

Proposed Substitute HB 1751

H-2217.1

By: Representative Leavitt

Relating to Hazing Prevention and Reduction at Institutions of Higher Education

The proposed substitute makes the following changes:

- Requires the educational training on hazing to be part of new student orientation and requires the educational training to be posted on the institutions' websites for parents, guardians, and volunteers.
- Removes the requirement that institutions verify students' attendance at the hazing educational program and that student organizations, athletic teams, and living groups prohibit students who do not attend the program from initiating.
- Removes the requirement that institutions post active hazing investigations on their websites.
- Adds a definition of "employee" for purposes of hazing prevention education and reporting.
- Clarifies that the duty to report hazing does not apply to confidential employees such as counselors.

1 AN ACT Relating to hazing prevention and reduction at
2 institutions of higher education; amending RCW 28B.10.900; adding new
3 sections to chapter 28B.10 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28B.10.900 and 1993 c 514 s 1 are each amended to
6 read as follows:

7 As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any
8 (~~(method of)~~) act committed as part of a person's recruitment,
9 initiation (~~(into)~~), pledging, admission into, or affiliation with a
10 student organization, athletic team, or living group, or any pastime
11 or amusement engaged in with respect to such an organization,
12 athletic team, or living group that causes, or is likely to cause,
13 bodily danger or physical harm, or serious (~~(mental)~~) psychological
14 or emotional harm, to any student or other person attending a public
15 or private institution of higher education or other postsecondary
16 educational institution in this state, including causing, directing,
17 coercing, or forcing a person to consume any food, liquid, alcohol,
18 drug, or other substance which subjects the person to risk of such
19 harm, regardless of the person's willingness to participate. "Hazing"
20 does not include customary athletic events or other similar contests
21 or competitions.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10
2 RCW to read as follows:

3 (1) Each public and private institution of higher education shall
4 prohibit in its code of conduct hazing off campus as well as on
5 campus.

6 (2) Beginning with the 2022 fall term, each public and private
7 institution of higher education shall provide students with an
8 educational program on hazing and the dangers of and prohibition on
9 hazing, which shall include information regarding hazing awareness,
10 prevention, intervention, and the institution's policy on hazing. The
11 educational program may be offered in person or electronically. The
12 institution must incorporate the educational program as part of new
13 student orientation sessions. The educational program must be posted
14 on each institution's public website for parents, legal guardians,
15 and volunteers to view.

16 (3) Institutional materials on student rights and
17 responsibilities given to student organizations, athletic teams, or
18 living groups, either electronically or in hard copy form, shall
19 include a statement on the institution's antihazing policy and on the
20 dangers of hazing.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10
22 RCW to read as follows:

23 (1) Beginning with the 2022-23 academic year, each public and
24 private institution of higher education shall maintain and publicly
25 report actual findings of violations by any student organization,
26 athletic team, or living group of the public or private institution
27 of higher education's code of conduct, antihazing policies, or state
28 or federal laws relating to hazing or offenses related to alcohol,
29 drugs, sexual assault, or physical assault.

30 (2) The report shall include the following:

31 (a) The name of the student organization, athletic team, or
32 living group;

33 (b) The date the investigation was initiated;

34 (c) The date on which the investigation ended with a finding that
35 a violation occurred;

36 (d) A description of the incident or incidents, including the
37 date of the initial violation, and the violations, findings, and
38 sanctions placed on the student organization, athletic team, or
39 living group;

(e) The details of the sanction or sanctions imposed, including the beginning and end dates of the sanction or sanctions; and

(f) The date the student organization, athletic team, or living group was charged with a violation.

(3) Investigations that do not result in a finding of formal violations of the student code of conduct or state or federal law shall not be included in the report. The report shall not include any personal or identifying information of individual student members and shall be subject to the requirements of the federal family education rights and privacy act of 1974, 20 U.S.C. Sec. 1232g.

(4) Public and private institutions of higher education shall make reports under this section available on their websites in a prominent location clearly labeled and easily accessible from the institution's website.

(5) Each public and private institution of higher education shall maintain reports as they are updated for five years and shall post them on their respective websites at least 45 calendar days before the start of each fall academic term and at least 10 days before the start of all other academic terms.

NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10 RCW to read as follows:

(1) Beginning in the 2022 fall academic term, each public and private institution of higher education shall provide hazing prevention education on the signs and dangers of hazing as well as the institution's prohibition on hazing to employees, including student employees, either in person or electronically. The prevention education shall be provided to employees at the beginning of each academic year and for new employees at the beginning of each academic term.

(2) If, as a result of observations or information received in the course of employment or volunteer service, any employee, including a student employee, or volunteer at a public or private institution of higher education has reasonable cause to believe that hazing has occurred, the employee or volunteer shall report the incident, or cause a report to be made, to a designated authority at the institution. The employee or volunteer shall make the report at the first opportunity to do so.

1 (3) "Reasonable cause" means a person who witnesses hazing or
2 receives a credible written or oral report alleging hazing or
3 potential or planned hazing activity.

4 (4) A person who witnesses hazing or has reasonable cause to
5 believe hazing has occurred or will occur and makes a report in good
6 faith may not be sanctioned or punished for the violation of hazing
7 unless the person is directly engaged in the planning, directing, or
8 act of hazing reported.

9 (5) Nothing in this section shall preclude a person from
10 independently reporting hazing or suspected hazing activity to law
11 enforcement.

12 (6) As used in this section, "employee" means a person who is
13 receiving wages from the institution of higher education and is in a
14 position with direct ongoing contact with students in a supervisory
15 role or position of authority. "Employee" does not include a person
16 employed as medical staff or with an affiliated organization, entity,
17 or extension of a postsecondary educational institution, unless the
18 employee has a supervisory role or position of authority over
19 students. "Employee" does not include confidential employees.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.10
21 RCW to read as follows:

22 (1) Social fraternity and sorority organizations shall notify the
23 public or private institution of higher education before chartering,
24 rechartering, opening, or reopening a local chapter or operating at
25 the public or private institution of higher education.

26 (2) Social fraternity and sorority organizations shall notify the
27 public or private institution of higher education when the
28 organization instigates an investigation of a local chapter at the
29 public or private institution of higher education for hazing or other
30 activity that includes an element of hazing, such as furnishing
31 alcohol to minors. The organization shall provide the results of such
32 investigation and a copy of the full findings report to the public or
33 private institution of higher education's student conduct office.

34 (3) Beginning in the 2022 fall academic term, any local social
35 fraternity or sorority chapter seeking to obtain or maintain
36 registration with any public or private institution of higher
37 education in the state must certify in writing and provide weblinks
38 to that institution showing that the landing pages of all websites
39 owned or maintained by the local chapter contain a full list for the

1 previous five years of all findings of violations of antihazing
2 policies, state or federal laws relating to hazing, alcohol, drugs,
3 sexual assault, or physical assault, or the institution's code of
4 conduct against the local chapter.

5 (4) Failure of a social fraternity or sorority organization to
6 comply with subsections (1) through (3) of this section shall result
7 in automatic loss of recognition until such time that the
8 organization comes into compliance with those subsections.

9 NEW SECTION. **Sec. 6.** This act shall be known and cited as the
10 hazing prevention and reduction act.

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