**South Carolina General Assembly**

121st Session, 2015-2016

**A265, R304, H4521**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Putnam, Burns, Loftis, Felder, Taylor, Whipper and R.L. Brown

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Introduced in the House on January 12, 2016

Introduced in the Senate on March 17, 2016

Last Amended on June 2, 2016

Passed by the General Assembly on June 2, 2016

Governor's Action: June 9, 2016, Signed

Summary: Tucker Hipps Transparency Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/3/2015 House Prefiled

 12/3/2015 House Referred to Committee on **Education and Public Works**

 1/12/2016 House Introduced and read first time ([House Journal‑page 92](file:///h%3A%5CHJ%20Archive%5C2016%5C01-12-16.docx))

 1/12/2016 House Referred to Committee on **Education and Public Works** ([House Journal‑page 92](file:///h%3A%5CHJ%20Archive%5C2016%5C01-12-16.docx))

 1/19/2016 House Member(s) request name added as sponsor: Loftis

 2/25/2016 House Member(s) request name added as sponsor: Felder, Taylor

 3/10/2016 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 3](file:///h%3A%5CHJ%20Archive%5C2016%5C03-10-16.docx))

 3/15/2016 House Member(s) request name added as sponsor: Whipper, R.L.Brown

 3/16/2016 House Amended ([House Journal‑page 11](file:///h%3A%5CHJ%20Archive%5C2016%5C03-16-16.docx))

 3/16/2016 House Read second time ([House Journal‑page 11](file:///h%3A%5CHJ%20Archive%5C2016%5C03-16-16.docx))

 3/16/2016 House Roll call Yeas‑84 Nays‑0 ([House Journal‑page 14](file:///h%3A%5CHJ%20Archive%5C2016%5C03-16-16.docx))

 3/17/2016 House Read third time and sent to Senate ([House Journal‑page 7](file:///h%3A%5CHJ%20Archive%5C2016%5C03-17-16.docx))

 3/17/2016 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h%3A%5CSJ%20Archive%5C2016%5C03-17-16.docx))

 3/17/2016 Senate Referred to Committee on **Education** ([Senate Journal‑page 4](file:///h%3A%5CSJ%20Archive%5C2016%5C03-17-16.docx))

 3/17/2016 Scrivener's error corrected

 5/25/2016 Senate Committee report: Favorable **Education** ([Senate Journal‑page 6](file:///h%3A%5CSJ%20Archive%5C2016%5C05-25-16.docx))

 5/31/2016 Senate Read second time ([Senate Journal‑page 60](file:///h%3A%5CSJ%20Archive%5C2016%5C05-31-16.docx))

 6/1/2016 Senate Amended ([Senate Journal‑page 57](file:///h%3A%5CSJ%20Archive%5C2016%5C06-01-16.docx))

 6/2/2016 Senate Amended ([Senate Journal‑page 62](file:///h%3A%5CSJ%20Archive%5C2016%5C06-02-16.docx))

 6/2/2016 Senate Read third time and returned to House with amendments ([Senate Journal‑page 62](file:///h%3A%5CSJ%20Archive%5C2016%5C06-02-16.docx))

 6/2/2016 Scrivener's error corrected

 6/2/2016 House Concurred in Senate amendment and enrolled ([House Journal‑page 84](file:///h%3A%5CHJ%20Archive%5C2016%5C06-02-16.docx))

 6/2/2016 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 84](file:///h%3A%5CHJ%20Archive%5C2016%5C06-02-16.docx))

 6/6/2016 Ratified R 304

 6/9/2016 Signed By Governor

 6/15/2016 Effective date 06/29/16

 6/16/2016 Act No. 265

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**VERSIONS OF THIS BILL**

[12/3/2015](file:///p%3A%5Cpprever%5C2015-16%5C4521_20151203.docx)

[3/10/2016](file:///p%3A%5Cpprever%5C2015-16%5C4521_20160310.docx)

[3/16/2016](file:///p%3A%5Cpprever%5C2015-16%5C4521_20160316.docx)

[3/17/2016](file:///p%3A%5Cpprever%5C2015-16%5C4521_20160317.docx)

[5/25/2016](file:///p%3A%5Cpprever%5C2015-16%5C4521_20160525.docx)

[6/1/2016](file:///p%3A%5Cpprever%5C2015-16%5C4521_20160601.docx)

[6/2/2016](file:///p%3A%5Cpprever%5C2015-16%5C4521_20160602.docx)

[6/2/2016-A](file:///p%3A%5Cpprever%5C2015-16%5C4521_20160602A.docx)

[6/2/2016-B](file:///p%3A%5Cpprever%5C2015-16%5C4521_20160602B.docx)

(A265, R304, H4521)

**AN ACT** **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 THAT BEGINNING WITH THE 2016‑2017 ACADEMIC YEAR, PUBLIC INSTITUTIONS OF HIGHER LEARNING, EXCLUDING TECHNICAL COLLEGES, SHALL MAINTAIN REPORTS OF ACTUAL FINDINGS OF CERTAIN MISCONDUCT BY MEMBERS OF FRATERNITIES AND SORORITIES FORMALLY ASSOCIATED WITH THE INSTITUTION, TO SPECIFY INFORMATION THAT MUST BE INCLUDED AND MUST BE EXCLUDED, TO PROVIDE REQUIREMENTS FOR UPDATING AND PRESERVING REPORTS, TO PROVIDE INSTITUTIONS SHALL MAKE THE REPORTS AVAILABLE TO THE PUBLIC AND ONLINE, TO PROVIDE MEMBERS OF THE PUBLIC MAY SEEK REDRESS FOR SUSPECTED VIOLATIONS UNDER THE FREEDOM OF INFORMATION ACT; AND TO PROVIDE SPECIFIC REQUIREMENTS FOR THE INITIAL REPORTS EACH INSTITUTION SHALL COMPILE AND MAKE AVAILABLE; AND TO PROVIDE THE ACT EXPIRES THREE YEARS AFTER ITS EFFECTIVE DATE ABSENT FURTHER ACTION BY THE GENERAL ASSEMBLY.**

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

**Citation**

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

**Institutional reports of certain violations, contents, availability, redress for violations**

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, excluding technical colleges, shall maintain a report of actual findings of violations of the institution’s Conduct of Student Organizations by fraternity and sorority organizations formally affiliated with the institution.

 (2) The report of actual findings of violations of the Conduct of Student Organizations is required for offenses involving:

 (a) alcohol;

 (b) drugs;

 (c) sexual assault;

 (d) physical assault; and

 (e) hazing.

 (3) The report of actual findings of violations must contain:

 (a) the name of the organization;

 (b) when the organization was charged with misconduct;

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

 (d) the date the investigation was initiated;

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

 (f) the date on which the matter was resolved.

 (4) The report must include no personal identifying information of the individual members and shall be subject to the requirements of the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

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

 (6) 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), 20 U.S.C. 1232g; 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 institution shall maintain reports as they are updated for four years. Information that is four 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 institution’s 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.”

**Initial reports**

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, 2012. 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.

**Time effective**

SECTION 4. This act expires three years after its effective date, unless extended or reenacted by the General Assembly by law.

Ratified the 6th day of June, 2016.

Approved the 9th day of June, 2016.

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