


Government of the District of Columbia  
Office of the Chief Financial Officer



**Glen Lee**  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Glen Lee  
Chief Financial Officer 

**DATE:** February 14, 2025

**SUBJECT:** Fiscal Impact Statement – Institution of Higher Education Sexual  
Misconduct Reporting and Resource Accessibility Act of 2025

**REFERENCE:** Bill 26-29, Draft Committee Print as provided to the Office of Revenue  
Analysis on February 12, 2025

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**Conclusion**

Funds are not sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill. The University of the District of Columbia (UDC) requires additional subsidy payments of \$370,000 in fiscal year 2025 and \$1.53 million over the financial plan to implement the bill. The bill's requirements for UDC are subject to appropriations.

**Background**

The bill requires institutions of higher education in the District to retain two confidential resource advisors to serve as resources to students and staff pertaining to sexual misconduct. Institutions must provide written notice to all students and staff informing them of the availability of confidential resource advisors. The bill specifies the duties and responsibilities of confidential resource advisors, which include:

- Providing individuals with resources related to an allegation of sexual misconduct, including website links, pamphlets, handouts, and information packets. The resources must include information on reporting options, access to free and low-cost legal and medical services, protection orders and investigative processes, confidentiality limitations, mental health support, additional assistance resources, and informal resolution options.

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- Assisting individuals with available supportive measures and referring them to relevant institutional resources, such as the Title IX coordinator<sup>1</sup> and disability services when necessary.
- Maintaining communication with state and local sexual assault and domestic violence coalitions.
- Contacting public safety or law enforcement if requested on behalf of a student or staff member.
- Attending adjudication proceedings as their representative.
- Maintaining confidentiality.

The bill allows institutions to contract with victim advocacy organizations to provide confidential resource advisors. If an institution enrolls fewer than 1,000 residential students, it may partner with another institution or sexual misconduct resource provider in the District to provide the services required under this section.

The bill specifies the qualifications for confidential resource advisors. Confidential resource advisors may be social workers, psychologists, psychotherapists, professional clinical counselors, psychiatrists, or mental health counselors licensed in the District. Advisors are also prohibited from acting as counselors, serving any parties involved in the same misconduct allegation, or holding certain positions within the institution that could create conflicts of interest. Additionally, they cannot be undergraduate students (except under specific conditions) or full-time graduate students and cannot be the Title IX coordinator or involved in disciplinary processes

The bill specifies annual training standards for all personnel involved in sexual misconduct response. The training must include:

- Information about working with and interviewing individuals involved in an allegation of sexual misconduct;
- Information about types of conduct that constitute sexual misconduct;
- Information about consent and the role drugs and alcohol may play in an individual's ability to consent;
- The effects of trauma, including the manifestation of neurobiological and physical impact on an individual;
- How to avoid making assumptions about culpability based on protected categories and social identities; and
- Techniques to communicate sensitively and compassionately with individuals involved in an allegation of sexual misconduct.

Institutions must also train confidential resource advisors, Title IX office personnel, and public safety personnel on trauma-informed responses.

The bill establishes amnesty protection for certain types of conduct when sexual misconduct is involved. A student or witness reporting an incident of sexual misconduct will not face disciplinary action for illegal drug or alcohol use or consensual sexual activity that occurred around the time of the incident unless the report is deemed not made in good faith or poses a risk to others' safety. This

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<sup>1</sup> Title IX coordinators are employees designated by an institution whose responsibilities include those required by 34 C.F.R. § 106.8(a).

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provision does not apply to institutions controlled by religious organizations if it conflicts with their beliefs.

Institutions are required to ensure every undergraduate student completes two trauma-informed and gender-inclusive sexual misconduct prevention trainings. Undergraduates must complete one before the start of their second year and the other before their fourth year. The bill specifies the subject matter that must be addressed during these training courses.

Institutions must have sexual misconduct policies that provide essential information for victims, including emergency assistance resources, contact details for medical facilities, and descriptions of supportive services. Policies should also outline the roles of Title IX coordinators and confidential resource advisors. This information must be distributed to students and employees via electronic or postal mail or made available on the institution's website.

Beginning June 30, 2027, and every third year thereafter, the bill requires institutions to submit a report to the Higher Education Licensure Commission (Commission) detailing confidential resource advisor and Title IX office outcomes for the previous three calendar years. The report must not include personal identifying information and should aggregate data while suppressing any counts below ten.

The Commission may fine any institution that violates or fails to carry out any provision in the bill. The Commission may impose a civil fine for each violation not to exceed \$59,000 or one percent of an institution's annual operating budget, whichever is lower. Revenues generated from collecting civil penalty fines shall be directed to the Office of Victims Services and Justice Grants to allocate to sexual misconduct resource providers.

### **Financial Plan Impact**

Funds are not sufficient in the fiscal year 2025 through fiscal year 2028 budget and financial plan to implement the bill. The University of the District of Columbia (UDC) requires additional subsidy payments of \$370,000 in fiscal year 2025 and \$1.53 million over the financial plan to implement the bill.

UDC must hire two confidential resource advisors to implement the bill's requirements. These advisors will serve as resources and provide support to students and employees who experience sexual misconduct. The employees will also organize and conduct the mandated training sessions for undergraduate students. The salary and fringe costs of these employees are \$345,000 in fiscal year 2025 and \$1.42 million over the financial plan.

UDC must train confidential resource advisors, Title IX office personnel, and public safety personnel on trauma-informed responses on an annual basis. There are a total of 43 positions that will need to be trained annually at a cost of \$25,000 in fiscal year 2025 and \$103,000 over the financial plan.

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Institution of Higher Education Sexual Misconduct Reporting and Resource Accessibility Act of 2025					
Total Cost (\$ in thousands)					
	FY 2025	FY 2026	FY 2027	FY 2028	Total
Salary <sup>(a)</sup>	\$272	\$277	\$282	\$288	\$1,119
Fringe <sup>(b)</sup>	\$73	\$76	\$77	\$79	\$305
Training <sup>(c)</sup>	\$25	\$25	\$26	\$26	\$103
<b>Total</b>	<b>\$370</b>	<b>\$378</b>	<b>\$386</b>	<b>\$393</b>	<b>\$1,527</b>

Table notes:

- (a) Assumes to Grade 2B, Step 10 Confidential Resource Advisors and growth of 1.9 percent.
- (b) Assumes fringe rate of 26.8 percent and fringe growth of 2.35 percent.
- (c) Includes trauma-informed response training for 40 public safety officers, two confidential resources advisors, and one Title IX coordinator. Assumes eight hours of overtime pay for each UDC police officer to complete training. Assumes a growth rate of 1.86 percent.

Private institutions operating in the District of Columbia will be subject to the bill's requirements. The Commission already collects data from institutions and regulates and enforces postsecondary laws and regulations, so it can implement the bill with existing resources.