



## OUS Fiscal Policy Manual

### Distribution of Moneys Appropriated for Clinical Legal Education Programs through Provision of Oregon Laws 2011, Chapter 595, §3(5)

**Section:** General Operations

Number: 56.200

**Title:** Distribution of Moneys Appropriated for Clinical Legal Education Programs through Provisions of Oregon Laws 2011, Chapter 595, §3(5)

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#### **POLICY**

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#### **.100 POLICY STATEMENT**

This policy provides the framework for implementing provisions of Oregon Laws 2011, Chapter 595, §3(5). This law was enacted July 1, 2011.

#### **.110 POLICY RATIONALE**

OUS seeks to ensure that the policies and procedures related to the carrying out of provisions of Oregon Laws 2011, Chapter 595, §3(5) are documented, communicated, clearly understood, and consistently applied.

#### **.120 AUTHORITY**

- HB2961 (2007) Chapter 666, §1(4) and §(3)
- HB2710 (2011) Chapter 595
- [OAR 580-040-0205 et al](#)

### **.130 APPROVAL AND EFFECTIVE DATE OF POLICY**

Approved by the Associate Vice Chancellor for Finance & Administration/Controller on 03/20/08. Revisions and updates approved by the Associate Vice Chancellor for Finance & Administration/Controller on October 10, 2011.

### **.140 KNOWLEDGE OF THIS POLICY**

All higher education institutions within the State of Oregon with law schools should be knowledgeable of this policy.

### **.190 BACKGROUND**

The Domestic Violence Clinical Legal Education (DVCLE) Account was originally created by HB2961 (2007, Chapter 666). Moneys credited to the account were collected by the courts from petitioners and respondents in court actions for marital annulment, dissolution or separation. Moneys in the account were continuously appropriated to the Oregon University System for purposes of funding clinical legal education programs at accredited institutions of higher education that met eligibility and reporting criteria. HB2710 (2011, Chapter 595) changed the funding mechanism for the Clinical Legal Education program. HB 2710 closed the DVCLE Account, transferred all funds to the state General Fund and established the Clinical Legal Education program as a targeted program within the OUS General Fund budget. HB5056 (2011, Chapter 628) established the funding level for the 2011-13 biennium at \$330,000. Neither HB2710 nor HB5056 had the intent or effect of changing the eligibility for, or funds distribution methodology of, the program.

### **.200 ELIGIBILITY**

The law requires that any funds be used only for purposes of funding “clinical legal education programs at accredited institutions of higher education that provide civil legal services to victims of domestic violence, stalking, or sexual assault.” The program must operate in conjunction with at least one nonprofit service provider to victims of domestic violence, stalking or sexual assault, and as part of the program the provider performs victim counseling services and student training.

Therefore, for the initial determination of eligibility, any applicant for funds must provide all of the following documentation to the Vice Chancellor for Finance and Administration, Oregon University System by March 31:

1. Proof that the applicant is an accredited institution of higher education (e.g., letter of accreditation); and
2. proof that the applicant has a clinical legal education program that provides civil legal services (e.g., course catalog describing clinical legal education program from which their numbers come); and
3. proof that the clinical legal education program represents clients of domestic violence, stalking, or sexual assault (e.g., foundational documents documenting the clinic’s purpose); and
4. proof that the applicant’s clinic operates in conjunction with at least one nonprofit service provider that provides advocacy services such as counseling, safety planning and/or shelter to victims of domestic violence, stalking or sexual assault (e.g., letter from such provider indicating collaborative arrangement and providing documentation of non-profit status); and
5. proof that, as part of the applicant’s program, the non-profit service provider performs victim counseling services and student training (e.g., letter from such provider that the

provider as part of the clinical legal education program provides counseling services [i.e., advocacy services] and student training).

Once a program is determined to meet the eligibility requirements, an applicant need not re-submit the information above, but must annually certify that they continue to meet the eligibility requirements.

## **.210 DISTRIBUTION OF FUNDS**

All funds received by the OUS Chancellor's Office pursuant to this policy shall be distributed to programs in amounts that are proportional to the number of victims of domestic violence, stalking or sexual assault served by the program in the preceding year as compared to the number of victims of domestic violence, stalking or sexual assault served by all eligible programs in the preceding year.

In determining numbers for the purpose of this formula, the following requirement must be met in order to count a victim for purposes of the formula.

1. The client was being provided with legal representation for an issue related to his or her status as a victim of domestic violence, stalking, or sexual assault and his or her safety. Consequently, there should be documentation that the client is seeking legal representation as a current or anticipated victim of domestic violence, sexual assault, or stalking. The sorts of services that should be covered include, but are not limited to restraining orders, custody, divorce, immigration, crime victim's compensation, etc.
2. The client must have been served during the time when the program operated in conjunction with at least one nonprofit service provider to victims of domestic violence, stalking or sexual assault, and as part of the program the provider performs victim counseling services and student training.

All funds received by the Chancellor's Office pursuant to this policy will be distributed quarterly in September, December, March and June of each fiscal year (July 1 to June 30) based on the distribution percentage established each Spring. The distribution percentage will be calculated based on the number of victims served by each eligible program in proportion to the total victims served by all eligible programs.

## **.220 STATISTICAL REPORTS**

A report including the following information for the previous calendar year must be submitted to the Chancellor's Office by March 31 of each year (Assistant Vice Chancellor for Budget Operations, Oregon University System, P.O. Box 488, Corvallis, OR 97339-0488):

1. For the period January 1 through December 31 of the preceding year, the total number of clients meeting the requirements set forth above, under section .210 Distribution of Funds, and for whom all the following statistical information is provided.
2. Nature of legal issue involved (e.g., protective order, divorce, custody, benefits, etc.)
3. The outcome of the legal issue
4. Categorization of victim service: sexual assault, domestic violence, stalking
5. Gender of victim
6. Relationship of client to offender
  - a. Current or former spouse or intimate partner
  - b. Other family or household member
  - c. Dating relationship
  - d. Acquaintance
  - e. Stranger
  - f. Relationship unknown

- g. Other  
 7. Advocacy services provided? Y or N

**.230 TIMELINE: ELIGIBILITY, REPORTING AND DISTRIBUTION OF FUNDS**

- Deadline for Application for Eligibility – March 31st
- Deadline for Required Statistical Reports – March 31st
- Distribution of Funds – The distribution of funds will be based on the distribution formula derived from the statistical reports received from programs that are determined to meet the eligibility requirements by March 31st. This will be the distribution formula that will be in effect for the following fiscal year.

**.690 CONTACT INFORMATION**

Direct questions about this policy to the following offices:

Subject	Contact
General questions from institutional personnel	Institution Business Office
General questions from institutional central administration and Chancellor's Office personnel	Assistant Vice Chancellor for Budget Operations Oregon University System P.O. Box 488 Corvallis, OR 97339-0488 (541) 737-3636

**.695 HISTORY**

03/20/08 – Approved

10/10/11 - Updated

*Policy Last Updated: 10/17/11*

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**APPENDIX**

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None