

2018 Regular Session

HOUSE BILL NO. 793

BY REPRESENTATIVES STEVE CARTER AND LEGER

COLLEGES/UNIVERSITIES: Prohibits hazing and requires policies and education relative to hazing

1 AN ACT

2 To enact R.S. 17:1801.1 and 1801.2 and to repeal R.S. 17:1801, relative to hazing at
3 postsecondary education institutions; to provide relative to a prohibition against
4 hazing; to require the Board of Regents to develop and adopt a uniform hazing
5 policy; to require postsecondary education institutions to adopt such policy; to
6 authorize institutions to amend such policy with limitations; to require institutions
7 to provide information relative to hazing at orientation; to require campus
8 organizations to provide information relative to hazing; to provide definitions; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 17:1801.1 and 1801.2 are hereby enacted to read as follows:

12 §1801.1. Hazing prohibition; penalties; definitions

13 A. The hazing of any student, prospective student, or any other person at a
14 postsecondary education institution is prohibited.

15 B. A person who violates the provisions of this Section shall be expelled,
16 suspended, or dismissed from the institution and not permitted to return for at least
17 one semester, quarter, or comparable academic period. In addition, the person
18 violating the provisions of this Section may also be subject to the provisions of R.S.
19 14:40.8, which provide penalties for certain hazing activity.

1 C. If an organization has taken disciplinary action against one of its members
2 for hazing or has reason to believe that any member of the organization has
3 participated in an incident of hazing, the organization shall report the incident to the
4 institution with which it is affiliated. If an organization or any of its members has
5 been disciplined by a parent organization for hazing, the organization shall report the
6 hazing for which the organization was disciplined to the institution with which it is
7 affiliated.

8 D. For purposes of this Section and R.S. 17:1801.2:

9 (1) "Postsecondary education institution" and "institution" mean any
10 postsecondary education institution in this state supported wholly or in part by public
11 funds.

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

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

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

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

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

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

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

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

7 (c) A physical activity that is normal, customary, and necessary for a
8 person's training and participation in an athletic, physical education, military
9 training, or similar program sanctioned by the postsecondary education institution
10 is not considered "hazing" for purposes of this Section.

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

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

19 §1801.2. Hazing education; policies; new student orientation; organizations

20 A. Not later than August 1, 2018, the Board of Regents shall develop and
21 adopt a uniform policy on hazing prevention. The policy shall define hazing as
22 defined in R.S. 17:1801.1. Each postsecondary education institution shall adopt the
23 uniform policy developed by the Board of Regents. An institution may expand the
24 definition of hazing to prohibit additional behaviors it determines may be dangerous
25 but shall not otherwise amend the definition.

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

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

5 C. Each organization as defined in R.S. 17:1801.1 shall provide at least one
 6 hour of hazing prevention education to all members and prospective members. The
 7 education may be provided in person, electronically, or both. Each organization
 8 shall submit a report annually to the institution with which it is affiliated relative to
 9 the students receiving such education evidenced by an attestation of the student
 10 receiving the education.

11 Section 2. R.S. 17:1801 is hereby repealed in its entirety.

12 Section 3. This Act shall become effective upon signature by the governor or, if not
 13 signed by the governor, upon expiration of the time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 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 Engrossed

2018 Regular Session

Steve Carter

Abstract: Provides relative to the prohibition against hazing at postsecondary education institutions and requires policies and education on hazing.

Prohibition against hazing; penalties

Present law provides that hazing in any form, or the use of any method of initiation into fraternal organizations in any educational institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited. Provides the following consequences for whoever violates this prohibition:

- (1) A fine of \$10-\$100 or imprisonment for 10-30 days, or both.
- (2) Expulsion from the educational institution and not being permitted to return during the current session or term in which the violation occurs.

Proposed law repeals present law and provides the following relative to hazing:

- (1) Provides that the hazing of any person at a postsecondary education institution is prohibited.
- (2) Provides that whoever violates such prohibition shall be expelled, suspended, or dismissed from the institution and not permitted to return for at least one semester, quarter, or comparable academic period.

Reporting

Proposed law requires an organization to report to the 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 that these terms shall mean the following for proposed law purposes:

- (1) "Postsecondary education institution" means 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, electronic 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 orientation process either in person or electronically.
- (4) Requires each organization, as defined in proposed law, to provide 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. 17:1801.1 and 1801.2; Repeals R.S. 17:1801)

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.