was intended.

Sec. 2f – The creation of a confidential peer advocate program would take significant staff time and require additional hires. The 24/7 transport of survivors for SANE exams to be accompanied by a confidential advocate (at victim's option) would require additional hires, plus the bill would require the creation of an on-call system (which cannot be incorporated into our existing police dispatch and transport). The 40-hour training requirement for peer advocates would also require significant staff time to develop and implement.

Sec. 2f – The confidential advocate to assist with academic accommodation for the victim will require additional staffing.

Sec. 3 – Requires certain public institutions of higher education to establish a Student Health and Safety Committee which shall annually report its recommendations to the appropriate committees of the legislature. This would take significant staff time to implement the creation of a committee across multiple internal and external stakeholders to regularly meet and review barriers and submit an annual report to the legislature. This will require additional administrative support staff.

Sec. 4 – Similar to Sec. 2c, it would take significant staff time to develop and implement the training requirements of this section. We currently provide approximately 1.5 hours of training through online modules that are required of all students, staff, and faculty. Currently, training is only required for employees every three years and for new and transfer students. We would need to create additional content to make the 3 hour minimum and have this training available at the beginning of each term and throughout the academic year for those who may come into contact with survivors of sex-based violence or assault.

Sec. 5 – Provides that the Title IX process generally may not exceed 180 business days from the date a report of sexual assault, sexual harassment, or gender-based violence is reported. Exceptions require a written explanation. Additional timelines are imposed for providing status information to the victim, completing the initial assessment, completing the investigation, and administering any sanctions. The timeline for Title IX and other investigations begins at the time an investigation begins rather than when a report is made. To meet these timelines, we would need to hire several additional staff to expedite the hearing and sanctioning processes. Victims must be kept informed on the status of the investigation throughout of the Title IX process via an online tool. Students are currently kept informed of the status of their case throughout the process. If we are required to have an online tool for students to check-in on status that will incur additional cost for software purchase.

Additional staffing needs (personnel costs in are included in FY25 to be ready for go-live by fall 2025):

2.0 FTE – Training Coordinator
0.5 FTE – Health & Safety Committee Administrative Support
1.0 FTE – Investigator
1.0 FTE – Case Manager

Counseling & Wellness – Additional Staffing needs

2.0 FTE – Counselors
2.0 FTE – Professional Confidential Advocates
1.0 FTE – Prevention Education Staff

Office of Student Life – Additional Staffing needs

- 1.0 FTE – Student Conduct Officer
- 0.5 FTE – Hearings Admin Support
- 0.5 FTE – Hearing Board Officers
- 0.5 FTE – Hearing Board Panelists
- 0.5 FTE – Hearing Advisors

24/7 Transportation for victims/survivors:

Regarding Sec. 2f which requires 24/7 transportation for victims (and their advocates, if requested) for SANE or forensic medical services, we do not currently have resources (either internal or through external third party providers) that would ensure 24/7 support. Therefore, we have the estimated cost for vehicles and staffing to ensure coverage. Benefits are calculated based on current employer share rates which vary based on percentage of FTE (see attachment for details).

- 1.0 FTE Program Support Supervisor 1 (Range 47A)
- 5.0 FTE Staff Drivers (Range 34A)

Case Management Software – to improve case timeline tracking and to offer an online portal for students to check the status of their case. A vendor recently reviewed has a ready to go product that may meet all of the requirements, with one-time implementation costs of \$6900 plus \$40,000 for contractual project management, then ongoing annual subscription costs \$9,600. Start up costs are included in FY25 to be ready for go-live by fall 2025 (FY26).

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	1,811,901	1,811,901	3,160,002	3,160,002
Total \$			0	1,811,901	1,811,901	3,160,002	3,160,002

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		18.5	9.3	18.5	18.5
A-Salaries and Wages		1,052,316	1,052,316	2,104,632	2,104,632
B-Employee Benefits		498,285	498,285	996,570	996,570
C-Professional Service Contracts		56,500	56,500	19,200	19,200
E-Goods and Other Services		19,800	19,800	39,600	39,600
G-Travel					
J-Capital Outlays		185,000	185,000		
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	1,811,901	1,811,901	3,160,002	3,160,002

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Case/Resource Manager	65,748		1.0	0.5	1.0	1.0
Counselor	80,000		2.0	1.0	2.0	2.0
Health & Safety Committee Coordinator	37,740		0.5	0.3	0.5	0.5
Hearing Advisors	40,000		0.5	0.3	0.5	0.5
Hearing Board Officers	60,000		0.5	0.3	0.5	0.5
Hearing Board Panelists	40,000		0.5	0.3	0.5	0.5
Hearings Admin Support	57,000		0.5	0.3	0.5	0.5
Investigator 3	74,376		1.0	0.5	1.0	1.0
Prevention Education Staff	50,000		1.0	0.5	1.0	1.0
Professional Confidential Advocates	76,000		2.0	1.0	2.0	2.0
Staff Drivers (on-call)	35,986		5.0	2.5	5.0	5.0
Staff Supervisor (on-call)	48,642		1.0	0.5	1.0	1.0
Student Conduct Officer	74,250		1.0	0.5	1.0	1.0
Training Coordinator	65,000		2.0	1.0	2.0	2.0
Total FTEs			18.5	9.3	18.5	18.5

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

RE: 2242 S HB Sexual Assault Survivors
P/B: T. Davenport, WWU SMB 02.01.2024

Salary	FTE	Extension	Benefits	Subtotal	Position
65,748	1.00	65,748	25,683	91,431	Case/Resource Manager
37,740	0.50	18,870	20,554	39,424	Health & Safety Committee Coordinator
80,000	2.00	160,000	56,356	216,356	Counselor
74,376	1.00	74,376	27,193	101,569	Investigator 3
50,000	1.00	50,000	22,927	72,927	Prevention Education Staff
76,000	2.00	152,000	51,958	203,958	Professional Confidential Advocates
65,000	2.00	130,000	51,108	181,108	Training Coordinator
74,250	1.00	74,250	27,173	101,423	Student Conduct Officer
57,000	0.50	28,500	23,925	52,425	Hearings Admin Support
60,000	0.50	30,000	24,450	54,450	Hearing Board Officers (existing staff or contract)
40,000	0.50	20,000	20,949	40,949	Hearing Board Panelists (existing staff or contract)
40,000	0.50	20,000	20,949	40,949	Hearing Advisors (existing staff or contract)
48,642	1.00	48,642	22,690	71,332	Staff Supervisor (on-call)
35,986	5.00	179,930	102,370	282,300	Staff Drivers (on-call)
804,742	18.50	1,052,316	498,285	1,550,601	

Add: tracking software application with implementation costs

Implementation:	6,900
Project staff (contract)	40,000
Licensing (annual renewal)	9,600
	56,500

Communications:

Cell phone and service contract (2 x \$200/mo.)	4,800
---	--------------

24/7 transportation costs:

Sec. 2f requires 24/7 transportation for victims (and their advocates) for SANE or forensic medical services. There are concerns with using our university police department for providing transportation services. Therefore, our FN cost estimate includes stand-alone transportation services.

Vehicle 1: Wheelchair lift Van (electric)	120,000
Vehicle 2: Van (backup)	65,000
S/T 1x costs	185,000

Annual vehicle maintenance, insurance, inspections (lift)	15,000
---	--------

Fiscal Year Totals

Yr 1	1,811,901
Out years	1,580,001

Individual State Agency Fiscal Note

Bill Number: 2242 S HB	Title: Sexual assault/higher ed.	Agency: 699-Community and Technica College System
-------------------------------	---	--

Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	68.0	34.0	68.0	68.0
Account					
General Fund-State 001-1	0	10,613,000	10,613,000	20,776,000	20,776,000
Total \$	0	10,613,000	10,613,000	20,776,000	20,776,000

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Elizabeth Allison	Phone: 360-786-7129	Date: 01/28/2024
Agency Preparation: Brian Myhre	Phone: 360-704-4413	Date: 02/04/2024
Agency Approval: Stephanie Winner	Phone: 360-704-1023	Date: 02/04/2024
OFM Review: Ramona Nabors	Phone: (360) 742-8948	Date: 02/05/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

The substitute bill differs from the original bill in the following ways:

- Some provisions of the bill apply only to public four-year institutions, and to community and technical colleges that serve 8,000 students or more.
- Refers to survivors of sex-based violence and harassment, rather than sexual assault, sexual harassment, and gender-based violence.
- Timelines for Title IX and other investigations begins at the time an investigation begins rather than when a report is made.
- Confidential Advocates may be institutional personnel or be personnel from local advocacy organization in partnership with the institution.
- All public and private institutions are prohibited from requesting, proposing, or pressuring a student reporting sexual misconduct in a complaint filed with the institution under Title IX, law enforcement, or in a civil court action, to enter a nondisclosure agreement relating to the alleged sexual misconduct by another student or employee.

This bill would implement policies to support victims of sex-based violence and harassment.

SECTION 2 – SUPPORT SUVIVORS OF SEX-BASED VIOLENCE and HARASSMENT

Students at Institutions of Higher Education who are survivors of sex-based violence and harassment have the right to:

- Engage with staff who have been trained in trauma-informed care throughout the entirety of the disclosing process.
- A quick and timely institutional investigation process not to exceed six months from the date an investigation is initiated unless extenuating circumstances exist.
- In-person or live electronic education on reporting sex-based violence and harassment at institutions of higher education and available resources, including confidential advocates, for students who have experienced sex-based violence and harassment on campus. Education must be provided at the beginning of each academic term.
- Protection from legal retaliation for reporting sex-based violence and harassment on campus.
- Mental health or counseling services, on campus or off-site.
- Access to confidential support services, including peer advocates, confidential advocates, and gender-based violence support groups. Beginning with the 2025-26 academic year, Institutions of Higher Education must hire and train Confidential Advocates. Confidential Advocates trained in trauma-informed care must be available within two business days of a report being made. Peer Advocates must be trained in trauma-informed care and have 40 hours of basic advocacy training provided by the Institution.
- Academic adjustments to prevent academic harm. Title IX staff or Confidential Advocates must be available to assist with academic adjustments to prevent academic harm including participating in academic activities through alternate means, where feasible.
- Have court-issued no-contact and restraining orders honored and reported to security services by a trained employee person such as a confidential advocate.
- Be made aware by an employee if the employee is a Title IX mandatory reporter and to whom the employee reports.

SECTION 3 – STUDENT HEALTH AND SAFTETY COMMITTEE

The state universities, regional universities, the State College, and community and technical colleges that serve 8,000 students or more are directed to establish or expand existing committees to include a Student Health and Safety Committee that includes representatives from various groups, such as admissions, counseling, health care, student advocates, and professors. The Committees are directed to evaluate barriers that impact survivors of sex-based violence and harassment and their ability to access services and obtain accommodations at institutions of higher education. The Committees are

required to annually report their recommendations to the Legislature.

SECTION 4 – STUDENT and STAFF EDUCATION

Beginning in the 2025 fall academic term, each Institution of Higher Education, including community and technical colleges that serve more than 8,000 students, shall provide at least three hours of education on the Title IX reporting process for sex-based violence and harassment, accessing support services, consent, and the availability and role of confidential advocates. The education is to be provided either in person or electronically at the beginning of each academic term to all students and any employee who may interact with a survivor of sex-based violence and harassment. Additionally, institutions shall ensure that the education is made available throughout the academic year.

SECTION 5 – LIMIT NON-DISCLOSURE

Postsecondary educational institutions may not propose, request, or pressure a student reporting sexual misconduct in a complaint filed with the institution under Title IX, law enforcement, or in a civil court action, to enter into a non-disclosure agreement relating to the alleged sexual misconduct by a student or employee of the institution.

SECTION 6 – TITLE IX INVESTIGATION PROCESS and TIMELINES

The Title IX process may not exceed 180 business days from the date a report is made unless extenuating circumstances exist.

Institutions of Higher Education must provide a student with information on available resources, including information on the Title IX process, counseling services, and confidential advocates, within two business days of making a report.

The initial assessment must be completed within 10 business days of a student meeting with Title IX personnel and providing the information necessary to complete an assessment, including whether the investigation will proceed under Title IX or the institution of higher education's internal process.

The investigation must be completed within 120 business days of the initial report or disclosure. This process includes the final decision and subsequent hearings.

If a sanction is issued it must be determined and administered within 10 business days of the final decision.

If the process will take longer than 180 business days due to extenuating circumstances, the institution of higher education shall provide a written explanation to the student including the reason for the delay and when the process is expected to be completed.

Students must be kept informed on the status of the investigation and, if conducted, the hearing, throughout the entirety of the Title IX process.

Starting in the 2027-28 academic year, state universities, regional universities, and the State College that serve 8,000 or more students must provide an online tool for students to track the process of their investigation and, if conducted, the hearing. All Institutions of Higher Education are encouraged to provide an online tracking tool.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

No cash receipts impact.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The bill would have the following expenditure impact.

SECTION 2 – SUPPORT SUVIVORS OF SEX-BASED VIOLENCE and HARASSMENT

Under provisions of the bill, students at Institutions of Higher Education who are survivors of sex-based violence and harassment would have certain rights, including:

- Engage with staff who have been trained in trauma-informed care throughout the entirety of the disclosing process.
- A quick and timely institutional investigation process not to exceed six months from the date an investigation is initiated unless extenuating circumstances exist.
- In-person or live electronic education on reporting sex-based violence and harassment at institutions of higher education and available resources, including confidential advocates, for students who have experienced sex-based violence and harassment on campus. Education must be provided at the beginning of each academic term.
- Protection from legal retaliation for reporting sex-based violence and harassment on campus.
- Mental health or counseling services, on campus or off-site.
- Access to confidential support services, including peer advocates, confidential advocates, and gender-based violence support groups. Beginning with the 2025-26 academic year, Institutions of Higher Education must hire and train Confidential Advocates. Confidential Advocates trained in trauma-informed care must be available within two business days of a report being made. Peer Advocates must be trained in trauma-informed care and have 40 hours of basic advocacy training provided by the Institution.
- Academic adjustments to prevent academic harm. Title IX staff or Confidential Advocates must be available to assist with academic adjustments to prevent academic harm including participating in academic activities through alternate means, where feasible.
- Have court-issued no-contact and restraining orders honored and reported to security services by a trained employee person such as a confidential advocate.

The items listed above apply to all community and technical colleges that serve 8,000 or more students. This fiscal note assumes there would be 17 colleges in the community and technical college system that meet this threshold starting with the 2024-25 academic year onward.

Additional staff would be needed to provide support to survivors of sex-based violence and harassment. It is estimated that, on average, 1 FTE Mental Health Counselor and 1 FTE Peer Advocate per college will be needed.

17 colleges X \$124,000 (Mental Health Counselor salary & benefits) = \$2,108,000

17 colleges X \$ 61,000 (Peer Advocate salary & benefits) = \$1,037,000

\$2,108,000 + \$1,037,000 = \$3,145,000 FY25 onward

SECTION 3 – STUDENT HEALTH AND SAFTETY COMMITTEE

Public Institutions of Higher Education that serve 8,000 students or more are directed to establish a Student Health and Safety Committee that includes representatives from various groups, such as admissions, counseling, health care, student advocates, and professors. It is expected this work can be performed within existing duties.

SECTION 4 – STUDENT and STAFF EDUCATION

Beginning in the 2025 fall academic term, each Institution of Higher Education is to provide at least three hours of education on the Title IX reporting process for sex-based violence and harassment, accessing support services, consent, and the availability and role of confidential advocates. The education is to be provided either in person or electronically at the beginning of each academic term to all students and any staff who may interact with a survivor of sexual assault, sexual

harassment, or gender-based violence. The education should also be available throughout the academic year. The requirements of this section would apply to all colleges in the community and technical college system.

It is assumed that fulfilling the education requirements in section 4, by conducting in-person or live electronic education for all students and staff, would also fulfill the education requirements in section 2. Conducting in-person or live electronic education throughout the academic year will require additional staff. It is estimated to take 1 FTE Training Coordinator per college to fulfill the educational requirements.

34 colleges X \$101,000 Training Coordinator (salary and benefits) = \$3,434,000 (rounded) FY25 onward

SECTION 5 – TITLE IX INVESTIGATION PROCESS and TIMELINES

This section specifies the process and timelines for Title IX investigations. Timelines are specified for providing status information to the victim, completing the initial assessment, completing the investigation, and administering any sanctions. This would require additional staff to stay within the investigation, hearing and sanctioning process timelines. This work is estimated to require an average of 1 FTE Investigator 3 per college. The requirements of this section would apply to all colleges in the community and technical college system.

34 colleges X \$104,000 (1 FTE Investigator 3 salary and benefits) = \$3,534,000 (rounded) FY25 onward

Colleges would also need case management software for Title IX case timeline tracking and to offer an online portal for students to check the status of their case. For the purposes of this fiscal note, it is assumed that system-wide software will be purchased from a vendor. First year costs to acquire software would involve soliciting requests for proposals, reviewing proposals, selecting the software, installation, and training. These costs are estimated to be \$500,000 for the system in FY 2025. Ongoing costs would be for software licenses and maintenance and estimated to be 275,000 in FY 2026 onward.

TOTAL COSTS

\$3,145,000 (Support) + \$3,434,000 (Education) + \$3,534,000 (Investigations) + \$500,000 (software) = \$10,613,000 FY25

\$3,145,000 (Support) + \$3,434,000 (Education) + \$3,534,000 (Investigations) + \$275,000 (software) = \$10,388,000 FY26 onward

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	0	10,613,000	10,613,000	20,776,000	20,776,000
Total \$			0	10,613,000	10,613,000	20,776,000	20,776,000

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		68.0	34.0	68.0	68.0
A-Salaries and Wages		7,489,000	7,489,000	14,978,000	14,978,000
B-Employee Benefits		2,624,000	2,624,000	5,248,000	5,248,000
C-Professional Service Contracts		500,000	500,000	550,000	550,000
E-Goods and Other Services					
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	10,613,000	10,613,000	20,776,000	20,776,000

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Mental Health Counselor	92,000		17.0	8.5	17.0	17.0
Peer Advocate	45,000		17.0	8.5	17.0	17.0
Title IX Investigator	77,000		34.0	17.0	34.0	34.0
Total FTEs			68.0	34.0	68.0	68.0

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.