

By: Duncan

S.B. No. 1138

A BILL TO BE ENTITLED

AN ACT

relating to risk management programs for members and advisors of student organizations at public and private postsecondary educational institutions and to certain insurance requirements for fraternities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9361 to read as follows:

Sec. 51.9361. RISK MANAGEMENT PROGRAMS FOR MEMBERS AND ADVISORS OF STUDENT ORGANIZATIONS. (a) In this section:

(1) "Advisor" means a person who:

(A) serves in an advisory capacity to a student organization to provide guidance to the organization and its members;

(B) is older than 21 years of age; and

(C) is not a student of the postsecondary educational institution at which the student organization is registered.

(2) "Postsecondary educational institution" means:

(A) an institution of higher education as defined by Section 61.003, except that the term does not include a medical and dental unit or other agency of higher education as those terms are defined by that section; and

(B) a private or independent institution of

1 higher education as defined by Section 61.003, except that the term
2 does not include:

- 3 (i) a health-related institution; or
4 (ii) an institution that offers only
5 upper-division, graduate-level, or professional courses.

6 (b) This section applies only to a student organization that
7 is registered at a postsecondary educational institution and that
8 is composed mostly of students enrolled at the institution.
9 Notwithstanding Section 1.001(a), this section applies to each
10 postsecondary educational institution at which is registered one or
11 more student organizations.

12 (c) At least once during each academic year, a postsecondary
13 educational institution shall provide a risk management program for
14 members of student organizations registered at the institution.
15 Any member of a student organization who is not otherwise required
16 to attend may attend the program.

17 (d) Unless a postsecondary educational institution requires
18 each student organization registered at the institution to have
19 representatives of the organization attend a program under this
20 section, the institution shall adopt a policy that specifies one or
21 more of those student organizations or types of student
22 organizations that are required to have representatives attend.
23 The selection of student organizations or types of student
24 organizations under the policy must be based on the institution's
25 determination that those organizations or types of organizations
26 could particularly benefit from risk management guidance. Each
27 advisor who has not previously attended a program under this

1 section and each person serving in a designated officer position of
2 a student organization that is required to have representatives
3 attend a program under this section shall attend the program. An
4 institution may allow an advisor, other than a faculty or staff
5 member of the institution, to satisfy the attendance requirements
6 prescribed by this subsection through completion of an appropriate
7 computer-based risk assessment program.

8 (e) For purposes of Subsection (d), the institution may
9 designate not more than four officer positions of a student
10 organization, such as the president, membership chair, risk
11 management chair, social chair, or pledge class or new member
12 chair. If a student organization does not have an officer position
13 described by this subsection or if an officer position described by
14 Subsection (d) is vacant, the institution shall, to the extent
15 practicable, identify and designate an equivalent officer
16 position, and the person serving in that officer position shall
17 attend the program.

18 (f) Each advisor or officer required by Subsection (d) to
19 attend a program shall report on the program's contents at a meeting
20 of the full membership of the student organization the advisor or
21 officer represented at the program.

22 (g) A program under this section may address any issue
23 determined appropriate by the postsecondary educational
24 institution and must address:

25 (1) possession and use of alcoholic beverages and
26 illegal drugs, including penalties that may be imposed for
27 possession or use;

1 (2) hazing;

2 (3) sexual abuse and harassment;

3 (4) fire and other safety issues, including the
4 possession and use of a firearm or other weapon or of an explosive
5 device;

6 (5) travel to a destination outside the area in which
7 the institution is located;

8 (6) behavior at parties and other events held by a
9 student organization; and

10 (7) adoption by a student organization of a risk
11 management policy.

12 (h) A postsecondary educational institution shall provide
13 notice of a program under this section to student organizations in
14 the manner determined by the institution.

15 (i) A postsecondary educational institution shall take
16 attendance at a program provided under this section in the manner
17 determined appropriate by the institution and may, as provided by a
18 policy adopted by the institution, impose reasonable sanctions on a
19 person who is required to attend the program and fails to attend.
20 The institution shall, until at least the third anniversary of the
21 date of the program, maintain in an appropriate location at the
22 institution a record of that attendance and of notice provided
23 under Subsection (h).

24 SECTION 2. (a) The Texas Department of Insurance shall
25 conduct a study concerning:

26 (1) the levels and types of insurance coverage
27 fraternities at institutions of higher education in this state are

1 required to carry by the fraternities' chartering or national
2 organizations;

3 (2) the availability and affordability of the levels
4 and types of insurance coverage described by Subdivision (1) of
5 this subsection; and

6 (3) whether the levels and types of insurance coverage
7 described by Subdivision (1) of this subsection are available in
8 this state under:

9 (A) insurance policies issued by insurers
10 authorized to engage in the business of insurance in this state or
11 by eligible surplus lines insurers; or

12 (B) independently procured contracts of
13 insurance.

14 (b) Not later than January 1, 2009, the Texas Department of
15 Insurance shall submit to the governor, the lieutenant governor,
16 the speaker of the house of representatives, and the standing
17 committees in the senate and the house of representatives that have
18 jurisdiction over insurance and higher education a written report
19 summarizing the results of the study conducted under Subsection (a)
20 of this section.

21 SECTION 3. Section 51.9361, Education Code, as added by
22 this Act, applies to a risk management program at public and private
23 postsecondary educational institutions beginning with the 2008
24 fall semester.

25 SECTION 4. This Act takes effect September 1, 2007.