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2 **STATE MODEL HAZING LEGISLATION**

3 **I. Definitions**

4 In this Act:

- 5 (1) The term “educational institution” means any secondary or post-secondary educational
6 institution as defined in this Act, including any degree granting institution authorized to
7 operate in this State.
- 8 (2) The term “hazing” means any intentional, knowing, or reckless act committed by a person,
9 whether individually or in concert with other persons, against a minor or student of an
10 educational institution (whether or not committed on the education institutions campus or
11 property) for the purpose of recruiting, joining, pledging, initiating, admitting, affiliating or
12 for the purpose of continuing or enhancing status in an organization which causes, coerces
13 or forces a minor or student to do any of the following
- 14 a) to violate Federal or State law.
- 15 b) to consume any food, liquid, alcoholic liquid, drug or other substance in any non-
16 customary manner which subjects the minor or student to a substantial risk of
17 emotional or physical harm which includes sickness, vomiting, intoxication or
18 unconsciousness.
- 19 c) Endure brutality of a physical nature, including whipping, beating, paddling, branding,
20 dangerous physical activity or exposure to elements or endure threats of such conduct
21 that results in medically verifiable mental or physical harm.
- 22 d) Endure brutality of a mental nature, including activity adversely affecting the mental
23 health or dignity of the individual, sleep deprivation, exclusion from social contact or
24 conduct that could result in extreme embarrassment or endure threats of such conduct
25 that results in medically verifiable mental or physical harm.
- 26 e) Endure any other activity which adversely affects the health and safety of the
27 individual.
- 28 (3) The term “local organization” means an organization that is not chartered nor recognized by
29 a national organization.
- 30 (4) The term “local affiliate organization” means an organization that is chartered or
31 recognized by a national organization and may include students or non-students.
- 32 (5) The term “national organization” means an organization, as defined in this Act, that is
33 separate from a local affiliate organization, and may charter or recognize local affiliate
34 organizations at multiple educational institutions.
- 35 (6) The term “organization” means a club, association, corporation, order, society, corps,
36 private club, fraternity, sorority, varsity or club athletic team, or service, social, or similar

37 group, whose members are primarily students or alumni of one or more educational
38 institutions.

39 (7) The term “post-secondary educational institution” means any public or private institution
40 within the state authorized to grant an associate degree or higher academic degree.

41 (8) The term “secondary educational institution” means any public or private school within the
42 state providing instruction in grades nine (9) through twelve (12) or any combination of
43 those grades.

44 (9) The term “serious bodily injury” means [insert state’s definition of serious bodily injury].
45 *[If the state does not have a definition of serious bodily injury, this term means “bodily injury*
46 *that involves any of the following: unconsciousness as a result of hazing of any kind, extreme*
47 *physical pain, protracted or obvious disfigurement of a bodily member, protracted loss or*
48 *impairment of the function of a bodily member, organ or mental faculty, death, or a*
49 *substantial risk of death.”]*

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51 (10) The term “student” means any person who is registered in or in attendance at an
52 educational institution or has been accepted for admission at the educational institution at
53 which the hazing occurs.

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55 (11) The term alcoholic liquid is any substance containing liquor, spirit, wine, beer, malt or
56 brewed beverage or any combination thereof.

57
58 (12) The term “minor” means an individual younger than 18 years of age.

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60 **II. Personal Hazing Offense**

61 a) A person commits an offense of hazing if the person requests, authorizes, commands,
62 encourages or participates in hazing, or knowingly aids, assists or conspires with any other
63 person thus offending.

64 b) A person who is guilty of hazing faces:

65 i) A misdemeanor, if no serious bodily injury or death results.

66 1) Upon conviction of a misdemeanor under this Act, a person shall be subject to up to
67 one year of imprisonment, a \$5,000 fine, or both.

68 c) A person is guilty of aggravated hazing if serious bodily injury or death results

69 1) An aggravated hazing conviction is a felony which is subject to up to 10 years of
70 imprisonment, a \$15,000 fine, or both.

71 2) Serious bodily injury includes incapacitation caused by the consumption of alcohol
72 that results in a hazing victim requiring emergency medical attention or having a
73 blood alcohol content of 0.25 or greater.

74 **III. Organizational Hazing Offense**

75 a) A local organization or local affiliate organization commits misdemeanor hazing if the
76 elected leadership of the local organization or local affiliate organization had specific
77 credible knowledge its members were participating, aiding, or assisting in any act of hazing
78 and did not attempt to intervene to stop the hazing or report it to the appropriate local
79 authorities.

80 i) Upon conviction, a local organization or local affiliate organization that violates this Act
81 shall be subject to a fine of up to \$15,000.

82 b) A national organization commits misdemeanor hazing if an employee of the national
83 organization or member of the National organization’s governing board of directors
84 knowingly directed, supervised, or actively participated in any act of hazing.

85 i) Upon conviction, a national organization that violates this Act shall be subject to a fine
86 of up to \$15,000.

87 c) A post-secondary educational institution commits misdemeanor hazing if an employee of
88 the post-secondary educational institution or member of the Educational Institution’s
89 governing board of trustees knowingly directed, supervised, or actively participated in any
90 act of hazing.

91 i) Upon conviction, a post-secondary educational institution that violates this Act shall be
92 subject to a fine of up to \$15,000.

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94 **IV. Prohibited Defenses**

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96 a) The implied or expressed consent of the person or person against whom the hazing was
97 directed shall not be a defense to any action brought under this section.

98 b) The argument that the conduct was sanctioned or approved by the institution, secondary
99 school or organization or was traditional and/ or customary shall not be defense to any
100 action brought under this section.

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102 **V. Immunity from Prosecution or Civil Liability**

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104 a) A student, organization, local affiliate organization or national organization who in good
105 faith reports or participates in reporting an allegation of hazing to local law enforcement or
106 the educational institution in advance of hazing that causes injury to a person, and who
107 takes reasonable steps to prevent hazing in the future is not subject to any civil or criminal
108 liability arising from the reported hazing.

- 109 b) A person acting in good faith and in a timely manner shall be immune from prosecution for
110 the criminal offenses related to alcohol possession, consumption or distribution if
111 i) (a) A law enforcement officer has contact with the person because the person:
112 1) Requests emergency medical assistance for himself or herself or another person;
113 2) Acts in concert with another person who requests emergency medical assistance; or
114 3) Appears to be in need of emergency medical assistance and is the individual for
115 whom the request is made;
116 ii) (b) The request is made for an individual who reasonably appears to need medical
117 assistance due to alcohol consumption; and
118 iii) (c) The person described in paragraph (a) of this subsection, if physically capable:
119 1) Provides his or her own full name if requested by emergency medical assistance
120 personnel or law enforcement officers;
121 2) Provides any other relevant information requested by the law enforcement officer
122 that is known to such person;
123 3) Remains with, or is, the individual who reasonably appears to need medical
124 assistance due to alcohol consumption until professional emergency medical
125 assistance is provided; and
126 4) Cooperates with emergency medical assistance personnel and law enforcement
127 officers.

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129 **VI. Failure to seek assistance**

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131 1) Failure to seek assistance
132 a) Any person who actively directs or engages in an act of hazing which results in the injury
133 of another person, shall, to the extent that the person can do so without danger or peril
134 to self or others, give reasonable assistance to the injured person. Reasonable
135 assistance includes immediately seeking or reporting the need for medical assistance to
136 the local emergency medical service provider or 9-1-1 equivalent.
137
138 b) A misdemeanor, if no serious bodily injury or death occurs, results in a penalty of not more
139 than \$1,000, imprisonment for not more than one year, or both.
140 c) A felony, if serious bodily injury or death occurs, results in a penalty of not more than
141 \$2,000, imprisonment for not more than five years, or both.
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143 **VII. Hazing Adjudication Requirements for Educational Institutions**

- 144 a) Upon learning of any alleged act of hazing that is not covered under the immunity from
145 prosecution provision, educational institutions are required to use their standard
146 campus disciplinary process to investigate individual students alleged to be involved in
147 the hazing.

148 **VIII. Educational Programs at Educational Institutions**

- 149 a) The Department of Education shall develop a statewide educational plan for preventing
150 hazing at educational institutions.
- 151 i) Secondary and post-secondary educational institutions shall provide students with
152 an educational program on hazing, which shall include information on hazing
153 awareness, prevention, intervention, and the institution's policies on hazing.
- 154 ii) The educational program may be conducted in-person or online. Secondary and post-
155 secondary institutions and are responsible for verifying attendance at the educational
156 program. A student who does not complete the educational program within 30 days of
157 enrollment may not participate in the educational institution or affiliated organizations
158 until the program is completed.
- 159 iii) Secondary and post-secondary educational institutions shall provide all staff and
160 volunteers that advise or coach student organizations with a mandatory educational
161 program on hazing, which shall include information on hazing awareness, hazing
162 prevention, and the institution's policies on hazing.
- 163 iv) National organizations shall provide separate and supplemental anti-hazing education
164 for their local affiliate chapters operating within the state.

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166 **IX. Institutional Reports of Certain Violations**

- 167 a) Beginning with the [2020-2021] academic year, each educational institution shall maintain
168 and publicly report actual findings of violations, by any student organization, of the
169 educational institution's code of conduct or federal or state laws relating to hazing that are
170 reported to campus authorities, local law enforcement, national organizations or any
171 organization formally affiliated with the educational institution.
- 172 b) The report shall include:
- 173 i) The name of the organization;
- 174 ii) When the organization was charged with misconduct;
- 175 iii) The dates on which the citation was issued or the event occurred;
- 176 iv) The date the investigation was initiated;
- 177 v) A general description of the incident, the charges, findings, and sanctions placed on the
178 organization;
- 179 vi) The date on which the investigation ended with a finding that a violation occurred.

- 180 vii) Investigations that do not result in a finding of formal violations of the student code of
181 conduct shall not be included in the report.
- 182 c) The report must include no personal identifying information of the individual student
183 members and shall be subject to the requirements of the Family Education Rights and
184 Privacy Act (FERPA), 20 U.S.C. § 1232g.
- 185 d) Each educational institution shall update this report at least ten (10) calendar days before
186 the start of the fall and spring academic semesters.
- 187 e) Each educational institution must make reports required under this section available on its
188 Internet website in a prominent location. The webpage that contains the reports must
189 include a statement notifying the public:
- 190 i) of the availability of additional information related to findings, sanctions, and
191 organizational sanction completion;
- 192 ii) where a member of the public may obtain the additional information that is not
193 protected under the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g;
194 and
- 195 iii) that the educational institution is required to provide this additional information
196 pursuant to the [state freedom of information statute].
- 197 f) Each educational institution shall furnish a printed notice of the nature and availability of
198 this report and the website address where it can be found to attendees at student
199 orientation.
- 200 g) Each educational institution shall maintain reports as they are updated for five years.
- 201 h) Each educational institution is required to report to local authorities within 72 hours any
202 hazing allegation that involved a significant risk of serious bodily injury or serious bodily
203 injury.

204 **X. Establishment of a State Anti-Hazing Fund**

- 205 a) The Department of Education shall establish a fund to be known as the “State Anti-Hazing
206 Fund” and shall deposit into the fund all moneys received pursuant to Sections II and III of
207 this Act and any other monies appropriated by law for deposit into the fund.
- 208 b) The Department of Education shall allocate monies available in the State Anti-Hazing Fund
209 for the purpose of making grants to secondary and post-secondary educational institutions
210 for the establishment and administration of hazing education programs as described in
211 Section VII.

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