

SENATE BILL REPORT

2SHB 1751

As of February 21, 2022

Title: An act relating to hazing prevention and reduction at institutions of higher education.

Brief Description: Concerning hazing prevention and reduction at institutions of higher education.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist and Pollet).

Brief History: Passed House: 2/15/22, 97-1.

Committee Activity: Higher Education & Workforce Development: 2/22/22.

Brief Summary of Bill

- Expands the definition of hazing.
- Requires public and private institutions of higher education to prohibit hazing on and off-campus and maintain and publicly report findings of hazing violations.
- Establishes hazing prevention committees at public institutions of higher education.
- Requires public and private institutions of higher education to provide educational programs on hazing to students and employees beginning with the 2022 fall academic term.
- Requires employees to report hazing if there is reasonable cause.
- Requires social fraternity and sorority organizations to provide certain notification to institutions of higher education and maintain a website containing all findings of violations to antihazing policies, codes, and laws from the previous five years beginning with the 2022 fall academic term.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

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Background: Hazing. In 1993, the Washington State Legislature enacted a law prohibiting hazing. Under state law, any person found guilty of hazing may be convicted of a misdemeanor and any organization knowingly permitting hazing may be held liable for damages. Any person found participating in hazing must forfeit state-funded grants, scholarships, or awards for a period of time determined by the public institution of higher education.

Hazing is defined under state law as any method of initiation, or amusement or pastime, that causes or may cause a person attending a private or public postsecondary educational institution in the state:

- bodily danger or physical harm; or
- serious mental or emotional harm.

Hazing does not include customary athletic events or other similar contests or competitions.

Summary of Bill: Definition of Hazing. The definition of hazing is expanded to include any act committed as part of a person's recruitment, pledging, admission into, or affiliation with an entity, including an athletic team, that may cause serious psychological harm. Hazing may also include causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of harm, regardless of the person's willingness to participate.

Prohibition of Hazing On- and Off-campus, Policies, and Reporting by Institutions. Public and private institutions of higher education must prohibit hazing on- and off-campus. The institution's anti-hazing policy must be included in materials on students' rights and responsibilities given to student organizations, athletic teams, or living groups.

Public and private institutions of higher education shall maintain and publicly report violations of hazing policies and laws, or offenses related to alcohol, sexual assault, or physical assault. The report must include certain information on where and when the hazing occurred, findings, and certain details of the incident and sanctions imposed. Personal or identifying information shall not be included in the report. Reports must be made available online for five years. Reports must be provided to the public at least 45 days before the start of the fall term and ten days before the start of all other terms.

Hazing Prevention Committee. Public institutions of higher education must establish a committee to promote and address hazing prevention consisting of at least six members, with a designated chair appointed by the institution's president. Half of the committee's members must be students currently attending the institution, with at least one filled by a

student from a student organization, athletic team, or living group. A student affiliated with an entity guilty of hazing within the last twelve months may not participate in the committee. The other half of the committee must include at least one faculty or staff member and one parent or legal guardian of a current student.

Educational Programs on Hazing at Private and Public Institutions of Higher Education and Reporting by Employees. Beginning with the fall 2022 academic term, every institution of higher education must:

- provide an educational program on hazing and its dangers to students as part of its new student orientation and post it online; and
- provide hazing prevention education to employees, including student employees, either in person or electronically at the beginning of each academic year or at the beginning of the academic term for new employees.

An employee must report an incident if they have reasonable cause to believe hazing has occurred. Reasonable cause means either witnessing hazing or receiving a credible written, or oral, report alleging hazing or potential hazing activity. A person who makes a report in good faith may not be punished unless directly involved in the reported hazing.

Social Fraternity and Sorority Organizations. A social fraternity and sorority organization (organization) shall notify public and private institutions of higher education:

- before chartering, rechartering, opening, or reopening a local chapter or operating at an institution of higher education; and
- when the organization starts an investigation of hazing, or element of hazing such as providing alcohol to minors, at a local chapter. Results of any investigation of hazing and a copy of full findings must be provided to the institution.

Beginning with the 2022 fall academic term, any organization seeking to obtain or maintain registration with an institution of higher education must certify in writing and provide links to the chapter's website containing all findings of violations to antihazing policies, codes, and laws from the previous five years.

Failure to comply with these notification and public information requirements shall result in automatic loss of recognition by the institution of higher education, until the organization comes into compliance.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.