

SENATE BILL REPORT

2SHB 1751

As Reported by Senate Committee On:
Higher Education & Workforce Development, February 24, 2022
Ways & Means, February 28, 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, 2/24/22 [DP-WM].

Ways & Means: 2/26/22, 2/28/22 [DPA].

Brief Summary of Amended 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, as defined in the bill, to report hazing if there is reasonable cause.

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.

- 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.

SENATE COMMITTEE ON HIGHER EDUCATION & WORKFORCE DEVELOPMENT

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Randall, Chair; Nobles, Vice Chair; Holy, Ranking Member; Liias and Sefzik.

Staff: Kellee Gunn (786-7429)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Capital; Robinson, Vice Chair, Operating & Revenue; Wilson, L., Ranking Member; Brown, Assistant Ranking Member, Operating; Schoesler, Assistant Ranking Member, Capital; Honeyford, Ranking Minority Member, Capital; Billig, Braun, Carlyle, Conway, Dhingra, Gildon, Hasegawa, Hunt, Keiser, Mullet, Muzzall, Pedersen, Rivers, Van De Wege, Wagoner, Warnick and Wellman.

Staff: Michele Alishahi (786-7433)

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 Amended 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, as defined in the bill, 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.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Renames the bill from the "Hazing Prevention and Reduction Act" to the "Sam's Law Act."

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.

Staff Summary of Public Testimony on Second Substitute House Bill (Higher Education & Workforce Development): PRO: As a mother, I cannot imagine losing a child. Many students experience hazing, and nearly all go unreported. Sam Martinez died in a hazing event associated with a fraternity at WSU. While many think of hazing as something associated with the Greek system, it goes beyond that. Unofficial organizations operate on campus with incidents without needing to notify anyone. Community members, law enforcement, students, institutions, and families will benefit from this bill. The Pullman Police Department investigated the death of Sam Martinez. Initiations and pledging are just other words for hazing. The kind of public reporting required in this bill will bring hazing out of the shadows. We can't stop hazing until we educate students and other about what hazing looks like.

On November 12, 2019, I learned that our son Sam had been found dead at WSU, following a hazing ritual. This bill is about two things: transparency and education. Alpha Tau Omega had a history of hazing violations. This is something, as a parent, I didn't know

about. Fraternities have proven again and again that they cannot stop hazing. We need safeguards to make sure no other family goes through this. Sam was the best thing to ever happen to me and my wife. It was the saddest day of my life when I saw him for the last time. If only one of these young men could have called an ambulance. Please pass this bill so no other kids are lost.

Just over three years ago, I lost my 18 year old son, Collin, at Ohio University. After he died, we found out about the torture, through hazing, he had to endure. Collin's death was senseless and tragic, and completely avoidable. Ohio's Legislature passed Collin's Law last year. 2SHB 1751 includes elements of Collin's Law such as increased transparency regarding violations and required education on how to recognize hazing. This bill is about changing the culture around hazing. No family should ever have to go through the loss of a child due to hazing.

All career and technical colleges(CTCs) prohibit hazing. There are two areas that may need revision in enacting this at the CTCs: the inclusion of alcohol, drug, sexual and physical assault in the definition of hazing in Section 1 of the bill; and disciplinary action against student organizations or groups—colleges may need to adopt special procedures for adjudicating these types of actions. Implementation may look different at the CTCs. First, on the requirement of providing information to new student orientation, CTCs do not have a single event but may have a virtual event or a class. And, the second, is the requirement that there be a parent of legal guardian participate on the hazing committee may be difficult because the students are often older, and we do not have the same involvement with parents as the four-years.

The prime sponsor has done great stakeholder work, along with the Martinez family. This is a well-crafted, well-worked bill. I am a graduate of WSU and was an active member of Kappa Kappa Gamma. I am a mother of a son of Sam Martinez's age. This devastated his family and many others. The grief is unrelenting and dark. Nothing can erase the heartache and loss this has caused. Please help stop hazing by passing this bill. As a college administrator, I see parents being left out of conversations of hazing. This bill will make hazing reporting mandatory for employees. This information should be available at a glance. This bill will help make Washington a leader in the prevention and reduction of hazing. Independent Colleges of Washington (ICW) requests language for funding to be provided to ICW institutions to implement this bill.

Persons Testifying (Higher Education & Workforce Development): PRO: Representative Mari Leavitt, Prime Sponsor; Jolayne Houtz; Gary Jenkins, Chief of Police, Pullman Police Department; Lisa Corran; Chio Flores, Wenatchee Valley College; Joe Holliday, SBCTC; David Buri, Eastern Washington University; Morgan Hickle, University of Washington; Cynthia Whiteside; Bob Embrey; Shea Hamilton, Independent Colleges of Washington; Justin Stern, Saint Martin's University; Kathleen Wiant.

Persons Signed In To Testify But Not Testifying (Higher Education & Workforce

Development): No one.

Staff Summary of Public Testimony on Second Substitute House Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.*

PRO: Please support this bill, it is about education and transparency. If one of those young men had recognized hazing, or if families had known the history of hazing with the fraternity, the result would have been different. This is an investment in young people and will protect their lives. Losing Sam has changed our family, and our community. No other family should have to go through this. Sam was my best friend and he left a serious imprint on my life. This bill can save students' lives. Public reporting will bring hazing out of the shadows. Education and public reporting will go a long way in preventing tragedies like the death of Sam Martinez. Students and parents need the information to recognize hazing and know whether the organization has been guilty of a hazing violation.

The public institutions are in full support of this bill. This legislation is impactful and implementable. The costs in the fiscal note are the costs to implement this bill. Please support this bill and fully fund it.

Persons Testifying (Ways & Means): PRO: Jolayne Houtz; Hector Martinez; Will Carlson; Gary Jenkins, Chief of Police, Pullman Police Department; Kathleen Wiant; Morgan Hickel, University of Washington.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.