

2018 Regular Session

HOUSE BILL NO. 793

BY REPRESENTATIVES STEVE CARTER AND LEGER

COLLEGES/UNIVERSITIES: Requires reporting, policies, and education on hazing

1 AN ACT

2 To enact R.S. 17:1801(C) and (D) and 1801.1, relative to hazing at postsecondary education
3 institutions; to provide relative to a prohibition against hazing; to require the Board
4 of Regents to develop and adopt a uniform hazing policy; to require postsecondary
5 education institutions to adopt such policy; to authorize institutions to amend such
6 policy with limitations; to require institutions to provide information relative to
7 hazing at orientation; to require campus organizations to provide information relative
8 to hazing; to provide definitions; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 17:1801(C) and (D) and 1801.1 are hereby enacted to read as
11 follows:

12 §1801. Hazing prohibited; ~~penalties~~

13 * * *

14 C. If an organization has taken disciplinary action against one of its members
15 for hazing or has reason to believe that any member of the organization has
16 participated in an incident of hazing, the organization shall report the incident to the
17 institution with which it is affiliated. If an organization or any of its members has
18 been disciplined by a parent organization for hazing, the organization shall report the
19 hazing for which the organization was disciplined to the institution with which it is
20 affiliated.

1 D. For purposes of this Section and R.S. 17:1801.1:

2 (1) "Postsecondary education institution", "education institution", and
3 "institution" mean any postsecondary education institution in this state supported
4 wholly or in part by public funds.

5 (2)(a) "Hazing" means any intentional, knowing, or reckless act by a person
6 acting alone or acting with others that is directed against another when both of the
7 following apply:

8 (i) The person knew or should have known that such an act endangers the
9 physical health or safety of the other person or causes severe emotional distress.

10 (ii) The act was associated with pledging, being initiated into, affiliating
11 with, participating in, holding office in, or maintaining membership in any
12 organization.

13 (b) "Hazing" includes but is not limited to any of the following acts
14 associated with pledging, being initiated into, affiliating with, participating in,
15 holding office in, or maintaining membership in any organization:

16 (i) Physical brutality, such as whipping, beating, paddling, striking, branding,
17 electric shocking, placing of a harmful substance on the body, or similar activity.

18 (ii) Physical activity, such as sleep deprivation, exposure to the elements,
19 confinement in a small space, or calisthenics, that subjects the other person to an
20 unreasonable risk of harm or that adversely affects the physical health or safety of
21 the individual or causes severe emotional distress.

22 (iii) Activity involving consumption of food, liquid, or any other substance,
23 including but not limited to an alcoholic beverage or drug, that subjects the
24 individual to an unreasonable risk of harm or that adversely affects the physical
25 health or safety of the individual or causes severe emotional distress.

26 (iv) Activity that induces, causes, or requires an individual to perform a duty
27 or task that involves the commission of a crime or an act of hazing.

28 (c) A physical activity that is normal, customary, and necessary for a
29 person's training and participation in an athletic, physical education, military

1 training, or similar program sanctioned by the postsecondary education institution
2 is not considered "hazing" for purposes of this Section.

3 (3) "Organization" means a fraternity, sorority, association, corporation,
4 order, society, corps, cooperative, club, service group, social group, band, spirit
5 group, athletic team, or similar group whose members are primarily students at, or
6 former students of, a postsecondary education institution. "Organization" includes
7 the national or parent organization of which any of the underlying entities provided
8 for in this Paragraph is a sanctioned or recognized member at the time of the hazing.

9 (4) "Pledging" means any action or activity related to becoming a member
10 of an organization, including recruitment and rushing.

11 §1801.1. Hazing education; policies; new student orientation; organizations

12 A. Not later than August 1, 2018, the Board of Regents shall develop and
13 adopt a uniform policy on hazing prevention. The policy shall define hazing as
14 defined in R.S. 17:1801. Each postsecondary education institution shall adopt the
15 uniform policy developed by the Board of Regents. An institution may expand the
16 definition of hazing to prohibit additional behaviors it determines may be dangerous
17 but shall not otherwise amend the definition.

18 B.(1) Each new student shall be provided educational information on the
19 dangers of and prohibition on hazing during the new student orientation process in
20 the form of a handbook.

21 (2) In addition to the requirement provided in Paragraph (1) of this
22 Subsection, beginning in the fall semester of 2019, each new student shall be
23 provided educational information on the dangers of and prohibition on hazing during
24 the new student orientation process either in person or electronically.

25 C. Each organization as defined in R.S. 17:1801 shall provide annually at
26 least one hour of hazing prevention education to all members and prospective
27 members. The education may be provided in person, electronically, or both. Each
28 organization shall submit a report annually to the institution with which it is

1 affiliated relative to the students receiving such education evidenced by an attestation
 2 of the student receiving the education.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
 4 signed by the governor, upon expiration of the time for bills to become law without signature
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 7 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 793 Reengrossed

2018 Regular Session

Steve Carter

Abstract: Requires reporting, policies, and education on hazing at postsecondary education institutions.

Prohibition and Reporting

Present law prohibits hazing. Proposed law retains present law and requires an organization to report to an institution in both of these circumstances:

- (1) If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member has participated in hazing.
- (2) If an organization or any of its members has been disciplined by a parent organization for hazing.

Definitions

Proposed law provides for the following definitions:

- (1) "Postsecondary education institution", "education institution", and "institution" mean any postsecondary education institution supported wholly or in part by public funds.
- (2) (a) "Hazing" means any intentional, knowing, or reckless act by a person acting alone or with others that is directed against another when both of the following apply:
 - (i) The person knew or should have known that the act endangers the physical health or safety of the other person or causes severe emotional distress.
 - (ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

- (b) "Hazing" includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:
- (i) Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
 - (ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
 - (iii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
 - (iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.
- (c) A physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the educational institution is not considered "hazing" for proposed law purposes.
- (3) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, an educational institution. Includes national or parent organization.
- (4) "Pledging" means any action or activity related to becoming a member of an organization.

Policies and education

Proposed law requires the following relative to hazing policies and education:

- (1) Requires the Bd. of Regents to develop and adopt a uniform policy on hazing prevention that defines hazing as provided in proposed law.
- (2) Requires each postsecondary education institution to adopt the Bd. of Regents policy and authorizes each institution to expand the definition of hazing to prohibit additional behaviors it determines to be dangerous but prohibits otherwise amending the definition.
- (3) Requires that each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook, and beginning in the fall of 2019, such information during the new student orientation process either in person or electronically.
- (4) Requires each organization to provide annually at least one hour of hazing prevention education to all members and prospective members in person,

electronically, or both. Requires each organization to submit a report annually to the institution relative to the students receiving such education.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 17:1801(C) and (D) and 17:1801.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Education to the original bill:

1. Relative to a student who violates the prohibition against hazing:
 - (a) Add expulsion as a possible penalty.
 - (b) Instead of prohibiting return of the student for at least the term in which the violation occurs, prohibit return for at least one semester, quarter, or comparable academic period.

The House Floor Amendments to the engrossed bill:

1. Specify that the required minimum of one hour of hazing prevention education provided by organizations is an annual requirement.
2. Remove proposed law revisions to present law relative to prohibiting hazing and providing for academic penalties.