
DIGEST

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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.