HOUSE DOCKET, NO. 216 FILED ON: 1/12/2015

HOUSE . . . . . No. 1078

The Commonwealth of Massachusetts

PRESENTED BY:

Timothy R. Whelan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to student's rights in higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Timothy R. Whelan	*1st Barnstable*
Susan Williams Gifford	*2nd Plymouth*
Aaron Vega	*5th Hampden*
Kay Khan	*11th Middlesex*

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By Mr. Whelan of Brewster, a petition (accompanied by bill, House, No. 1078) of Timothy R. Whelan and others for legislation to require post secondary institutions to inform students of their right to call their parents and their right to an attorney in the event of a disciplinary hearing that may result in expulsion. Higher Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3942* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to student's rights in higher education.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Prior to any disciplinary hearing to be held by a post secondary public or private educational institution in the commonwealth concerning a student which could result in the student being suspended or expelled, the administrator or disciplinarian of the educational institution shall inform the student that he or she has the right to call his or her parents while in the custody of campus police or a law enforcement component of any post secondary educational institution in the commonwealth, and to have an attorney present during any subsequent institutional disciplinary hearing.

SECTION 2. Notwithstanding any federal or state law or regulation or school policy or regulation to the contrary, the school administration or law enforcement component of any post

10 secondary state or private educational institution in the commonwealth, conducting a criminal
11 investigation or disciplinary hearing of any student or having referred any alleged criminal
12 activity of a student to a federal, state or local law enforcement agency, a federal, prosecutor,
13 district attorney or the state attorney general shall, upon discovering any exculpatory evidence
14 related to such student suspect under investigation for or charged with a crime, immediately
15 notify, in writing, such law enforcement agency, federal, prosecutor, district attorney or the state
16 attorney general of the exculpatory evidence. Such notice shall be sent to the agency that has
17 primary responsibility for the criminal matter at the time of the discovery of exculpatory
18 evidence.

19 SECTION 3. Nothing in this section shall be deemed to prevent the temporary suspension
20 of a student pending an investigation.