COMMITTEE REPORT

May 25, 2016

**H. 4521**

Introduced by Reps. Putnam, Burns, Loftis, Felder, Taylor, Whipper and R.L. Brown

S. Printed 5/25/16--S.

Read the first time March 17, 2016.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (H. 4521) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

JOHN E. COURSON for Committee.

**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)(1) Beginning with the 2016‑2017 academic year, a public institution of higher learning shall maintain a report of actual findings of violations of the institution’s Student Code of Conduct by fraternity and sorority organizations formally affiliated with the institution and actual findings of student misconduct that the university is made aware of, committed by a person who is both:

(a) affiliated formally with a fraternity or sorority registered as a student organization with the university at the time of the alleged misconduct; and

(b) engaged in an activity associated with a fraternity or sorority registered as a student organization with the university.

(2) A report of a violation of a Student Code of Conduct is required for offenses involving:

(a) alcohol;

(b) drugs;

(c) sexual assault;

(d) harm to others;

(e) threats;

(f) endangerment; and

(g) hazing.

(3) A report must contain two components:

(a) information concerning the alleged organizational misconduct, including:

(i) the name of the organization;

(ii) when the organization was charged with misconduct;

(iii) the dates on which the citation was issued or the event occurred;

(iv) the date the investigation was initiated;

(v) a general description of the incident, the charges, findings and sanctions placed on the organization; and

(vi) the date on which matter was resolved; and

(b) aggregate data of charges against individual members of the organization when members are charged with Student Conduct Code violations outlined in items (1) and (2);

(4) In addition to the components required in item (3), a report also must:

(a) be in descending order from most charges to least;

(b) include no personal identifying information of the individuals, but must include the name of the respective social organizations to which the parties are affiliated;

(c) include any law enforcement report associated with the alleged misconduct which is in the possession of the institution; provided, however, disclosure of this report is governed by the South Carolina Freedom of Information Act.

(5) The institution shall update this report at least forty‑five calendar days before the start of the fall and spring academic semesters.

(6) An ongoing investigation of an unresolved incident of a violation that occurred within forty‑five calendar days after the last day of that academic semester clearly must be identified as ‘pending’ and included in the report that is due forty‑five calendar days before the start of the following semester required in item (4).

(7) The institution shall provide reports required under this section on its Internet website in a prominent location. The webpage that contains this report must include a statement notifying the public:

(a) of the availability of additional information related to findings, sanctions, and organizational sanction completion;

(b) where a member of the public may obtain the additional information that is not protected under the Family Education Rights and Privacy Act (FERPA) upon request; and

(c) that the institution is required to provide this additional information pursuant to the South Carolina Freedom of Information Act.

(7) The institution shall furnish a printed notice of the nature and availability of this report and the website address where it can be found to attendees at student orientation.

(8) The institutional shall maintain reports as they are updated for seven years. Information that is seven years old may be removed from the record by the institution as it updates its records.

(B) A public institution of higher learning shall submit to the Commission on Higher Education a statement within fourteen calendar days that the reports have been updated as required in subsection (A)(4). The commission shall publish on their webpage a link to the institutions’ updated reports.

(C) A member of the public who believes that an institution is not complying with the information disclosure required under this section may seek relief as provided for under the South Carolina Freedom of Information Act.”

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 the information outlined in Section 59‑101‑210 beginning with data after December 31, 2010. If a university cannot comply with this requirement by the 2016‑2017 academic year, they may apply for a one‑year waiver but all public institutions must be compliant by the 2017‑2018 academic year.

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

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