**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑105‑65 SO AS TO PROVIDE INSTITUTIONS OF HIGHER LEARNING MAY NOT TAKE DISCIPLINARY ACTIONS FOR VIOLATIONS OF THE STUDENT CODE OF CONDUCT AGAINST STUDENTS WHO IN GOOD FAITH REPORT BEING VICTIMS OF OR WITNESSES TO CERTAIN SEXUALLY RELATED MISCONDUCT, TO PROVIDE INSTITUTIONS MAY INVESTIGATE TO DETERMINE WHETHER REPORTS OF SUCH INCIDENTS WERE MADE IN GOOD FAITH, TO PROVIDE DETERMINATIONS THAT STUDENTS WHO ARE ENTITLED TO SUCH AMNESTY MAY NOT BE REVOKED, TO EXEMPT STUDENTS WHO REPORT THEIR OWN MISCONDUCT FROM THESE AMNESTY PROVISIONS, AND TO CLARIFY THAT THESE PROVISIONS DO NOT OTHERWISE LIMIT THE ABILITY OF INSTITUTIONS TO PROVIDE AMNESTY FROM ITS OTHER POLICIES; AND TO AMEND SECTION 59‑105‑20, RELATING TO DEFINITIONS IN THE CAMPUS SEXUAL ASSAULT INFORMATION ACT, SO AS TO DEFINE AND REDEFINE NECESSARY TERMS.

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

SECTION 1. Chapter 105, Title 59 of the 1976 Code is amended by adding:

“Section 59‑105‑65. (A) An institution of higher learning may not take any disciplinary action against a student enrolled at the institution who in good faith reports to the institution being the victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence, or stalking for a violation by the student of the institution’s code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the disciplinary process of the institution regarding the incident, if any.

(B) An institution of higher learning may investigate to determine whether a report of an incident of sexual harassment, sexual assault, dating violence, or stalking was made in good faith.

(C) A determination that a student is entitled to amnesty under subsection (A) is final and may not be revoked.

(D) The provisions of subsection (A) do not apply to a student who reports the student’s own commission or assistance in the commission of sexual harassment, sexual assault, dating violence, or stalking.

(E) This section may not be construed to limit the ability of an institution to provide amnesty from application of the policies of the institution in circumstances not described in subsection (A).”

SECTION 2. Section 59‑105‑20 of the 1976 Code is amended to read:

“Section 59‑105‑20. As used in this act:

(1) ‘Campus’ means a building or property:

(a) owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes;

(b) owned or controlled by a student organization recognized by the institution including, but not limited to, fraternity, sorority, and cooperative houses;

(c) controlled by the institution but owned by a third party.

(2) ‘Campus sexual assault’ means a sexual assault that occurs on campus.

(3) ‘Dating violence’ means abuse or violence, or a threat of abuse or violence, against a person with whom the actor has or has had a social relationship of a romantic or intimate nature.

(4) ‘Harassment’ has the same meaning as provided in Section 16‑3‑1700(A) and (B).

(~~3~~5) ‘Institution of higher learning’ or ‘institution’ means a public or private two‑year or four‑year college, community or junior college, technical school, or university located in this State, and also any private two‑year or four‑year college, community or junior college, technical school, or university located in this State ~~which elects to be governed by this chapter~~.

(6) ‘Stalking’ has the same meaning as provided in Section 16‑3‑1700(C).

(~~4~~7) ‘Student’ means an individual who is enrolled in an institution of higher learning on a full‑time or part‑time basis.”

SECTION 3. This act takes effect upon approval by the Governor.

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