



Maryland Independent College and University Association

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## TESTIMONY

### House Appropriations Committee

#### *HB 1238 – Higher Education – Sexual Assault Response Training – Requirements for Grant Program*

**Kate Grubb Clark, Loyola University Maryland**

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Thank you for the opportunity to provide this testimony in opposition to HB 1238 *Higher Education – Sexual Assault Response Training – Requirements and Grant Program*. This bill would require institutions of higher education to provide a minimum of eight hours of annual sexual assault response training that is “survivor centered” and includes “trauma informed responses” to Title IX coordinators, members of the institution’s campus security, individuals responsible for investigating alleged violations of campus sexual assault policies, and individuals responsible for determining if a violation has occurred.

In addition, each campus must provide annual sexual assault response training to any employee, contractor, or enrolled student of the institution who, because of their duties, may be involved in an incident of sexual violence, refer or provide services to a survivor of sexual violence, or make determinations concerning disciplinary procedures related to violations of campus sexual assault policies.

Over the past eighteen months, all MICUA member institutions have updated their sexual assault policies to comply with recent legislation passed by the Maryland General Assembly and have submitted these policies to the Maryland Higher Education Commission (MHEC) for review and approval. Each institution also has completed a campus climate survey and is incorporating the results of those surveys into trainings and prevention materials and strategies.

House Bill 1238 requires training to be “survivor centered” but also requires institutions to provide “compassionate and sensitive delivery of services in a nonjudgmental manner.” The term “survivor centered” suggests an inequity in the Title IX process that could potentially leave institutions open to charges of bias in the proceedings.

In addition, institutions would be required to provide training on “trauma-informed responses,” which are defined to include “the neurobiological impact of trauma” as well as the current state of “societal myths and stereotypes regarding sexual violence.” Therefore, this requirement is open to more than one interpretation and compliance would be difficult to determine.

As drafted, the bill would require a minimum of eight hours of training for every campus security officer, Title IX Coordinator, and anyone involved in the investigation and adjudication of sexual assault complaints. Institutions need the flexibility to deploy limited resources to the areas that will have the greatest impact in reducing sexual assault and responding compassionately to allegations of sexual assault or misconduct. Most importantly, the training provided to workers should be related to their education, past professional training, responsibilities at the institution, and other factors and should not be based on an arbitrary number of mandated hours.

House Bill 1238 requires institutions to provide copies of their training resources to any federally recognized state sexual assault coalition or rape crisis program. Institutions frequently contract with private entities to provide sexual assault training. These training sessions are proprietary, and institutions may be prohibited from sharing these materials. Furthermore, it is unclear why an institution would be required to turn its training materials over to a non-government organization nor is it clear what those organizations may do with the materials. State sexual assault coalitions and local rape crisis programs do not have regulatory authority over institutions of higher education, and the transfer of these materials to non-public entities would set a troubling precedent.

While the bill mandates \$1,000,000 to establish the Sexual Assault Response Training at Institutions of Higher Education Grant Program, it is unclear if these funds will be appropriated. As a result, the bill creates an unfunded mandate that will burden institutions and further stretch campus Title IX resources by mandating a one size fits all approach for every institution of higher education.

The legislation also requires each institution of higher education to report on the costs of compliance with this law as a separate line item in its budget. This provision fails to recognize how colleges and universities budget for their operations. Sexual assault response training is budgeted in several line items and in various divisions and locations across the campuses. There is not a single budgeted line item that could capture the investments college and universities would have to make to comply with this legislation. Furthermore, budgeting costs in this manner would violate other accounting standards established to provide effective budget oversight.

Lastly, the bill mandates that training begins in the 2018 -19 academic year. This deadline does not even give MHEC the time to develop regulations necessary to implement the Act, and colleges and universities would have less than three months to develop and implement training programs that would be mandatory for most students, many contractors, and numerous employees throughout the organization. This is an unrealistic and impossible timeline.

**For these reasons, MICUA urges an unfavorable report for HB 1238.**