

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. 51.917. COMPLIANCE PROGRAM. (a) In this section:

(1) "Compliance program" means a process to assess and ensure compliance by the institution's officers and employees 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 information is confidential:

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

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

11           (d) Information produced in a compliance program  
12 investigation the release of which would interfere with an ongoing  
13 compliance investigation is excepted from disclosure under Chapter  
14 552, Government Code.

15           (e) Subsection (c) does not apply to information related to  
16 an individual who consents to disclosure of the information.

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

22           SECTION 2. This Act takes effect immediately if it receives  
23 the vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2009.