**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “TUCKER HIPPS TRANSPARENCY ACT” BY ADDING SECTION 59‑101‑210 SO AS TO PROVIDE PUBLIC INSTITUTIONS OF HIGHER LEARNING SHALL MAINTAIN REPORTS OF INVESTIGATIONS AND RELATED INFORMATION OF MEMBERS OF FRATERNITIES, SORORITIES, AND OTHER SOCIAL ORGANIZATIONS, TO SPECIFY INFORMATION THAT MUST BE INCLUDED IN THE REPORTS, TO PROVIDE INSTITUTIONS SHALL MAKE THE REPORTS AVAILABLE TO THE PUBLIC AND ONLINE, AND SHALL FURNISH REPORTS TO STUDENTS AND THEIR PARENTS BEFORE THE STUDENTS MAY BEGIN THE FORMAL PROCESS OF JOINING A FRATERNITY OR SORORITY, TO PROVIDE OVERSIGHT AND ENFORCEMENT REQUIREMENTS OF THE COMMISSION ON HIGHER EDUCATION, AND TO PROVIDE PENALTIES FOR VIOLATIONS; AND TO PROVIDE FOR THE INITIAL COMPILATION OF THESE REPORTS BEFORE THE BEGINNING OF THE 2016‑2017 ACADEMIC YEAR.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act must be known and may be cited as the “Tucker Hipps Transparency Act”.

SECTION 2. Article 1, Chapter 101, Title 59 of the 1976 Code is amended by adding:

“Section 59‑101‑210. (A) Beginning with the 2016‑2017 academic year, a public institution of higher learning shall maintain a report of investigations of student misconduct, whether public or institution‑based, concerning citations, complaints, and investigations for each member or person formally associated with each fraternity, sorority, and other social organizations permitted at the institution. This report must include the dates on which the citation was issued, complaint was filed, or investigation was initiated, a general description of the alleged incident, the dates on which any related hearings were conducted, and the resolution of the allegations including any disciplinary measures taken. This report must be in chronological order. No personal identifying information of the parties to the investigation may be included in the report. The institution shall update each report at least weekly.

(B) The institution shall:

(1) make these investigation and resolution reports available to the public upon request;

(2) provide these reports on the Internet website of the institution; and

(3) furnish a printed notice of the nature and availability of this data and the website where it can be found to a student and to the parents of the student before the student may begin the official process of joining a fraternity, sorority, or other social organizations as a new member. If a student does not receive this information before beginning this process, his membership in the organization is void.

(C) The Commission on Higher Education shall monitor each institution for compliance with the provisions of this section and shall enforce the provisions of this section when a violation occurs. This compliance must include at least one random and at least one scheduled audit annually. A member of the public also may bring complaints of violations to the commission. The commission shall conduct a hearing on an alleged violation pursuant to the Administrative Procedures Act, and may award injunctive relief or impose fines pursuant to subsection (D). A party aggrieved by a decision of the commission may appeal the decision to the Administrative Law Court pursuant to the Administrative Procedures Act.

(D) An institution that violates the provisions of this section is subject to:

(1) a fine of five hundred dollars for a first violation;

(2) a fine of one thousand dollars for a second violation; and

(3) a fine of fifteen hundred dollars and an injunction restraining the institution from permitting fraternity, sorority, and other social organizations to operate in association with the institution for a third violation.”

SECTION 3. Each public institution of higher learning shall compile an initial report and make it available to the public and online before the beginning of the 2016‑2017 academic year. This initial report must include all information concerning each incident for which an investigation began after December 31, 2010.

SECTION 4. This act takes effect upon approval by the Governor.

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