

HOUSE BILL REPORT

2SHB 1751

As Passed Legislature

Title: An act relating to hazing prevention and reduction at institutions of higher education.

Brief Description: Concerning hazing prevention and reduction at institutions of higher education.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Leavitt, Senn, Berry, Valdez, Bateman, Berg, Callan, Cody, Fitzgibbon, Santos, Simmons, Slatter, Bergquist and Pollet).

Brief History:

Committee Activity:

College & Workforce Development: 1/13/22, 1/20/22 [DPS];
Appropriations: 2/1/22, 2/3/22 [DP2S(w/o sub CWD)].

Floor Activity:

Passed House: 2/15/22, 97-1.
Senate Amended.
Passed Senate: 3/3/22, 46-0.
House Concurred.
Passed House: 3/8/22, 97-0.
Passed Legislature.

Brief Summary of Second Substitute Bill

- Expands the definition of hazing.
- Requires each institution of higher education to prohibit hazing both on and off campus.
- Requires each institution of higher education to provide students with an educational program on hazing as part of new student orientation.
- Requires each institution of higher education to publicly report actual findings of hazing violations.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- Requires each institution of higher education to provide hazing prevention education to employees.
- Requires employees and volunteers at each public and private institution of higher education to report occurrences of hazing to a designated authority at the institution.
- Prohibits a person reporting hazing at an institution of higher education from being sanctioned for hazing unless the person is directly involved in the reported act.
- Requires social fraternity and sorority organizations to notify an institution before opening or reopening a local chapter, to notify the institution when it implements a hazing investigation, and to certify to the institution that all of the organization's websites contain a full list of hazing violations against the local chapter within the last five years.
- Requires each public institution of higher education to establish a hazing prevention committee to promote and address hazing prevention.

HOUSE COMMITTEE ON COLLEGE & WORKFORCE DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Slatter, Chair; Entenman, Vice Chair; Leavitt, Vice Chair; Chambers, Ranking Minority Member; Jacobsen, Assistant Ranking Minority Member; Chandler, Hansen, Hoff, Kraft, Paul, Pollet, Sells and Sutherland.

Staff: Elizabeth Allison (786-7129).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on College & Workforce Development. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Chandler, Chopp, Cody, Dolan, Dye, Fitzgibbon, Frame, Hansen, Harris, Hoff, Jacobsen, Johnson, J., Lekanoff, Pollet, Rude, Ryu, Schmick, Senn, Springer, Steele, Stonier, Sullivan and Tharinger.

Staff: Kate Henry (786-7349).

Background:

The definition of hazing includes any method of initiation into a student organization or living group that causes bodily danger or physical harm, or serious mental or emotional harm to a person attending a public or private institution of higher education or any other postsecondary educational institution.

Hazing is prohibited at public and private institutions of higher education or any other postsecondary educational institution in Washington. A person who participates in hazing forfeits any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the institution, and any organization, association, or student living group that knowingly permits hazing is deprived of any official recognition or approval granted by the institution.

Summary of Second Substitute Bill:

Hazing Definition.

The definition of hazing is expanded to apply to athletic teams in addition to student organizations and living groups. It includes any act committed as part of a person's recruitment, pledging, admission into, or affiliation with an athletic team, student organization, or living group in addition to initiation into such groups. The definition specifies that causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of harm, regardless of the person's willingness to participate, is considered hazing.

Hazing Violations Report and Webpage.

Public and private institutions of higher education (institutions) must prohibit hazing both on and off campus in their codes of conduct. Beginning with the fall 2022 academic term, each institution must provide students with an educational program on hazing and the dangers of hazing, as well as the institution's prohibition on hazing, as part of new student orientation. The educational program must be posted on each institution's public website for parents, legal guardians, and volunteers.

Beginning with the 2022-2023 academic year, each institution must maintain and publicly report actual findings of hazing violations by any student organization, athletic team, or living group. Hazing violations include violations of the institution's code of conduct, antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, or sexual or physical assault. The report must include:

- the name of the student organization, athletic team, or living group;
- the date the investigation was initiated;
- the date on which the investigation ended with a finding that a violation occurred;
- a description of the incident;
- the details of the sanctions imposed; and
- the date the student organization, athletic team, or living group was charged with a violation.

The report must not include include any personal or identifying information of individual students and is subject to the requirements of the federal Family Education Rights and Privacy Act (FERPA). Institutions must maintain reports for five years and post them on their respective websites 45 calendar days before the start of the fall academic term and 10 days before the start of all other academic terms.

Duty to Report Hazing.

Beginning in the fall 2022 academic term, each institution must provide hazing prevention education to each employee at the institution, either in person or electronically. The training must be provided annually for each employee and before the start of the next academic term for new employees. Employees and volunteers who have witnessed hazing or have reasonable cause to believe that hazing has or will occur must report such information to a designated authority at the institution. A person reporting hazing in good faith may not be sanctioned or punished for hazing unless the person is directly engaged in the planning, directing, or act of hazing reported. A person is not prohibited from independently reporting hazing or suspected hazing activity to law enforcement.

An employee is a person who is receiving wages from the institution and is in a position with direct ongoing contact with students in a supervisory role or position of authority. The definition of employee does not include confidential employees or a person employed as medical staff unless the person has a supervisory role or position of authority over students.

Social Fraternity and Sorority Organizations.

Social fraternity and sorority organizations (organizations) must notify institutions before chartering, rechartering, opening, or reopening a local chapter at the institution and must notify the institution when the organization instigates a hazing investigation of a local chapter. Beginning in the 2022 fall academic term, organizations seeking to obtain or maintain registration with any institution in Washington must certify in writing and provide weblinks that any websites owned by the organization contain a full list for the previous five years of all hazing violations of policies, state or federal laws, or the institution's code of conduct against the local chapter. If an organization does not comply with these requirements, the organization will automatically lose recognition at the institution until it comes into compliance.

Hazing Prevention Committee.

Each public institution of higher education must establish a hazing prevention committee to promote and address hazing prevention. The committee must have at least six members including a designated chair that is designated by the president of the university. Fifty percent of the committee positions must be students currently attending the institution, with at least one position filled by a student from a student organization, athletic team, or living group. The other 50 percent must include at least one faculty member and one parent or legal guardian of a student currently enrolled at the institution. A student who is a member of a student organization, athletic team, or living group that was affiliated with a hazing violation within the last twelve months may not participate in or be a member of the hazing

prevention committee.

The bill is titled the "Sam's Law Act."

The bill is null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (College & Workforce Development):

(In support) According to statistics, 55 percent of students reported experiencing hazing and up to 95 percent of hazing goes unreported. Hazing happens in many institutions, from the military to the workforce and on college campuses across many groups. It affects students in marching bands and athletic teams across public and private institutions. The current system to prevent hazing is failing and we need to work together to improve it. Hazing activity often includes people who have little understanding of the consequences, and parents are often unaware of unregistered groups. Organizational change is key to addressing this problem, and education is critical to keeping the public safe. The beneficiaries of this policy include parents, students, community members, law enforcement agencies, institutions, and finally, family. This bill is about two policies: transparency and education. It updates and clarifies the definition of hazing and increases education for students, parents, employees, and volunteers, and would require transparency about federal, state, and institutional hazing violations. A fraternity at Washington State University had a history of hazing, drug, and alcohol violations and was investigated by its national organization. Making this information known to the public will make it safer for young people wanting to join organizations by allowing them to make informed decisions. It has been nearly 30 years since any updates were made to Washington's hazing law. More hazing deaths will occur until colleges make changes that make it clear that hazing is unacceptable. This bill is an opportunity for Washington to be a national leader in hazing prevention. The information required in the bill can help parents and students who are first generation immigrants who face additional language and culture-related needs. The community and technical colleges are supportive of the preventative approach but will need to update their codes for procedures regarding alcohol, drug, sexual, and physical assault and disciplinary actions against groups. Some fraternities and sororities are located off campus. The Clery Act requires institutions to report crimes, but there isn't a way for students and parents to know which fraternity or sorority is safe because there is no law requiring public reporting of hazing. This bill will bring hazing out of the shadows.

There is concern about institutions posting active investigations rather than findings. There

are questions on how to hold Greek systems accountable and what constitutes a group or club. The reporting requirement in the bill does not include an exception for confidential advocates. The bill may unintentionally discourage student organizations from registering.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill is about two policies: transparency and education. It will require institutions to prohibit hazing on and off campus and be transparent for colleges students and their parents. To achieve core values, social groups do not need to include hazing. There is no transparency of hazing incidents or preventative education. Public reporting will bring hazing out of the shadows. If hazing does occur, this bill will ensure that a thorough investigation will take place. This bill has not been easy, but often the important or most impactful bills are not easy. The fiscal note is what the four-year sector believes the bill will cost, so it is not just checking a box.

(Opposed) None.

Persons Testifying (College & Workforce Development): Representative Mari Leavitt, prime sponsor; Jolayne Houtz; Hector Martinez; William Carlson; Justin Stern, Saint Martin's University; Joe Holliday, Washington State Board for Community and Technical Colleges; Chio Flores, Wenatchee Valley College; Kathleen Wiant; Brian Patrick and Alexander Pan, Associated Students of Washington State University; Gary Jenkins, Pullman Police Department; Cindy Whiteside; Shea Hamilton, Independent Colleges of Washington; David Buri, Eastern Washington University; Morgan Hickel, University of Washington; and Robert Embrey.

Persons Testifying (Appropriations): David Buri, Council of Presidents; Joseph Gabriel Burke, Associated Students of Central Washington University; Gary Jenkins, Pullman Police Department; Jolayne Houtz; Joe Holliday, State Board of Community and Technical Colleges; and Estela Navarro, Associated Students of Washington State University—Pullman.

Persons Signed In To Testify But Not Testifying (College & Workforce Development): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.