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SECOND SUBSTITUTE HOUSE BILL 1751

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State of Washington

67th Legislature

2022 Regular Session

**By** House Appropriations (originally sponsored by Representatives Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist, and Pollet)

READ FIRST TIME 02/07/22.

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 new sections.

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        Each public institution of higher education shall establish a  
24 hazing prevention committee to promote and address hazing prevention.  
25 The committee shall have a minimum of six members including a  
26 designated chair appointed by the president of the institution. Fifty  
27 percent of the committee positions shall include students currently  
28 attending the higher education institution with at least one position  
29 filled by a student from a student organization, athletic team, or  
30 living group. The other fifty percent of the committee positions  
31 shall include at least one faculty or staff member and one parent or  
32 legal guardian of a student currently enrolled at the institution.  
33 Student input shall be considered for committee membership. A student  
34 who is a member of a student organization, athletic team, or living  
35 group that was affiliated with a finding of a hazing violation within  
36 the last twelve months may not participate in or be a member of the  
37 hazing prevention committee.

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

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

10       (2) The report shall include the following:

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

13       (b) The date the investigation was initiated;

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

16       (d) A description of the incident or incidents, including the  
17    date of the initial violation, and the violations, findings, and  
18    sanctions placed on the student organization, athletic team, or  
19    living group;

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

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

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

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

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

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

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

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

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

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

27       (5) Nothing in this section shall preclude a person from  
28   independently reporting hazing or suspected hazing activity to law  
29   enforcement.

30       (6) As used in this section, "employee" means a person who is  
31   receiving wages from the institution of higher education and is in a  
32   position with direct ongoing contact with students in a supervisory  
33   role or position of authority. "Employee" does not include a person  
34   employed as medical staff or with an affiliated organization, entity,  
35   or extension of a postsecondary educational institution, unless the  
36   employee has a supervisory role or position of authority over  
37   students. "Employee" does not include confidential employees.

38       NEW SECTION.    **Sec. 6.**    A new section is added to chapter 28B.10  
39    RCW to read as follows:

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

5 (2) Social fraternity and sorority organizations shall notify the  
6 public or private institution of higher education when the  
7 organization instigates an investigation of a local chapter at the  
8 public or private institution of higher education for hazing or other  
9 activity that includes an element of hazing, such as furnishing  
10 alcohol to minors. The organization shall provide the results of such  
11 investigation and a copy of the full findings report to the public or  
12 private institution of higher education's student conduct office.

13 (3) Beginning in the 2022 fall academic term, any local social  
14 fraternity or sorority chapter seeking to obtain or maintain  
15 registration with any public or private institution of higher  
16 education in the state must certify in writing and provide weblinks  
17 to that institution showing that the landing pages of all websites  
18 owned or maintained by the local chapter contain a full list for the  
19 previous five years of all findings of violations of antihazing  
20 policies, state or federal laws relating to hazing, alcohol, drugs,  
21 sexual assault, or physical assault, or the institution's code of  
22 conduct against the local chapter.

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

27 NEW SECTION. **Sec. 7.** This act shall be known and cited as the  
28 hazing prevention and reduction act.

29 NEW SECTION. **Sec. 8.** If specific funding for the purposes of  
30 this act, referencing this act by bill or chapter number, is not  
31 provided by June 30, 2022, in the omnibus appropriations act, this  
32 act is null and void.

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