

By: Rose

H.B. No. 4189

A BILL TO BE ENTITLED

AN ACT

relating to the conduct of compliance programs by institutions of higher education.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.971 to read as follows:

Sec. 51.971. COMPLIANCE PROGRAM. (a) In this section:

(1) "Compliance program" means a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies, including matters of:

(A) ethics and standards of conduct;

(B) financial reporting;

(C) internal accounting controls; or

(D) auditing.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education that maintains a compliance program may establish procedures, such as a telephone hotline, to permit private access to the compliance program office and to preserve the confidentiality of communications and the anonymity of a person making a compliance report or participating in a compliance investigation.

(c) The following are confidential:

1 (1) information that directly or indirectly reveals
2 the identity of an individual who made a report to the compliance
3 program office of an institution of higher education, sought
4 guidance from the office, or participated in an investigation
5 conducted under the compliance program; and

6 (2) information that directly or indirectly reveals
7 the identity of an individual as a person who is alleged to have or
8 may have planned, initiated, or participated in activities that are
9 the subject of a report made to the compliance program office of an
10 institution of higher education if, after completing an
11 investigation, the office determines the report to be
12 unsubstantiated or without merit.

13 (d) Subsection (c) does not apply to information related to
14 an individual who consents to disclosure of the information.

15 (e) Information produced in a compliance program
16 investigation the release of which would interfere with an ongoing
17 compliance investigation is excepted from disclosure under Chapter
18 552, Government Code.

19 (f) Information made confidential or excepted from public
20 disclosure by this section may be made available to a law
21 enforcement agency or prosecutor for official purposes of the
22 agency or prosecutor upon proper request made in compliance with
23 applicable law and procedure.

24 SECTION 2. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.