

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 higher education as defined by Section 61.003, except that the term does not include:
  - (i) a health-related institution; or
  - (ii) an institution that offers only upper-division, graduate-level, or professional courses.

- (b) This section applies only to a student organization that is registered at a postsecondary educational institution and that is composed mostly of students enrolled at the institution. Notwithstanding Section 1.001(a), this section applies to each postsecondary educational institution at which is registered one or more student organizations.
- (c) At least once during each academic year, a postsecondary educational institution shall provide a risk management program for members of student organizations registered at the institution. Any member of a student organization who is not otherwise required to attend may attend the program.
- (d) Unless a postsecondary educational institution requires each student organization registered at the institution to have representatives of the organization attend a program under this section, the institution shall adopt a policy that specifies one or more of those student organizations or types of student organizations that are required to have representatives attend. The selection of student organizations or types of

- student organizations under the policy must be based on the institution's determination that those organizations or types of organizations could particularly benefit from risk management guidance. Each advisor who has not previously attended a program under this section and each person serving in a designated officer position of a student organization that is required to have representatives attend a program under this section shall attend the program. An institution may allow an advisor, other than a faculty or staff member of the institution, to satisfy the attendance requirements prescribed by this subsection through completion of an appropriate computer-based risk assessment program.
- (e) For purposes of Subsection (d), the institution may designate not more than four officer positions of a student organization, such as the president, membership chair, risk management chair, social chair, or pledge class or new member chair. If a student organization does not have an officer position described by this subsection or if an officer position described by Subsection (d) is vacant, the institution shall, to the extent practicable, identify and designate an equivalent officer position, and the person serving in that officer position shall attend the program.
  - (f) Each advisor or officer required by Subsection (d) to attend a program shall report on the program's contents at a meeting of the full membership of the student organization the advisor or officer represented at the program.
  - (g) A program under this section may address any issue determined appropriate by the postsecondary educational institution and must address:
    - (1) possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use;
    - (2) hazing;
    - (3) sexual abuse and harassment;
    - (4) fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device;
    - (5) travel to a destination outside the area in which the institution is located;
    - (6) behavior at parties and other events held by a student organization; and
    - (7) adoption by a student organization of a risk management policy.
  - (h) A postsecondary educational institution shall provide notice of a program under this section to student organizations in the manner determined by the institution.
  - (i) A postsecondary educational institution shall take attendance at a program provided under this section in the manner determined appropriate by the institution and may, as provided by a policy adopted by the institution, impose reasonable sanctions on a person who is required to attend the program and fails to attend. The institution shall, until at least the third anniversary of the date of the program, maintain in an appropriate location at the institution a record of that attendance and of notice provided under Subsection (h).

## SECTION 2.

- (a) The Texas Department of Insurance shall conduct a study concerning:
  - (1) the levels and types of insurance coverage fraternities at institutions of higher education in this state are required to carry by the fraternities' chartering or national organizations;
  - (2) the availability and affordability of the levels and types of insurance coverage

- described by Subdivision (1) of this subsection; and
- (3) whether the levels and types of insurance coverage described by Subdivision (1) of this subsection are available in this state under:
- (A) insurance policies issued by insurers authorized to engage in the business of insurance in this state or by eligible surplus lines insurers; or
  - (B) independently procured contracts of insurance.
- (b) Not later than January 1, 2009, the Texas Department of Insurance shall submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees in the senate and the house of representatives that have jurisdiction over insurance and higher education a written report summarizing the results of the study conducted under Subsection (a) of this section.

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

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

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1138 passed the Senate on May 8, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 1138 passed the House on May 23, 2007, by the following vote: Yeas 144, Nays 0, two present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor