

Department of Planning and Budget 2015 Fiscal Impact Statement - Revised

1. Bill Number: HB 1322

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Delegate Morris

3. Committee: Education

4. Title: Permit officially recognized student organizations the right to hire counsel in institutional disciplinary cases

5. Summary: This bill grants any student organization that is officially recognized by one of Virginia's public institution of higher education, with the exception of Virginia Military Institute, and that is alleged to have violated the institution's policies for the conduct of students, the right to be represented, in its discretion and at its expense, by a licensed attorney or a non-attorney advocate for the duration of any disciplinary proceeding or other institutional proceeding regarding the alleged violation. This bill does not provide the student organization in question the right to representation at public expense.

6. Budget Amendment Necessary: Yes. Items 56, 178, and 221

7. Fiscal Impact Estimates: Preliminary (see Section 8)

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2015	\$0	0.0	GF
2015	\$0	0.0	NGF
2016	\$104,334	1.0	GF
2016	\$99,515	1.0	NGF
2017	\$104,334	1.0	GF
2017	\$99,515	1.0	NGF
2018	\$104,334	1.0	GF
2018	\$99,515	1.0	NGF
2019	\$104,334	1.0	GF
2019	\$99,515	1.0	NGF
2020	\$104,334	1.0	GF
2020	\$99,515	1.0	NGF
2021	\$104,334	1.0	GF
2021	\$99,515	1.0	NGF

8. Fiscal Implications: There are 16 public institutions of higher education in the Commonwealth, excluding Virginia Military Institute. Most institutions rely on either student conduct or student activities boards to discipline officially recognized student

organizations. In the case of the University of Virginia, student organizations are contracted with the threat of revocation should their actions be deemed inappropriate. While accused student organizations may have a right to an adviser from the campus community and some are permitted to have an attorney attend hearings, none of those systems currently permit student organizations to have an attorney act as an advocate during the disciplinary proceedings. These proceedings are intended to be primarily educational for both the organizations that may need to take responsibility for their actions and the institutions endeavoring to hold them accountable. For that reason, the institution's attorney is not directly involved.

Should student organizations be afforded the right to representation, as proposed by this bill, it is anticipated that the proceedings would become more legalistic, requiring changes to their structure and preparation. The guidelines for the processes and the training of the decision-makers would need to address the types of issues that lawyers are likely to inject into the proceedings (objections, evidentiary concerns, etc.).

Given the previously higher volume of disciplinary cases involving student organizations at Virginia Tech and Old Dominion University, the Office of the Attorney General (OAG) estimates that one-half of one full-time attorney position would be necessary at each institution. This would result in a total annual cost of \$99,515. The direct costs associated with the institutions' attorneys are typically born by their employers. Therefore, the \$49,757 per university would be covered by institutional operating funds generated from tuition and fees.

The responsibility of supervising the increased workload would fall on the OAG. This would come in the form of providing oversight to those institutions that have on-campus attorneys (University of Virginia, Virginia Tech, George Mason University, Old Dominion University, Virginia Commonwealth University, College of William and Mary, Christopher Newport University, James Madison University, Norfolk State University, Virginia State University, and Virginia Community College System) and legal advice to those that do not. Legal consulting on these disciplinary cases would require an additional central office OAG attorney to visit the campuses to sufficiently protect the Commonwealth's interests. This would result in an annual general fund cost of \$104,334.

Finally, it is anticipated that all public institutions of higher education would incur costs associated with training staff and students on the processes that would need to be implemented as a result of this proposed legislation. These potential costs cannot be determined.

9. Specific Agency or Political Subdivisions Affected: Virginia's public institutions of higher education and the Office of the Attorney General

10. Technical Amendment Necessary: No.

11. Other Comments: This fiscal impact statement has been revised to reflect additional information regarding the number of student organization proceedings that occur annually at Virginia's public institutions of higher education.

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c: Secretary of Education