HOUSE DOCKET, NO. 2601 FILED ON: 1/19/2023

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

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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:

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

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

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

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

"Sexual misconduct", as defined in section 168 of chapter 6 of the General Laws.

"Title IX Coordinator", or a designee, who is responsible for administering and maintaining an institution's compliance with Title IX, relative to complaints of sex discrimination, sexual harassment or sexual violence.

"Transcript", official and unofficial student academic transcripts.

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

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

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

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

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

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

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

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

(f) Each institution shall:

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

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

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

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