

HOUSE No. 1266

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Higgins

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 transcript notations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/19/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>1/24/2023</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/24/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>2/8/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/21/2023</i>

HOUSE No. 1266

By Representative Higgins of Leominster, a petition (accompanied by bill, House, No. 1266) of Natalie M. Higgins and others that institutions of higher education adopt policies on academic transcript notations and appeals relating to sexual misconduct. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to transcript notations.

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

1 SECTION 1. Chapter 6 of the General Laws, as appearing in the 2020 Official Edition, is
2 hereby amended by adding the following section:-

3 Section 168F. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 "Consent" as used in this section means affirmative, conscious, and voluntary agreement
6 to engage in sexual activity. It is a responsibility of each person involved in sexual activity to
7 ensure that the other or others consent to engage in the sexual activity. Lack of protest or
8 resistance does not mean consent. Consent must be ongoing throughout a sexual activity and can
9 be revoked at any time. The existence of a dating relationship between the persons involved, or
10 the fact of past sexual relations between them, should never by itself be assumed to be an
11 indicator of consent.

12 “Institution of higher education” or “institution”, any public or private, profit or
13 nonprofit, degree-granting educational institution, which is authorized by law to provide a
14 program of education beyond the secondary school level in the Commonwealth.

15 “Sexual misconduct”, as defined in section 168 of chapter 6 of the General Laws.

16 “Title IX Coordinator”, or a designee, who is responsible for administering and
17 maintaining an institution’s compliance with Title IX, relative to complaints of sex
18 discrimination, sexual harassment or sexual violence.

19 “Transcript”, official and unofficial student academic transcripts.

20 (b) Each institution of higher education shall adopt policies on academic transcript
21 notations and appeals relating to sexual misconduct, including, but not limited to, sexual
22 violence, domestic violence, and stalking, that shall be made publicly available by publishing the
23 policy on an institution’s website and by annually providing a copy of said policies to students,
24 faculty and staff. Said policies shall be developed in coordination with the Title IX Coordinator
25 of the institution and annually updated by the institution.

26 (c) Upon commencement of any disciplinary proceedings conducted by the institution
27 against a student alleged to have committed a crime of violence, and until a resolution is reached
28 at the close of disciplinary proceedings, the office responsible for maintaining student academic
29 records of the institution shall include a prominent and temporary notation on the academic
30 transcript of the student.

31 (1) The notation shall state the specific violation in the institution’s code, rules or set of
32 standards governing sexual misconduct that the student was alleged to have committed and

33 (2) that final resolution of the specified violation is pending subject to disciplinary
34 proceedings of the institution.

35 (d) Upon final resolution of any disciplinary proceedings conducted by the institution
36 against a student alleged to have committed a crime of violence, the office responsible for
37 maintaining student academic records of the institution shall include a prominent and permanent
38 notation on the student's academic transcript.

39 (1) The notation shall state the specific violation in the institution's code, rules or set of
40 standards governing sexual misconduct or, if the student withdrew from the institution while
41 under investigation, was alleged to have committed, and

42 (2) whether such student was suspended, expelled or permanently dismissed for such
43 violation or whether such student withdrew from the institution while under investigation for
44 such violation.

45 (3) Should a student be subsequently found not to have violated the institution's code,
46 rules, or set of standards governing sexual misconduct, notations relating to the allegations shall
47 be removed from the student's transcript.

48 (f) Each institution shall:

49 (1) reasonably notify each student that any such suspension, expulsion, dismissal or
50 withdrawal relating to a crime of violence will be documented on the student's academic
51 transcript and

52 (2) adopt a procedure for removing such notation from the academic transcript of any
53 student who is subsequently found not to have violated the institution's code, rules, or set of
54 standards governing sexual misconduct.

55 (g) The provisions of this section shall apply to sexual misconduct allegedly committed
56 on campus, off campus, or while studying abroad.

57 (h) Annually, not later than December 1, each institution shall prepare and submit to the
58 department of higher education a report that includes: (i) the total number of temporary and
59 permanent notations. The department of higher education shall analyze the incident data and
60 shall publish an annual report containing aggregate statewide information on the frequency and
61 nature of transcript notations. The department of higher education shall file the annual report
62 with the attorney general, the clerks of the senate and the house of representatives and the joint
63 committee on higher education.