AS PASSED BY THE SENATE

June 2, 2016

**H. 4521**

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

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Read the first time March 17, 2016.

**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.

Amend Title To Conform

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, 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 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 USC 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 seven 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.”

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.

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

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