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Proposed Legislation 2007

Indiana

2007 Indiana Senate Bill 343 (NS)

(proposing more severe punishments for hazing occurring in a highway work zone).

New Jersey

2006 New Jersey Assembly Bill 1173 (NS)

(Revises the law concerning hazing; upgrades criminal penalties, provides certain immunities, creates civil offense and requires written policies.)

New York

2007 New York Assembly Bill 2795 (NS)

Proposes:

First degree hazing become a class D felony;

Second degree hazing be a class E felony;

Third degree hazing be added, as a class A misdemeanor;

Failure to report hazing be added, as a class B misdemeanor.

If passed, the legislation will take effect in November 1, 2007.

Texas

2007 Texas Senate Bill 1054 (NS)

(Definition of hazing and punishments will remain the same, but hazing will be added to an additional section of the education code.)

Alaska

No hazing statute

Alabama

Title 16. Education.

Chapter 1. General Provisions.

§ 16-1-23. Hazing prohibited; penalty.

(a) Hazing is defined as follows:

(1) Any willful action taken or situation created, whether on or off any school, college, university, or other educational premises, which recklessly or intentionally endangers the mental or physical health of any student, or

(2) Any willful act on or off any school, college, university, or other educational premises by any person alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in this section.

(3) The term hazing as defined in this section does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The term hazing does not include corporal punishment administered by officials or employees of public schools when in accordance with policies adopted by local boards of education.

(b) No person shall engage in what is commonly known and recognized as hazing, or encourage, aid, or assist any other person thus offending.

(c) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, or **fail to report** promptly his knowledge or any reasonable information within his knowledge of the presence and practice of hazing in this state to the chief executive officer of the appropriate school, college, university, or other educational institution in this state. Any act of omission or commission shall be deemed hazing under the provisions of this section.

(d) Any person who shall commit the offense of hazing shall be guilty of a **Class C misdemeanor** as defined by Title 13A.

(e) Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.

(f) Nothing in this section shall be construed as in any manner affecting or repealing any law of this state respecting homicide, or murder, manslaughter, assault with intent to murder, or aggravated assault.

Punishment: Class C misdemeanor (Individual)

Not more than 3 months in prison (Section 13A-5-7)

A fine of not more than \$500; or any amount not exceeding double the pecuniary gain to the defendant or loss to the victim caused by the commission of the offense. (Section 13A-5-12)

Punishment under § 16-1-23(e) (individual or organization)

Forfeit entitlement to public funds, scholarships, awards.

Any person who participates in the hazing of another, or any organization associated with a school, college, university, or other educational institution in this state which knowingly permits hazing to be conducted by its members or by others subject to its direction or control, shall forfeit any entitlement to public funds, scholarships, or awards which are enjoyed by him or by it and shall be deprived of any sanction or approval granted by the school, college, university, or other educational institution.

Arizona

No Criminal Hazing Statute

Title 15. Education
 Chapter 18. Hazing Prevention Policies
 Article 1. General Provisions

§ 15-2301. Hazing prevention policies; definitions

A. Every public educational institution in this state shall adopt, Post and enforce a hazing prevention policy. The hazing prevention policy shall be printed in every student handbook for distribution to parents and students. Each hazing prevention policy shall include:

1. A definition of hazing pursuant to subsection C, paragraph 2 of this section.
2. A statement that hazing is prohibited.
3. A statement that any solicitation to engage in hazing is prohibited.
4. A Statement that aiding and abetting another person who is engaged in hazing is prohibited.
5. A statement that it is not a defense to a violation of the hazing prevention policy if the hazing victim consented to or acquiesced in the hazing activity.
6. A statement that all students, teachers and staff shall take reasonable measures within the scope of their individual authority to prevent violations of the hazing prevention policy.
7. A description of the procedures for students, teachers and staff to report violations of the hazing prevention policy and the procedures to file a complaint for a violation of the hazing prevention policy.
8. Procedures to investigate reports of violations of the hazing prevention policy and to investigate complaints for a violation of the hazing prevention policy.
9. A description of the circumstances under which a violation of the hazing prevention policy shall be reported to the appropriate law enforcement agency.
10. A Description of appropriate penalties, sanctions and appeals mechanisms for persons and organizations that violate the hazing prevention policy. The sanctions shall include the revocation or suspension of an organization's permission to conduct operations at the educational institution if the organization knowingly permitted, authorized or condoned the hazing activity. Any teacher or staff who knowingly permitted, authorized or condoned the hazing activity is subject to disciplinary action by the educational institution.

B. Violations of hazing prevention policies adopted pursuant to this section do not include either of the following:

1. Customary athletic events, contests or competitions that are sponsored by an educational institution.

2. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program.

C. For purposes of this section:

1. "Educational institution" means any of the following:

(a) A public school that provides instruction to pupils in any combination of kindergarten programs and grades one through twelve.

(b) A public community college or a vocational education program that provides academic instruction or training not exceeding two years' duration in the arts, sciences and humanities beyond the twelfth grade of the public or private high school course of study.

(c) Any public college or university that provides academic instruction beyond the twelfth grade of the public or private high school course of study and that offers any combination of baccalaureate, master's or doctoral degrees to students that complete specified academic requirements.

2. "Hazing" means any intentional, knowing or reckless act committed by a student, whether individually or in concert with other persons, against another student, and in which both of the following apply:

(a) The act was committed in connection with an initiation into, an affiliation with or the maintenance of membership in any organization that is affiliated with an educational institution.

(b) The act contributes to a substantial risk of potential physical injury, mental harm or degradation or causes physical injury, mental harm or personal degradation.

3. "Organization" means an athletic team, association, order, society, corps, cooperative, club or other similar group that is affiliated with an educational institution and whose membership consists primarily of students enrolled at that educational institution.

4. "Student" means any person who is enrolled at an educational institution, any person who has been promoted or accepted for enrollment at an educational institution or any person who intends to enroll at or be promoted to an educational institution within the next twelve calendar months. The hazing prevention policy of the educational institution where a person has been accepted for or promoted to enrollment, or where a person intends to enroll or be promoted to within the next twelve calendar months, shall be the effective policy. A person who meets the definition of a student for purposes of this paragraph shall continue to be defined as a student for purposes of this section until the person graduates, transfers, is promoted or withdraws from the educational institution.

Punishment: §15-2301

Penalties for hazing are to be determined by the educational institution.

For the organization, they shall include the revocation or suspension of the organization's permission to conduct operations at the educational institution.

For teachers or staff knowingly permitting, authorizing, or condoning hazing, it shall include disciplinary action.

Arkansas

Title 6. Education

Subtitle 1. General Provisions (Chapters 1 to 9)

Chapter 5. Misc. Provisions Relating to Elementary, Secondary, and Higher Education

Subchapter 2. Hazing

§ 6-5-201. Definition

(a) As used in this subchapter, unless the context otherwise requires, "hazing" means:

(1) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student and done for the purpose of intimidating the student attacked by threatening him with social or other ostracism or of submitting such student to ignominy, shame, or disgrace among his fellow students, and acts calculated to produce such results; or

(2) The playing of abusive or truculent tricks on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others, upon another student to frighten or scare him; or

(3) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others which is directed against any other student done for the purpose of humbling the pride, stifling the ambition, or impairing the courage of the student attacked or to discourage him from remaining in that school, college, university, or other educational institution, or reasonably to cause him to leave the institution rather than submit to such acts; or

(4) Any willful act on or off the property of any school, college, university, or other educational institution in Arkansas by one (1) student alone or acting with others in striking, beating, bruising, or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise, or maim; or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution; or any assault upon any such student made for the purpose of committing any of the acts, or producing any of the results, to such student as defined in this section.

(b) The term "hazing" as defined in this section does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

§ 6-5-202. Prohibitions

(a) No student of any school, college, university, or other educational institution in Arkansas shall engage in what is commonly known and recognized as hazing or encourage, aid, or assist any other student in the commission of this offense.

(b) (1) No person shall knowingly permit, encourage, aid, or assist any person in committing the offense of hazing, or willfully acquiesce in the commission of such offense, **or fail to report** promptly his knowledge or any reasonable information within his knowledge of

the presence and practice of hazing in this state to an appropriate administrative official of the school, college, university, or other educational institution in Arkansas.

(2) Any act of omission or commission shall be deemed hazing under the provisions of this subsection.

§ 6-5-203. Penalties

(a) The offense of hazing is a **Class B misdemeanor**.

(b) Upon conviction of any student of the offense of hazing, he shall, in addition to any punishment imposed by the court, be expelled from the school, college, university, or other educational institution he is attending.

§ 6-5-204. Construction of provisions

Nothing in this subchapter shall be construed as in any manner affecting or repealing any law of this state respecting any other criminal offense.

Punishment: Class B misdemeanor

A defendant convicted of a Class B misdemeanor may be sentenced according to the following limitations: the sentence shall not exceed ninety (90) days. (§ 5-4-401)

A defendant convicted of a Class B misdemeanor may be sentenced to pay a fine not exceeding \$500. (§5-4-201)

Fine and sentence.

See §5-4-104 for additional punishment information including probation and restitution.

Punishment: Expulsion

In addition to any court-imposed punishment, a student shall be “expelled from the school, college, university, or other educational institution.” (§6-5-203 above)

California

Penal Code
 Part 1. Of Crimes and Punishments
 Title 8. Of Crimes Against the Person
 Chapter 9. Assault and Battery

Penal Code, § 245.6. Hazing; punishment

- (a) It shall be unlawful to engage in hazing, as defined in this section.
- (b) "Hazing" means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.
- (c) A violation of this section that does not result in serious bodily injury is a **misdemeanor**, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both.
- (d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a **misdemeanor or a felony**, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment in the state prison.
- (e) The person against whom the hazing is directed may commence a **civil action** for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.
- (f) Prosecution under this section shall not prohibit prosecution under any other provision of law.

Punishment: misdemeanor (no serious bodily injury)

Under §245.6: Fine of \$100 - \$5,000 or imprisonment in the county jail for less than one year, or both.

Punishment: misdemeanor or felony (death or serious bodily injury)

Under §245.6: Imprisonment in county jail not exceeding one year, or by imprisonment in the state prison.

See also Education Code § 48900 allowing suspension or expulsion for primary or secondary students who engage in hazing.

Colorado

Title 18. Criminal Code

Article 9. Offenses Against Public Peace, Order, and Decency

Part 1. Public Peace and Order

§ 18-9-124. Hazing--penalties--legislative declaration

- (1) (a) The general assembly finds that, while some forms of initiation constitute acceptable behavior, hazing sometimes degenerates into a dangerous form of intimidation and degradation. The general assembly also recognizes that although certain criminal statutes cover the more egregious hazing activities, other activities that may not be covered by existing criminal statutes may threaten the health of students or, if not stopped early enough, may escalate into serious injury.
- (b) In enacting this section, it is not the intent of the general assembly to change the penalty for any activity that is covered by any other criminal statute. It is rather the intent of the general assembly to define hazing activities not covered by any other criminal statute.
- (2) As used in this section, unless the context otherwise requires:
- (a) "Hazing" means any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that "hazing" does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.
- (b) "Hazing" includes but is not limited to:
- (I) Forced and prolonged physical activity;
 - (II) Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption;
 - (III) Prolonged deprivation of sleep, food, or drink.
- (3) It shall be unlawful for any person to engage in hazing.
- (4) Any person who violates subsection (3) of this section commits a **class 3 misdemeanor**.

Punishment: class 3 misdemeanor

Minimum punishment: Fifty dollar fine

Maximum punishment: Six months imprisonment, or seven hundred fifty dollar fine, or both

(§ 18-1.3-501)

Connecticut

Title 53. Crimes

Chapter 939. Offenses Against The Person

Sec. 53-23a. Hazing.

(a) For purposes of this section:

(1) "Hazing" means any action which recklessly or intentionally endangers the health or safety of a person for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a student organization. The term shall include, but not be limited to:

(A) Requiring indecent exposure of the body;

(B) Requiring any activity that would subject the person to extreme mental stress, such as sleep deprivation or extended isolation from social contact;

(C) Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas;

(D) Any assault upon the person; or

(E) Requiring the ingestion of any substance or any other physical activity which could adversely affect the health or safety of the individual. The term shall not include an action sponsored by an institution of higher education which requires any athletic practice, conditioning, or competition or curricular activity.

(2) "Student organization" means a fraternity, sorority or any other organization organized or operating at an institution of higher education.

(b) No student organization or member of a student organization shall engage in hazing any member or person pledged to be a member of the organization. The implied or express consent of the victim shall not be a defense in any action brought under this section.

(c) A student organization which violates subsection (b) of this section (1) shall be subject to a **fine** of not more than one thousand five hundred dollars and (2) shall **forfeit** for a period of not less than one year all of the rights and privileges of being an organization organized or operating at an institution of higher education.

(d) A member of a student organization who violates subsection (b) of this section shall be subject to a **fine** of not more than one thousand dollars.

(e) This section shall not in any manner limit or exclude prosecution or punishment for any crime or any civil remedy.

Punishment: Organization

Fine not exceeding \$1,500, and forfeiture for not less than 1 year of the rights and privileges of being an organization at a institute of higher learning.

Punishment: Individual

Fine of nor more than \$1,000.

Delaware

Title 14. Education
Part VII. Hazing
Chapter 93. Anti-Hazing Law

§ 9301. Short title

This chapter shall be known and may be cited as the Anti-Hazing Law.

§ 9302. Definitions

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher learning. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

§ 9303. Hazing prohibited

Any person who causes or participates in hazing commits a **class B misdemeanor**.

§ 9304. Enforcement by institution

(a) Anti-hazing policy. -- Each institution shall adopt a written anti-hazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution from engaging in any activity which can be described as hazing.

(b) Enforcement and penalties.

(1) Each institution shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution responsible for the sanctioning or recognition of such organizations.

(2) Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension or dismissal.

(3) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction or recognition of the institution.

(4) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of paragraph (3) of this subsection or any of the criminal laws of this State or for violation of any other institutional rule to which the violator may be subject.

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

Punishment: Class B misdemeanor

The sentence for a class B misdemeanor may include up to 6 months incarceration at Level V and such fine up to \$1,150, restitution or other conditions as the court deems appropriate.

(Title 11, § 4206)

Other Punishments by University §9304(b)(2)

May include fines, withholding of diplomas or transcripts pending payment of fines, imposition of probation, suspension, or dismissal.

Other Punishments by Organization §9304(b)(3)

Penalties may include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction or recognition of the institution.

Florida

Title XLVIII. K-20 Education Code

Chapter 1006. Support for Learning

Part II. Public Postsecondary Education Support for Learning and Student Services

§1006.63. Hazing prohibited

(1) As used in this section, "hazing" means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. "Hazing" includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

(2) A person commits hazing, a **third degree felony**, punishable as provided in s. 775.082 or s. 775.083, when he or she intentionally or recklessly commits any act of hazing as defined in subsection (1) upon another person who is a member of or an applicant to any type of student organization and the hazing results in serious bodily injury or death of such other person.

(3) A person commits hazing, a **first degree misdemeanor**, punishable as provided in s. 775.082 or s. 775.083, when he or she intentionally or recklessly commits any act of hazing as defined in subsection (1) upon another person who is a member of or an applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to such other person.

(4) As a condition of any sentence imposed pursuant to subsection (2) or subsection (3), the court shall order the defendant to attend and complete a 4- hour hazing education course and may also impose a condition of drug or alcohol probation.

(5) It is not a defense to a charge of hazing that:

(a) The consent of the victim had been obtained;

(b) The conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or

(c) The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.

(6) This section shall not be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode.

(7) Public and nonpublic postsecondary educational institutions whose students receive state student financial assistance must adopt a written antihazing policy and under such policy must

adopt rules prohibiting students or other persons associated with any student organization from engaging in hazing.

(8) Public and nonpublic postsecondary educational institutions must provide a program for the enforcement of such rules and must adopt appropriate penalties for violations of such rules, to be administered by the person at the institution responsible for the sanctioning of such organizations.

(a) Such penalties at community colleges and state universities may include the imposition of fines; the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or dismissal.

(b) In the case of an organization at a community college or state university that authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the institution.

(c) All penalties imposed under the authority of this subsection shall be in addition to any penalty imposed for violation of any of the criminal laws of this state or for violation of any other rule of the institution to which the violator may be subject.

(9) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

(10) Upon approval of the antihazing policy of a community college or state university and of the rules and penalties adopted pursuant thereto, the institution shall provide a copy of such policy, rules, and penalties to each student enrolled in that institution and shall require the inclusion of such policy, rules, and penalties in the bylaws of every organization operating under the sanction of the institution.

See also, **§1006.135**. Hazing at high schools with grades 9-12 prohibited

Punishment: third degree felony (serious bodily injury or death)

Imprisonment not exceeding 5 years. (§775.082) or a fine not exceeding \$5,000 or both. (§775.083)

Additional punishments under §1006.63(4): Four-hour hazing education course. Also drug or alcohol probation if court sees fit.

Punishment: first degree misdemeanor (Risk of substantial bodily injury or death)

Imprisonment for a definite term not exceeding 1 year or a fine not exceeding \$1,000, or both. (§775.083 and §775.082)

Additional punishments under §1006.63(4): Four-hour hazing education course. Also drug or alcohol probation if court sees fit.

Georgia

Title 16. Crimes and Offenses
Chapter 5. Crimes Against The Person
Article 4. Reckless Conduct

§ 16-5-61. Hazing

(a) As used in this Code section, the term:

(1) "Haze" means to subject a student to an activity which endangers or is likely to endanger the physical health of a student, regardless of a student's willingness to participate in such activity.

(2) "School" means any school, college, or university in this state.

(3) "School organization" means any club, society, fraternity, sorority, or a group living together which has students as its principal members.

(4) "Student" means any person enrolled in a school in this state.

(b) It shall be unlawful for any person to haze any student in connection with or as a condition or precondition of gaining acceptance, membership, office, or other status in a school organization.

(c) Any person who violates this Code section shall be guilty of a **misdemeanor of a high and aggravated nature**.

Punishment: misdemeanor of a high and aggravated nature

Fine not to exceed \$ 5,000 or

Confinement for a term not to exceed 12 months in the county or other jail, county correctional institution, or such other places as counties may provide for maintenance of county inmates

or both. (§ 17-10-4)

Hawaii

No Hazing Statute

Idaho

Title 18, Chapter 9: Assault and Battery

§18-917. Hazing

(1) No member of a fraternity, sorority or other living or social student organization organized or operating on or near a college or university campus for purposes of participating in student activities of the college or university, shall intentionally haze or conspire to haze any member, potential member or person pledged to be a member of the organization, as a condition or precondition of attaining membership in the organization or of attaining any office or status therein.

(2) As used in this section, "haze" means to subject a person to bodily danger or physical harm or a likelihood of bodily danger or physical harm, or to require, encourage, authorize or permit that the person be subjected to any of the following:

- (a) Total or substantial nudity on the part of the person;
- (b) Compelled ingestion of any substance by the person;
- (c) Wearing or carrying of any obscene or physically burdensome article by the person;
- (d) Physical assaults upon or offensive physical contact with the person;
- (e) Participation by the person in boxing matches, excessive number of calisthenics, or other physical contests;
- (f) Transportation and abandonment of the person;
- (g) Confinement of the person to unreasonably small, unventilated, unsanitary or unlighted areas;
- (h) Sleep deprivation; or
- (i) Assignment of pranks to be performed by the person.

(3) Subsection (1) of this section does not apply to curricular activities or to athletic teams of or within the college or university.

(4) A member of a fraternity, sorority or other student organization, who personally violates any provision of this section shall be guilty of a **misdemeanor**.

Punishment: misdemeanor

Imprisonment in a county jail not exceeding six (6) months, or a fine not exceeding one thousand dollars (\$1,000), or both.

(§ 18-113. Punishment for misdemeanor)

Illinois

Chapter 720. Criminal Offenses
Offenses Against Persons
Act 120. Hazing Act

§ 720 ILCS 120/0.01. Short title

Sec. 0.01. Short title. This Act may be cited as the Hazing Act.

§ 720 ILCS 120/5. Hazing

Sec. 5. Hazing. A person commits hazing who knowingly requires the performance of any act by a student or other person in a school, college, university, or other educational institution of this State, for the purpose of induction or admission into any group, organization, or society associated or connected with that institution if:

- (a) the act is not sanctioned or authorized by that educational institution; and
- (b) the act results in bodily harm to any person.

§ 720 ILCS 120/10. Sentence

Sec. 10. Sentence. Hazing is a **Class A misdemeanor**, except hazing that results in death or great bodily harm is a **Class 4 felony**.

Punishment: Class A misdemeanor

Imprisonment for any determinate term less than less than one year (Act 5 §5-8-3(a)(1)), or
Fine not exceeding \$5,000 (Act 5 §5-9-1(a)(2)), or
Both.

Punishment: Class 4 felony (death or great bodily harm)

Imprisonment of not less than 1 year and not more than 3 years. (Act 5 §5-8-1(7)), or
Fine not exceeding \$25,000 (Act 5 §5-9-1(a)(1)), or
Both.

Indiana

Title 34. Civil Procedure

Article 30. Immunity from Civil Liability

Chapter 2. Statutes Outside IC 34 That Confer Immunity

§ 35-42-2-2. **Criminal recklessness** -- Exemption from liability resulting from hazing reports

- (a) As used in this section, "hazing" means forcing or requiring another person:
- (1) with or without the consent of the other person; and
 - (2) as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury.
- (b) A person who recklessly, knowingly, or intentionally performs:
- (1) an act that creates a substantial risk of bodily injury to another person; or
 - (2) hazing; commits criminal recklessness. Except as provided in subsection (c), criminal recklessness is a **Class B misdemeanor**.
- (c) The offense of criminal recklessness as defined in subsection (b) is:
- (1) a **Class A misdemeanor** if the conduct includes the use of a vehicle;
 - (2) a **Class D felony** if:
 - (A) it is committed while armed with a deadly weapon; or
 - (B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in serious bodily injury to another person; or
 - (3) a **Class C felony** if:
 - (A) it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather; or
 - (B) the person committed aggressive driving (as defined in IC 9-21-8-55) that results in the death of another person.
- (d) A person who recklessly, knowingly, or intentionally:
- (1) inflicts serious bodily injury on another person; or
 - (2) performs hazing that results in serious bodily injury to a person; commits criminal recklessness, a **Class D felony**. However, the offense is a **Class C felony** if committed by means of a deadly weapon.
- (e) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator was an adult, who:
- (1) makes a report of hazing in good faith;
 - (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
 - (3) employs a reporting or participating person described in subdivision (1) or (2); or

(4) supervises a reporting or participating person described in subdivision (1) or (2); is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(f) A person described in subsection (e)(1) or (e)(2) is presumed to act in good faith.

(g) A person described in subsection (e)(1) or (e)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

(1) an offense under this section; or

(2) a delinquent act that would be an offense under this section if the offender was an adult.

Punishment: Class A misdemeanor

The person shall be imprisoned for a fixed term of not more than one (1) year; in addition, he may be fined not more than five thousand dollars (\$5,000). (35-50-3-2)

Punishment: Class B misdemeanor

The person shall be imprisoned for a fixed term of not more than one hundred eighty (180) days; in addition, he may be fined not more than one thousand dollars (\$1,000). (35-30-3-3)

Punishment: Class C felony

A person who commits a Class C felony shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years.

In addition, the person may be fined not more than ten thousand dollars (\$10,000). (35-30-2-6)

Punishment: Class D felony

A person who commits a Class D felony shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years.

In addition, the person may be fined not more than ten thousand dollars (\$10,000). (35-30-2-7)

The court may choose to impose sentencing for a Class A misdemeanor instead if the person has no prior felonies. (35-50-2-7(b))

Iowa

Title XVI. Criminal Law and Procedure [chs. 687-915]
 Subtitle 1. Crime Control and Criminal Acts [Chs. 687-747]
 Chapter 708. Assault
 708.10. Hazing

708.10 Hazing

1.
 - a. A person commits an act of hazing when the person intentionally or recklessly engages in any act or acts involving forced activity which endanger the physical health or safety of a student for the purpose of initiation or admission into, or affiliation with, any organization operating in connection with a school, college, or university. Prohibited acts include, but are not limited to, any brutality of a physical nature such as whipping, forced confinement, or any other forced activity which endangers the physical health or safety of the student.
 - b. For purposes of this section, "forced activity" means any activity which is a condition of initiation or admission into, or affiliation with, an organization, regardless of a student's willingness to participate in the activity.
2. A person who commits an act of hazing is guilty of a **simple misdemeanor**.
3. A person who commits an act of hazing which causes serious bodily injury to another is guilty of a **serious misdemeanor**.

Punishment: Simple Misdemeanor

For a simple misdemeanor, there shall be a fine of at least sixty-five dollars but not to exceed six hundred twenty-five dollars.

The court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine.

(Title XVI, §903.1(1)(a))

Punishment: Serious Misdemeanor

For a serious misdemeanor, there shall be a fine of at least three hundred fifteen dollars but not to exceed one thousand eight hundred seventy-five dollars.

In addition, the court may also order imprisonment not to exceed one year.

(Title XVI, §903.1(1)(b))

Kansas

Chapter 21.--Crimes And Punishments
Kansas Criminal Code (Articles 31 to 47)
Part II.--prohibited conduct
Article 34.--Crimes Against Persons

21-3434. Promoting or permitting hazing.

- (a) No social or fraternal organization shall promote or permit hazing.
- (b) Hazing is intentionally, coercing, demanding or encouraging another person to perform as a condition of membership in a social or fraternal organization, any act which could reasonably be expected to result in great bodily harm, disfigurement or death or which is done in a manner whereby great bodily harm, disfigurement or death could be inflicted.
- (c) Promoting or permitting hazing is a **class B nonperson misdemeanor**.
- (d) This section shall be part of and supplemental to the Kansas criminal code.

Punishment: Class B nonperson misdemeanor

A sentence of a definite term of confinement in the county jail which shall be fixed by the court and shall not exceed six months. (§21-4502)

A fine not exceeding \$1,000. (§21-4503a)

Kentucky

No criminal hazing statute.

Title XIII. Education

Chapter 164. State Universities and Colleges; Regional Education; Archaeology

State Colleges and Universities

§ 164.375. Policy statements of boards of trustees concerning "hazing" activities of campus organizations

(1) The boards of trustees of the University of Kentucky and the University of Louisville and the boards of regents of those state colleges set out in KRS 164.290 shall, within ninety (90) days of July 15, 1986, adopt statements of campus policy which prohibit any action or situation which recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization. Such policy statements shall govern the conduct of students, faculty and other staff as well as visitors and other licensees and invitees on such campuses and property. The penalties for violations of such policy statements shall be clearly set forth therein and shall include provisions for the ejection of a violator from such campus and property, in the case of a student or faculty violator his suspension, expulsion or other appropriate disciplinary action and, in the case of an organization which authorizes such conduct, rescission of permission for that organization to operate on campus property. Such penalties shall be in addition to any penalty pursuant to the penal law or any other chapter to which a violator or organization may be subject. A copy of such policy statements which prohibit reckless or intentional endangerment to health or forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization shall be given to all students enrolled in said college and shall be deemed to be part of the bylaws of all organizations operating on said campus.

(2) Nothing contained in this section is intended nor shall it be construed to limit or restrict the freedom of speech nor peaceful assembly.

Louisiana

Title 17. Education
Chapter 5. State Colleges and Universities
Part III. Miscellaneous Provisions

§ 1801. Hazing prohibited; penalties

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.

Whoever violates the provisions of this Section shall be **fin**~~ed~~ **not less than ten dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both**, and in addition, shall be expelled from the educational institution and not permitted to return during the current session or term in which the violation occurs.

Punishment: §1801

Fine of \$10 - \$100, or Imprisonment for 10 days – 30 days, or both.

And expelled from the educational institution and not permitted to return during for the current session or term in which the violation occurred.

See also **§183** dealing with hazing in elementary and secondary schools.

Maine

No Criminal Hazing Statute

Title 20-a. Education
 Part 5. Post-Secondary Education
 Chapter 401. General Provisions

§ 10004. Prohibition of hazing

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

- A. "Injurious hazing" means any action or situation which recklessly or intentionally endangers the mental or physical health of a student enrolled at an institution in this State.
- B. "Institution" means any post-secondary institution incorporated or chartered under the laws of this State.
- C. "Trustees" means trustees or the governing board of every post-secondary institution incorporated or chartered under the laws of this State.
- D. "Violator" means any person or any organization which engages in hazing.

2. Adoption of rules. The trustees shall adopt rules:

- A. For the maintenance of public order; and
- B. Prohibiting injurious hazing by any student, faculty member, group or organization affiliated with the institution, either on or off campus.

3. Penalties. The trustees shall establish penalties for violation of the rules established in subsection 2. The penalties shall include, but not be limited to, provisions for:

- A. In the case of a person not associated with the institution, the ejection of the violator from the campus or institution property;
- B. In the case of a student, administrator or faculty violator, the individual's suspension, expulsion or other appropriate disciplinary action; and
- C. In the case of an organization affiliated with the institution which authorizes hazing, rescision of permission for that organization to operate on campus property or receive any other benefit of affiliation with the institution.

These penalties shall be in addition to any other civil or criminal penalty to which the violator or organization may be subject.

4. Administrative responsibility. The trustees shall assign responsibility for administering the rules to an administrative officer of the institution and establish procedures for appealing the action or lack of action of the officer.

5. Dissemination. The trustees shall clearly set forth the rules and penalties and shall give a copy of them to all students enrolled in the institution.

6. Bylaws of organizations. The rules shall be part of the bylaws of all organizations affiliated with the institution.

Punishment: Under §10004

The trustees of an institution are responsible for establishing the punishments. These punishments must include, but are not limited to:

Non-Student: the ejection of the violator from the campus or institution property

Student: In the case of a student, administrator or faculty violator, the individual's suspension, expulsion or other appropriate disciplinary action

Organization: In the case of an organization affiliated with the institution which authorizes hazing, rescision of permission for that organization to operate on campus property or receive any other benefit of affiliation with the institution.

The person may also be punished for violations of applicable criminal or civil penalties.

See also **Title 20-A, Chapter 223, §6553** dealing with hazing in primary and secondary educational institutions.

Maryland

Criminal Law

Title 3. Other Crimes Against The Person

Subtitle 6. Abuse and Other Offensive Conduct

§ 3-607. Hazing

(a) Prohibited. A person may not recklessly or intentionally do an act or create a situation that subjects a student to the risk of serious bodily injury for the purpose of an initiation into a student organization of a school, college, or university.

(b) Penalty. A person who violates this section is guilty of a **misdemeanor** and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

(c) Prohibited defense. The implied or express consent of a student to hazing is not a defense under this section.

Punishment: misdemeanor

§3-607 calls for imprisonment not exceeding 6 months, or a fine not exceeding \$500 or both.

Note: The hazing statute §3-607 was formerly Article 27, §268H. The legislature incorporated the former definition from §268H below.

§ 268H(a) Haze defined. -- In this section "haze" means doing any act or causing any situation which recklessly or intentionally subjects a student to the risk of serious bodily injury for the purpose of initiation into a student organization of a school, college, or university.

Massachusetts

Part IV. Crimes, Punishments and Proceedings in Criminal Cases (Ch. 263-280)

Title I. Crimes and Punishments (Ch. 263-274)

Chapter 269. Crimes Against Public Peace

Hazing

§ 17. Hazing; organizing or participating; hazing defined

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a **fine** of not more than three thousand dollars or by **imprisonment** in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

§ 18. Failure to report hazing

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a **fine** of not more than one thousand dollars.

§ 19. Copy of Secs. 17 to 19; issuance to students and student groups, teams and organizations; report

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Punishment: Hazing under §17

Fine of not more than three thousand dollars, or
 Imprisonment in a house of correction for not more than one year, or
 both such fine and imprisonment.

Punishment: Failure to Report under §18

Fine of not more than one thousand dollars.

Michigan

Chapter 750. Michigan Penal Code (Refs & Annos)

The Michigan Penal Code

Chapter LX. Miscellaneous

750.411t. Hazing by persons at educational institutions; penalties; defenses

- (1) Except as provided in subsection (4), a person who attends, is employed by, or is a volunteer of an educational institution shall not engage in or participate in the hazing of an individual.
- (2) A person who violates subsection (1) is guilty of a crime **punishable as follows**:
 - (a) If the violation results in physical injury, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.
 - (b) If the violation results in serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00, or both.
 - (c) If the violation results in death, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.
- (3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.
- (4) This section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself or herself to be hazed.
- (5) This section does not apply to an activity that is normal and customary in an athletic, physical education, military training, or similar program sanctioned by the educational institution.
- (6) It is not a defense to a prosecution for a crime under this section that the individual against whom the hazing was directed consented to or acquiesced in the hazing.
- (7) As used in this section:
 - (a) "Educational institution" means a public or private school that is a middle school, junior high school, high school, vocational school, college, or university located in this state.
 - (b) "**Hazing**" means an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. Subject to subsection (5), hazing includes any of the following that is done for such a purpose:
 - (i) Physical brutality, such as whipping, beating, 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.

(iii) Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual.

(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) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, athletic team, or similar group whose members are primarily students at an educational institution.

(d) "Pledge" means an individual who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in any organization.

(e) "Pledging" means any action or activity related to becoming a member of an organization.

(f) "Serious impairment of a body function" means that term as defined in section 479a.

(8) This section shall be known and may be cited as "Garret's law."

Punishment under M.C.L.A. 750.411t

(2) A person who violates subsection (1) is guilty of a crime punishable as follows:

(a) If the violation results in physical injury, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(b) If the violation results in serious impairment of a body function, the person is guilty of a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$2,500.00, or both.

(c) If the violation results in death, the person is guilty of a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(3) A criminal penalty provided for under this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct.

Minnesota

No Criminal Hazing Statute

Postsecondary Education (Ch. 135A-137)
Chapter 135A. Public Postsecondary Education
Miscellaneous

135A.155. Hazing policy

The board of trustees of the Minnesota State Colleges and Universities shall, and the University of Minnesota is requested to, adopt a clear, understandable written policy on student conduct, including hazing. The policy must include procedures for reporting incidents of inappropriate hazing and for disciplinary actions against individual violators and organizations. The policy shall be made available to students by appropriate means as determined by each institution, which may include publication in a student handbook or other institutional publication, or posting by electronic display on the Internet, and shall be posted at appropriate locations on campus. A private postsecondary institution that is an eligible institution as defined in section 136A.101, subdivision 4, must adopt a policy that meets the requirements of this section.

See also **M.S.A. §121A.69** addressing hazing of preschool to grade 12 students.

In that statute, hazing is defined.

- (a) "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person in order for the student to be initiated into or affiliated with a student organization.
- (b) "Student organization" means a group, club, or organization having students as its primary members or participants.

Mississippi

Title 97. Crimes

Chapter 3. Crimes Against The Person

§ 97-3-105. Hazing; punishment

(1) A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

(2) Any person violating the provisions of subsection (1) of this section shall be guilty of a **misdemeanor** and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand Dollars (\$2,000.00) or imprisonment in the county jail for not more than six (6) months, or both.

(3) A person is guilty of hazing in the second degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.

(4) Any person violating the provisions of subsection (3) of this section shall be guilty of a **misdemeanor** and, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00).

(5) The provisions of this section shall be in addition to other criminal laws, and actions taken pursuant to this section shall not bar prosecutions for other violations of criminal law.

Punishment: Hazing in the first degree (injury to hazing victim)

Under §97-3-105(2) misdemeanor

Fine not more than \$2,000 or imprisonment for not more than 6 months, or both.

Under Miss. Code Ann. § 99-19-73, Section 5, a person who is fined for a misdemeanor must pay \$80 as an additional State Assessment.

Punishment: Hazing in the second degree (risk of injury to victim or third party)

Under §97-3-105(4) misdemeanor

Fine of not more than \$1,000.

Under Miss. Code Ann. § 99-19-73, Section 5, a person who is fined for a misdemeanor must pay \$80 as an additional State Assessment.

Missouri

Title XXXVIII. Crimes and Punishment; Peace Officers and Public Defenders

Chapter 578. Miscellaneous Offenses

Hazing--Colleges--Universities, Public and Private

578.360. Definitions

As used in sections 578.360 to 578.365, unless the context clearly requires otherwise, the following terms mean:

- (1) "Educational institution", a public or private college or university;
- (2) "Hazing", a willful act, occurring on or off the campus of an educational institution, directed against a student or a prospective member of an organization operating under the sanction of an educational institution, that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing shall include:
 - (a) Any activity which recklessly endangers the physical health or safety of the student or prospective member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance or forced smoking or chewing of tobacco products; or
 - (b) Any activity which recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress inducing activity; or
 - (c) Any activity that requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state.

578.363. Colleges and universities to have written policy prohibiting hazing

Each educational institution in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution.

578.365. Hazing--penalty--consent not a defense

1. A person commits the crime of hazing if he knowingly participates in or causes hazing, as it is defined in section 578.360.
2. Hazing is a **class A misdemeanor**, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a **class C felony**.
3. Nothing in sections 578.360 to 578.365 shall be interpreted as creating a new private cause of action against any educational institution.

4. Consent is not a defense to hazing. Section 565.080, RSMo, does not apply to hazing cases or to homicide cases arising out of hazing activity.

Punishment: class A misdemeanor

A term of imprisonment not to exceed one year (§558.011);

A fine not exceeding \$1,000. (560.016)

Punishment: class C felony

A term of imprisonment not to exceed seven years (§558.011);

A fine not exceeding \$5,000. (§560.011)

Montana

No hazing statute

Nebraska

Nebraska Revised Statutes of 1943
Chapter 28. Crimes and Punishments
Article 3. Offenses Against the Person
(a) general provisions

§ 28-311.06. Hazing, defined; penalty.

(1) For purposes of this section and section 28-311.07:

(a) Hazing shall mean any activity by which a person intentionally or recklessly endangers the physical or mental health or safety of an individual for the purpose of initiation into, admission into, affiliation with, or continued membership with any organization as defined in subdivision (1)(b) of this section. Such hazing activity shall include whipping, beating, branding, forced and prolonged calisthenics, prolonged exposure to the elements, forced consumption of any food, liquor, beverage, drug, or harmful substance not generally intended for human consumption, prolonged sleep deprivation, or any brutal treatment or the performance of any unlawful act which endangers the physical or mental health or safety of any person; and

(b) Organization shall mean an organization of student members operating under the sanction of a postsecondary educational institution but shall not include the alumni organization or any corporation which owns the house or real estate of such organization.

(2) It shall be unlawful to commit the offense of hazing. Any person who commits the offense of hazing shall be guilty of a **Class II misdemeanor**.

(3) Any organization as defined in subdivision (1)(b) of this section whose members commit the offense of hazing in violation of the provisions of this section shall be punished by a fine of not more than ten thousand dollars.

§ 28-311.07. Hazing; consent not a defense.

Notwithstanding any provisions to the contrary, consent shall not be a defense to a prosecution pursuant to section 28-311.06.

Punishments for an individual: Class II misdemeanor

Minimum: no punishment

Maximum: six months imprisonment, or one thousand dollars fine, or both.

Punishment for the organization: Fine

Fine of not more than \$10,000. See section (3) above.

Nevada

Title 15. Crimes and Punishments
 Chapter 200. Crimes Against The Person
 Hazing

200.605. Penalties; definition

1. A person who engages in hazing is guilty of:
 - (a) A **misdemeanor**, if no substantial bodily harm results.
 - (b) A **gross misdemeanor**, if substantial bodily harm results.
2. Consent of a victim of hazing is not a valid defense to a prosecution conducted pursuant to this section.
3. For the purposes of this section, an activity shall be deemed to be "forced" if initiation into or affiliation with a student organization, academic association or athletic team is directly or indirectly conditioned upon participation in the activity.
4. As used in this section, "hazing" means an activity in which a person intentionally or recklessly endangers the physical health of another person for the purpose of initiation into or affiliation with a student organization, academic association or athletic team at a high school, college or university in this state. The term:
 - (a) Includes, without limitation, any physical brutality or brutal treatment, including, without limitation, whipping, beating, branding, forced calisthenics, exposure to the elements or forced consumption of food, liquor, drugs or other substances.
 - (b) Does not include any athletic, curricular, extracurricular or quasi-military practice, conditioning or competition that is sponsored or approved by the high school, college or university.

Punishment: Misdemeanor

1. Every person convicted of a misdemeanor shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such misdemeanor prescribed a different penalty.
2. In lieu of all or a part of the punishment which may be imposed pursuant to subsection 1, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087. (Title 15, §193.150)

Punishment: Gross Misdemeanor

Every person convicted of a gross misdemeanor shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than \$2,000, or by both fine and imprisonment, unless the statute in force at the time of commission of such gross misdemeanor prescribed a different penalty. (Title 15, §193.140)

New Hampshire

Title LXII. Criminal Code

Chapter 631. Assault and Related Offenses

631:7 Student Hazing.

I. For the purposes of this section:

- (a) "Educational institution" means any public or private high school, college, university, or other secondary or postsecondary educational establishment.
- (b) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, athletic group, cooperative, club, or service, social or similar group, whose members are or include students, operating at or in conjunction with an educational institution.
- (c) "Student" means any person regularly enrolled on a full-time or part-time basis as a student in an educational institution.
- (d) "Student hazing" means any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act, when:
 - (1) Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person; and
 - (2) Such act is a condition of initiation into, admission into, continued membership in or association with any organization.

II. (a) A natural person is guilty of a **class B misdemeanor** if such person:

- (1) Knowingly participates as actor in any student hazing; or
- (2) Being a student, knowingly submits to hazing and **fails to report** such hazing to law enforcement or educational institution authorities; or
- (3) Is present at or otherwise has direct knowledge of any student hazing and fails to report such hazing to law enforcement or educational institution authorities.

(b) An educational institution or an organization operating at or in conjunction with an educational institution is guilty of a **misdemeanor** if it:

- (1) Knowingly permits or condones student hazing; or
- (2) Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; or
- (3) **Fails to report** to law enforcement authorities any hazing reported to it by others or of which it otherwise has knowledge.

III. The implied or express consent of any person toward whom an act of hazing is directed shall not be a defense in any action brought under this section.

Punishment: class B misdemeanor (Individual hazing or failure to report)

A person convicted of a class B misdemeanor may be sentenced to conditional or unconditional discharge, a fine, or other sanctions, which shall not include incarceration or probation but may

include monitoring by the department of corrections if deemed necessary and appropriate.
(§651:2 III)

A fine not exceeding \$1,200; or both incarceration and fine. (§651:2 IV)

Punishment: misdemeanor (Organization – negligence or failure to report)

A fine not to exceed \$20,000. (§651:2 IV).

A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

New Jersey

Title 2C. The New Jersey Code of Criminal Justice
Subtitle 2. Definition of Specific Offenses
Part 5. Offenses Against Public Order, Health and Decency
Chapter 40. Other Offenses Relating to Public Safety

§2C:40-3. Hazing; aggravated hazing

- a. A person is guilty of hazing, a **disorderly persons offense**, if, in connection with initiation of applicants to or members of a student or fraternal organization, he knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.
- b. A person is guilty of aggravated hazing, a **crime of the fourth degree**, if he commits an act prohibited in subsection a. which results in serious bodily injury to another person.

§2C:40-4. Consent not available as defense to hazing

Notwithstanding any other provision of Title 2C of the New Jersey Statutes to the contrary, consent shall not be available as a defense to a prosecution under this Act.

Punishments: Disorderly Persons Offense

Imprisonment for a definite term which shall be fixed by the court and shall not exceed 6 months. (2C:43-8)

A fine not to exceed \$1,000.00 (2C:43-3)

Additional fine of \$50.00 for each offense (2C:43-3.1. See 2C:43-3.1 for other small assessments of fines.)

Punishment: Crime in the Fourth Degree

Imprisonment for a specific term which shall be fixed by the court and shall not exceed 18 months. (2C:43-6)

A fine not to exceed \$10,000.00 (2C:43-3)

Additional fine of \$50.00 for each offense (2C:43-3.1. See 2C:43-3.1 for other small assessments of fines.)

See next page for non-criminal hazing statutes.

Title 18A. Education

Subtitle 2. State Departments Governing Education

Chapter 3. Department of Higher Education, Article 3. The Chancellor

§18A:3-25. Pledge's Bill of Rights

The Attorney General shall develop a "Pledge's Bill of Rights" which outlines acceptable and unacceptable behavior and activities in regard to the pledge or rushing activities of college and university fraternities and sororities and other similar campus organizations. In developing the bill of rights, the Attorney General shall review the existing pledge and anti-hazing policies and procedures of public and independent institutions of higher education within the State and shall, as appropriate, incorporate those policies into the bill of rights. The Attorney General shall make the "Pledge's Bill of Rights" available to each institution of higher education within the State.

§18A:3-26. Information on criminal penalties for hazing

The bill of rights developed by the Attorney General pursuant to section 2 of P.L.1991, c. 388 (C. 18A:3-25) shall include information on the criminal penalties for hazing and aggravated hazing established pursuant to P.L.1980, c. 169 (C. 2C:40-3 et seq.).

New Mexico

No hazing statute

New York

Penal Law

Chapter 40. Of the Consolidated Laws

Part THREE. Specific Offenses

Title H. Offenses Involving Physical Injury, Sexual Conduct, Restraint and Intimidation

Article 120. Assault and Related Offenses

§ 120.16 Hazing in the first degree

A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury.

Hazing in the first degree is a **class A misdemeanor**.

§ 120.17 Hazing in the second degree

A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person.

Hazing in the second degree is a **violation**.

Punishment: class A misdemeanor

A sentence of imprisonment for a class A misdemeanor shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed one year. (§ 70.15)

A fine not exceeding \$1,000. (§80.05)

Punishment: violation

A sentence of imprisonment for a violation shall be a definite sentence. When such a sentence is imposed the term shall be fixed by the court, and shall not exceed fifteen days. (§ 70.15)

A fine for a not exceeding \$250. (§80.05).

North Carolina

Chapter 14. Criminal Law

Subchapter III. Offenses Against The Person

Article 9. Hazing

§ 14-35. Hazing; definition and punishment

It is unlawful for any student in attendance at any university, college, or school in this State to engage in hazing, or to aid or abet any other student in the commission of this offense. For the purposes of this section hazing is defined as follows: "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group." Any violation of this section shall constitute a **Class 2 misdemeanor**.

§ 14-38. Witnesses in hazing trials; no indictment founded on self-criminating testimony

In all trials for the offense of hazing any student or other person subpoenaed as a witness in behalf of the State shall be required to testify if called upon to do so: Provided, however, that no student or other person so testifying shall be amenable or subject to indictment on account of, or by reason of, such testimony.

Punishment: Class 2 misdemeanor

The maximum fine that may be imposed is one thousand dollars (\$1,000) for a Class 2 misdemeanor.

A sentence of imprisonment varies depending on whether the person has any previous convictions. If there are none, the sentence is 1 – 30 days of community punishment.

Article 81B § 15A-1340.23

North Dakota

Title 12.1. Criminal code

Chapter 12.1-17. Assaults - threats - coercion - harassment.

§12.1-17-10 Hazing - Penalty..

A person is guilty of an offense when, in the course of another person's initiation into or affiliation with any organization, the person willfully engages in conduct that creates a substantial risk of physical injury to that other person or a third person. As used in this section, "conduct" means any treatment or forced physical activity that is likely to adversely affect the physical health or safety of that other person or a third person, or which subjects that other person or third person to extreme mental stress, and may include extended deprivation of sleep or rest or extended isolation, whipping, beating, branding, forced calisthenics, overexposure to the weather, and forced consumption of any food, liquor, beverage, drug, or other substance. The offense is a **class A misdemeanor** if the actor's conduct causes physical injury, otherwise the offense is a **class B misdemeanor**.

Punishment: class A misdemeanor (causes physical injury)

A maximum penalty of one year's imprisonment, a fine of two thousand dollars, or both, may be imposed. (§12.1-31-01)

Punishment: class B misdemeanor

A maximum penalty of thirty days' imprisonment, a fine of one thousand dollars, or both, may be imposed. (§12.1-32-01)

Ohio

Title XXIX. Crimes--Procedure
Chapter 2903. Homicide and Assault
Hazing

§2903.31 Hazing; recklessly participating or permitting

(A) As used in this section, "hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.

- (B) (1) No person shall recklessly participate in the hazing of another.
(2) No administrator, employee, or faculty member of any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person.

(C) Whoever violates this section is guilty of hazing, a **misdemeanor of the fourth degree**.

Punishment: 4th degree misdemeanor

Whoever is convicted of or pleads guilty to a misdemeanor shall be imprisoned for a definite term or fined, or both.

Imprisonment for not more than thirty days. (O.R.C. §2929.24)

A fine not more than \$250. (O.R.C. § 2929.28)

Title XXIII. Courts--Common Pleas
Chapter 2307. Civil Actions
Miscellaneous Provisions

§2307.44 Civil liability for hazing

Any person who is subjected to hazing, as defined in division (A) of section 2903.31 of the Revised Code, may commence a civil action for injury or damages, including mental and physical pain and suffering, that result from the hazing. The action may be brought against any participants in the hazing, any organization whose local or national directors, trustees, or officers authorized, requested, commanded, or tolerated the hazing, and any local or national director, trustee, or officer of the organization who authorized, requested, commanded, or tolerated the hazing. If the hazing involves students in a primary, secondary, or post-secondary school, university, college, or any other educational institution, an action may also be brought against any administrator, employee, or faculty member of the school, university, college, or other educational institution who knew or reasonably should have known of the hazing and who did not make reasonable attempts to prevent it and against the school, university, college, or other educational institution. If an administrator, employee, or faculty member is found liable in a civil action for hazing, then notwithstanding Chapter 2743. of the Revised Code, the school, university, college, or other educational institution that employed the administrator, employee, or faculty member may also be held liable.

The negligence or consent of the plaintiff or any assumption of the risk by the plaintiff is not a defense to an action brought pursuant to this section. In an action against a school, university, college, or other educational institution, it is an affirmative defense that the school, university, college, or other institution was actively enforcing a policy against hazing at the time the cause of action arose.

Oklahoma

Title 21. Crimes and Punishments
 Part V. Crimes Against Public Health and Safety
 Chapter 48. General and Miscellaneous Provisions

§ 1190. Hazing--Prohibition--Presumption as forced activity--Penalty-- Definition

A. No student organization or any person associated with any organization sanctioned or authorized by the governing board of any public or private school or institution of higher education in this state shall engage or participate in hazing.

B. Any hazing activity described in subsection F of this section upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by a public or private school or by any institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a forced activity, even if the student willingly participates in such activity.

C. A copy of the policy or the rules and regulations of the public or private school or institution of higher education which prohibits hazing shall be given to each student enrolled in the school or institution and shall be deemed to be part of the bylaws of all organizations operating at the public school or the institution of higher education.

D. Any **organization** sanctioned or authorized by the governing board of a public or private school or of an institution of higher education in this state which violates subsection A of this section, upon conviction, shall be guilty of a **misdemeanor**, and may be punishable by a fine of not more than One Thousand Five Hundred Dollars (\$1,500.00) and the forfeit for a period of not less than one (1) year all of the rights and privileges of being an organization organized or operating at the public or private school or at the institution of higher education.

E. Any **individual** convicted of violating the provisions of subsection A of this section shall be guilty of a **misdemeanor**, and may be punishable by imprisonment for not to exceed ninety (90) days in the county jail, or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

F. For purposes of this section:

1. "Hazing" means an activity which recklessly or intentionally endangers the mental health or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating subject to the sanction of the public or private school or of any institution of higher education in this state;
2. "Endanger the physical health" shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes, low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual; and
3. "Endanger the mental health" shall include any activity, except those activities authorized by law, which would subject the individual to extreme mental stress, such as

prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.

Punishment: Organization - misdemeanor

Punishable by fine of no more than \$1,500.

Forfeit of all rights and privileges of being an organization at a university - No less than 1 year.

(§1190(D))

Punishment: Individual - misdemeanor

Imprisonment of less than 90 days, imposition of a fine no more than \$500, or both.

(§1190(E))

Oregon

Title 16. Crimes and Punishments
 Chapter 163. Offenses Against Persons
 Assault

§163.197. Hazing

(1) No fraternity, sorority or other student organization organized or operating on a college or university campus for purposes of participating in student activities of the college or university, nor any member of such an organization, shall intentionally haze any member, potential member or person pledged to be a member of the organization, as a condition or precondition of attaining membership in the organization or of attaining any office or status therein.

(2) As used in this section, "haze" means to subject a person to bodily danger or physical harm or a likelihood of bodily danger or physical harm, or to require, encourage, authorize or permit that the person be subjected to any of the following:

- (a) Calisthenics;
- (b) Total or substantial nudity on the part of the person;
- (c) Compelled ingestion of any substance by the person;
- (d) Wearing or carrying of any obscene or physically burdensome article by the person;
- (e) Physical assaults upon or offensive physical contact with the person;
- (f) Participation by the person in boxing matches or other physical contests;
- (g) Transportation and abandonment of the person;
- (h) Confinement of the person to unreasonably small, unventilated, insanitary or unlighted areas;
- (i) Assignment of pranks to be performed by the person; or
- (j) Compelled personal servitude by the person.

(3) Subsection (1) of this section does not apply to curricular activities or to athletic teams of or within the college or university.

(4) A fraternity, sorority or other student organization that violates this section commits a **Class A violation**.

(5) A member of a fraternity, sorority or other student organization, who personally violates this section commits a **Class B violation**.

Punishment: Class A violation (Organization)

A fine not to exceed \$720. (Title 14 § 153.018)

Punishment: Class B violation (Individual)

A fine not to exceed \$360. (Title 14 § 153.018)

Pennsylvania

Title 24 P.S. Education
Chapter 20. Health and Safety
Antihazing Law

§ 5351. Short title

This act shall be known and may be cited as the Antihazing Law.

§ 5352. Definitions

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Hazing." Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

"Institution of higher education" or "institution." Any public or private institution within this Commonwealth authorized to grant an associate degree or higher academic degree.

§ 5353. Hazing prohibited

Any person who causes or participates in hazing commits a **misdemeanor of the third degree**.

§ 5354. Enforcement by institution

(a) Antihazing policy.--Each institution shall adopt a written antihazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution from engaging in any activity which can be described as hazing.

(b) Enforcement and penalties.--

(1) Each institution shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution responsible for the sanctioning or recognition of such organizations.

(2) Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension or dismissal.

(3) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescision of permission for that organization to operate on campus property or to otherwise operate under the sanction or recognition of the institution.

(4) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of section 3 or any of the criminal laws of this State or for violation of any other institutional rule to which the violator may be subject.

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

Punishment: Misdemeanor of the third degree

A person who has been convicted of a misdemeanor may be sentenced to imprisonment for a definite term which shall be fixed by the court and shall be not more than: One year in the case of a misdemeanor of the third degree. (18 Pa.C.S.A. § 1104)

A person who has been convicted of an offense may be sentenced to pay a fine not exceeding \$5,000, when the conviction is of a misdemeanor of the second degree. (18 Pa.C.S.A. § 1101)

Rhode Island

Title 11. Criminal Offenses
Chapter 21. Hazing

§ 11-21-1. Penalty for hazing

(a) Any organizer of, or participant in, an activity constituting hazing, as defined in subsection (b) of this section, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500), or punished by imprisonment for not less than thirty (30) days nor more than one year, or both.

(b) "Hazing" as used in this chapter, means any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. This conduct shall include, but not be limited to, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of the student or any other person, or which subjects the student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

§ 11-21-2. Penalty for school official permitting hazing

Every person, being a teacher, superintendent, commandant, or other person in charge of any public, private, parochial, or military school, college or other educational institution, who shall knowingly permit any activity constituting hazing, as defined in § 11-21-1, shall be guilty of a misdemeanor and shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100).

§ 11-21-3. Tattooing or permanent disfigurement

Every person being a student, or being a person in attendance at any public, private, parochial, or military school, college, or other educational institution, who shall tattoo or knowingly and willfully permanently disfigure the body, limbs, or features of any fellow student or person attending the institution by the use of nitrate of silver or any like substance, or by any other means, shall be held guilty of a crime of the degree of mayhem, and shall, upon conviction, be imprisoned not exceeding ten (10) years nor less than one year.

Punishment under §11-21-1 : Individual

Fined not more than \$500, imprisoned for 30 days to 1 year, or both.

Punishment under §11-21-1 : School Official

Fined \$10 - \$100.

South Carolina

Title 16. Crimes and Offenses
Chapter 3. Offenses Against The Person
Article 6. Hazing

§ 16-3-510. Hazing unlawful; definitions.

It is unlawful for a person to intentionally or recklessly engage in acts which have a foreseeable potential for causing physical harm to a person for the purpose of initiation or admission into or affiliation with a chartered or nonchartered student, fraternal, or sororal organization. Fraternity, sorority, or other organization for purposes of this section means those chartered and nonchartered fraternities, sororities, or other organizations operating in connection with a school, college, or university. This section does not include customary athletic events or similar contests or competitions, or military training whether state, federal, or educational.

§ 16-3-520. Unlawful to assist in or fail to report hazing.

It is unlawful for any person to knowingly permit or assist any person in committing acts made unlawful by § 16-3-510 or to fail to report promptly any information within his knowledge of acts made unlawful by § 16-3-510 to the chief executive officer of the appropriate school, college, or university.

§ 16-3-530. Penalties.

Any person who violates the provisions of §§ 16-3-510 or 16-3-520 is guilty of a **misdemeanor** and, upon conviction, must be punished by a fine not to exceed five hundred dollars or by imprisonment for a term not to exceed twelve months, or both.

§ 16-3-540. Consent not a defense.

The implied or express consent of a person to acts which violate § 16-3-510 does not constitute a defense to violations of §§ 16-3-510 or 16-3-520.

Punishment under §16-3-530 - misdemeanor

Fine not exceeding \$500 or imprisonment not exceeding 12 months, or both.

See next page for non-criminal hazing statutes.

Title 59. Education
Chapter 101. Colleges and Institutions of Higher Learning Generally
Article 1. General Provisions

§ 59-101-200. Hazing prohibited; penalties.

(A) For purposes of this section:

(1) "Student" means a person enrolled in a state university, college, or other public institution of higher learning.

(2) "Superior student" means a student who has attended a state university, college, or other public institution of higher learning longer than another student or who has an official position giving authority over another student.

(3) "Subordinate student" means a person who attends a state university, college, or other public institution of higher learning who is not defined as a "superior student" in subitem (2).

(4) "Hazing" means the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature.

(B) Hazing at all state supported universities, colleges, and public institutions of higher learning is prohibited. When an investigation has disclosed substantial evidence that a student has committed an act or acts of hazing, the student may be **dismissed, expelled, suspended, or punished as the president considers appropriate.**

(C) The provisions of this section are in addition to the provisions of Article 6, Ch 3 of Title 16.

(D) The provisions of Section 30-4-40(a)(2) and 30-4-70(a)(1) continue to apply to hazing incidents. [These sections refer to open hearings and public records. AMN]

Punishments under §59-101-200

Dismissal, expulsion, suspension or punishment that President of university or college considers appropriate.

See also § 59-63-275, addressing hazing in public secondary schools.

South Dakota

No hazing statute

Tennessee

No Criminal Hazing Statute

Title 49. Education
Chapter 7. Post Secondary and Higher Education Generally
Part 1. Miscellaneous Provisions

§ 49-7-123. Hazing; prohibition

(a) As used in this section, unless the context otherwise requires:

(1) "Hazing" means any intentional or reckless act in Tennessee on or off the property of any higher education institution by one (1) student acting alone or with others which is directed against any other student, that endangers the mental or physical health or safety of that student, or which induces or coerces a student to endanger such student's mental or physical health or safety. "Hazing" does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization; and

(2) "Higher education institution" means a public or private college, community college or university.

(b) Each higher education institution shall adopt a written policy prohibiting hazing by any student or organization operating under the sanction of the institution. The policy shall be distributed or made available to each student at the beginning of each school year. Time shall be set aside during orientation to specifically discuss the policy and its ramifications as a criminal offense and the institutional penalties that may be imposed by the higher education institution.

See also §49-2-120 addressing hazing in secondary schools.

Texas

Education Code

Title 3. Higher Education, Subtitle A. Higher Education in General

Chapter 51. Provisions Generally Applicable to Higher Education (Refs & Annos)

Subchapter Z. Miscellaneous Provisions

§ 51.936. Hazing

- (a) Subchapter F, Chapter 37, applies to a postsecondary educational institution under this section in the same manner as that subchapter applies to a public or private high school.
- (b) For purposes of this section, "postsecondary educational institution" means:
- (1) an institution of higher education as defined by Section 61.003;
 - (2) a private or independent institution of higher education as defined by Section 61.003;
 - or
 - (3) a private postsecondary educational institution as defined by Section 61.302.
- (c) Each postsecondary educational institution shall distribute to each student during the first three weeks of each semester:
- (1) a summary of the provisions of Subchapter F, Chapter 37; and
 - (2) a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the preceding three years.
- (d) If the institution publishes a general catalogue, student handbook, or similar publication, it shall publish a summary of the provisions of Subchapter F, Chapter 37, in each edition of the publication.
- (e) Section 1.001(a) does not limit the application of this section to postsecondary educational institutions supported in whole or in part by state tax funds.

Education Code

Title 2. Public Education, Subtitle G. Safe Schools

Chapter 37. Discipline; Law and Order

Subchapter F. Hazing

§ 37.151. Definitions

In this subchapter:

- (1) "Educational institution" includes a public or private high school.
- (2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- (3) "Pledging" means any action or activity related to becoming a member of an organization.
- (4) "Student" means any person who:
 - (A) is registered in or in attendance at an educational institution;

(B) has been accepted for admission at the educational institution where the hazing incident occurs; or

(C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

(5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, whose members are primarily students.

(6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:

(A) any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and

(E) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

§ 37.152. Personal Hazing Offense

(a) A person commits an offense if the person:

(1) engages in hazing;

(2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

(3) recklessly permits hazing to occur; or

(4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.

(b) The offense of **failing to report** is a **Class B misdemeanor**.

(c) Any other offense under this section that does not cause serious bodily injury to another is a **Class B misdemeanor**.

(d) Any other offense under this section that causes serious bodily injury to another is a **Class A misdemeanor**.

(e) Any other offense under this section that causes the death of another is a **state jail felony**.

(f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

§ 37.153. Organization Hazing Offense

(a) An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

(b) An offense under this section is a **misdemeanor** punishable by:

(1) a fine of not less than \$5,000 nor more than \$10,000; or

(2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

§ 37.154. Consent Not a Defense

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

§ 37.155. Immunity From Prosecution Available

In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

§ 37.156. Offenses in Addition to Other Penal Provisions

This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing.

§ 37.157. Reporting by Medical Authorities

A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities:

(1) may report the suspected hazing activities to police or other law enforcement officials; and

(2) is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

Punishment: Class A misdemeanor (serious bodily injury)

Title 3: Chapter 12: Subchapter B: § 12.21. Class A Misdemeanor

An individual adjudged guilty of a Class A misdemeanor shall be punished by:

- (1) a fine not to exceed \$4,000;
- (2) confinement in jail for a term not to exceed one year; or
- (3) both such fine and confinement.

Punishment: Class B misdemeanor (failing to report, or no serious bodily injury)

Title 3: Chapter 12: Subchapter B: § 12.22. Class B Misdemeanor

An individual adjudged guilty of a Class B misdemeanor shall be punished by:

- (1) a fine not to exceed \$2,000;
- (2) confinement in jail for a term not to exceed 180 days; or
- (3) both such fine and confinement.

Punishment: state jail felony (death)

Title 3: Chapter 12: Subchapter B: § 12.35. State Jail Felony Punishment

(a) Except as provided by Subsection (c), an individual adjudged guilty of a state jail felony shall be punished by confinement in a state jail for any term of not more than two years or less than 180 days.

(b) In addition to confinement, an individual adjudged guilty of a state jail felony may be punished by a fine not to exceed \$10,000.

(c) An individual adjudged guilty of a state jail felony shall be punished for a third degree felony if it is shown on the trial of the offense that a deadly weapon was used or the individual had a prior felony conviction (see §12.35(c) for more specifics).

Punishment (Organization) – misdemeanor (§37-153)

(1) a fine of not less than \$5,000 nor more than \$10,000; or

(2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Utah

Title 76. Utah Criminal Code
 Chapter 5. Offenses Against The Person
 Part 1. Assault and Related Offenses

§ 76-5-107.5. Prohibition of "hazing"--Definitions--Penalties

(1) A person is guilty of hazing if that person intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:

- (a)
 - (i) endangers the mental or physical health or safety of another; or
 - (ii) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements; or
 - (iii) involves consumption of any food, liquor, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
 - (iv) involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; or
 - (v) involves cruelty to any animal as provided in Section 76-9-301; **and**
- (b)
 - (i) is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or
 - (ii) if the actor knew that the victim is a member of or candidate for membership with a school team or school organization to which the actor belongs or did belong within the preceding two years.

(2) It is not a defense to prosecution of hazing that a person under 21, against whom the hazing was directed, consented to or acquiesced in the hazing activity.

(3) An actor who hazes another is guilty of a:

- (a) **class C misdemeanor** if the conduct violates Section 76-9-301;
- (b) **class B misdemeanor** if there are no aggravating circumstances;
- (c) **class A misdemeanor** if the act involves the operation or other use of a motor vehicle;
- (d) **third degree felony** if the act involves the use of a dangerous weapon as defined in Section 76-1-601;
- (e) **third degree felony** if the hazing results in serious bodily injury to a person; or
- (f) **second degree felony** if hazing under Subsection (3)(e) involves the use of a dangerous weapon as defined in Section 76-1-601.

(4) A person who in good faith reports or participates in reporting of an alleged hazing is not subject to any civil or criminal liability regarding the reporting.

(5) (a) This section does not apply to military training or other official military activities.

- (b) Military conduct is governed by Title 39, Chapter 6, Utah Code of Military Justice.
- (6) (a) A prosecution under this section does not bar a prosecution of the actor for:
- (i) any other offense for which the actor may be liable as a party for conduct committed by the person hazed; or
 - (ii) any offense, caused in the course of the hazing, that the actor commits against the person who is hazed.
- (b) Under Subsection (6)(a)(i) a person may be separately punished, both for the hazing offense and the conduct committed by the person hazed.
- (c) Under Subsection (6)(a)(ii) a person may not be punished both for hazing and for the other offense, but shall be punished for the offense carrying the greater maximum penalty.

Punishment: class C misdemeanor

Fine not exceeding \$750, and any greater amount authorized by statute. (§ 76-3-301)

Punishment: class B misdemeanor

Fine not exceeding \$1,000, and any greater amount authorized by statute. (§ 76-3-301)

Punishment: class A misdemeanor

Fine not exceeding \$2,500, and any greater amount authorized by statute. (§ 76-3-301)

Punishment: third degree felony

Imprisonment: Term not exceeding 5 years. (§ 76-3-203. Felony conviction, imprisonment)

Fine: not exceeding \$5,000. (§ 76-3-301. Fines of persons)

Punishment: second degree felony

Imprisonment: 1 year to 15 years. (§ 76-3-203. Felony conviction, imprisonment)

Fine: not exceeding \$10,000. (§ 76-3-301. Fines of persons)

See also **53A-11-908** dealing with secondary schools, and failure of school employees to report hazing.

Vermont

Title Sixteen. Education
 Part 1. Administration
 Chapter 1. Administration Generally
 Subchapter 1. General Provisions

§ 11. Classifications and definitions

(a) For the purposes of this title, unless the context otherwise clearly requires:

(30) "Hazing" means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with an educational institution; and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of a student. Hazing also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. Hazing may occur on or off the campus of an educational institution. Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:

- (1) the goals are approved by the educational institution; and
- (2) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.

The definitions of educational institution, organization, pledging, and student shall be the same as those in section 151 of this title.

Title Sixteen. Education
 Part 1. Administration
 Chapter 1. Administration Generally
 Subchapter 9. Hazing

§ 140a. Definitions

As used in this subchapter:

- (1) "Educational institution" means a Vermont public or independent school, or a postsecondary school which offers or operates a program of college or professional education for credit or a degree in Vermont.
- (2) "Organization" means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students at an educational institution, and which is affiliated with the educational institution.
- (3) "Pledging" means any action or activity related to becoming a member of an organization.

- (4) "Student" means any person who:
- (A) is registered in or in attendance at an educational institution;
 - (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
 - (C) intends to attend an educational institution during any of its regular sessions after an official academic break.

§ 140b. Unlawful conduct

- (a) For purposes of this subchapter, "hazing" means any intentional, knowing or reckless act committed by a student, whether individually or in concert with others, against another student:
- (1) in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with the educational institution; and
 - (2) which is intended to have the effect of, or should reasonably be expected to have the effect of, endangering the mental or physical health of the student.
- (b) Hazing shall not include any activity or conduct that furthers legitimate curricular, extracurricular, or military training program goals, provided that:
- (1) the goals are approved by the educational institution; and
 - (2) the activity or conduct furthers the goals in a manner that is appropriate, contemplated by the educational institution, and normal and customary for similar programs at other educational institutions.
- (c) It shall be unlawful to:
- (1) engage in hazing;
 - (2) solicit, direct, aid, or attempt to aid, or abet another person engaged in hazing; or
 - (3) knowingly fail to take reasonable measures within the scope of the person's authority to prevent hazing.
- (d) It is not a defense in an action under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

§ 140c. Civil penalty; judicial bureau; waiver penalty

- (a) A person who commits an unlawful act under this subchapter shall be subject to a civil penalty of not more than \$5,000.00.
- (b) Any law enforcement officer may issue a summons and complaint for an act of hazing, which shall be heard by the judicial bureau pursuant to the procedures provided in chapter 29 of Title 4.
- (c) The court administrator shall appoint a panel of judicial bureau hearing officers to establish a waiver penalty for an act of hazing.

(d) Nothing in this section shall limit or affect the right of an educational institution to enforce its own penalties against hazing.

§ 140d. Criminal prosecution and civil action

Nothing in this subchapter shall limit or preclude a criminal prosecution or any criminal or civil action based on any act that may constitute hazing.

Punishment: §140

Civil punishment: fine of not more than \$5,000.

Waiver penalty for an act of hazing will be established by a panel of judicial bureau hearing officers.

The remaining code sections deal with hazing prevention and responsibilities of schools and educational institutions to ensure that hazing is not occurring.

Title Sixteen. Education
Part 4. Advanced education
Chapter 72. Vermont State Colleges

§ 2182 Harassment and hazing prevention policies

(a) The board of trustees of the Vermont state colleges shall adopt and ensure the enforcement of a policy which establishes that harassment as defined in subdivision 11(a)(26) of this title is a form of unlawful discrimination and therefore prohibited. The board shall also require the establishment of procedures for the handling of complaints of discriminatory harassment and the initiation of educational programs designed to prevent such conduct. The policies and procedures shall be in effect by January 1, 1996.

(b) The board of trustees of the Vermont state colleges shall adopt and ensure the enforcement of a policy prohibiting hazing which contains a definition of hazing that is at least as stringent as the definition contained in subdivision 11(a)(30) of this title. The policy shall include appropriate penalties or sanctions, or both, for organizations which or individuals who engage in hazing; revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing; and clear delineation of circumstances under which hazing will be reported to a law enforcement agency. A summary of the policy shall be distributed to all students at least annually.

Title Sixteen. Education
 Part 4. Advanced education
 Chapter 75. University of Vermont and State Agricultural College
 Subchapter 1. General Provisions

§ 2284 Harassment and hazing prevention policies

(a) The board of trustees shall adopt and ensure the enforcement of a policy which establishes that harassment as defined in subdivision 11(a)(26) of this title is a form of unlawful discrimination and therefore prohibited. The board shall also require the establishment of procedures for the handling of complaints of discriminatory harassment and the initiation of educational programs designed to prevent such conduct. The policies and procedures shall be in effect by January 1, 1996.

(b) The board of trustees shall adopt and ensure the enforcement of a policy prohibiting hazing which contains a definition of hazing that is at least as stringent as the definition contained in subdivision 11(a)(30) of this title. The policy shall include appropriate penalties or sanctions, or both, for organizations which or individuals who engage in hazing; revocation or suspension of an organization's permission to operate or exist within the institution's purview if that organization knowingly permits, authorizes, or condones hazing; and clear delineation of circumstances under which hazing will be reported to a law enforcement agency. A summary of the policy shall be distributed to all students at least annually.

Title Sixteen. Education
 Part 1. Administration
 Chapter 3. State Board of Education

§ 164. State board, general powers and duties

The state board shall have supervision over, and management of the department of education and the public school system, except as otherwise provided; and shall:

...

(17) Report annually on the condition of education statewide and on a school by school basis. The report shall include information on attainment of standards for student performance adopted under subdivision 164(9) of this section, number and types of complaints of harassment or hazing made pursuant to section 565 of this title and responses to the complaints, financial resources and expenditures, and community social indicators. The report shall be organized and presented in a way that is easily understandable by the general public and that enables each school to determine its strengths and weaknesses. The commissioner shall use the information in the report in determining whether students in each school are provided educational opportunities substantially equal to those provided in other schools pursuant to subsection 165(b) of this title.

...

§ 165. Standards of quality for public schools; equal educational opportunities

(a) In order to carry out Vermont's policy that all Vermont children will be afforded educational opportunities which are substantially equal in quality, each Vermont public school, including each technical center, shall meet the following school quality standards:

(1) The school shall, through a process including parents, teachers, students and community members, develop, implement, and annually update a comprehensive action plan to improve student performance within the school. The plan shall include goals and objectives for improved student learning and educational strategies and activities to achieve their goals. The plan shall also address the effectiveness of efforts made since the previous action plan to ensure the school maintains a safe, orderly, civil and positive learning environment which is free from harassment, hazing and bullying. The school shall assess student performance under the plan using a method or methods of assessment developed under subdivision 164(9) of this title.

...

(8) The school maintains a safe, orderly, civil and positive learning environment, which is free from hazing, harassment and bullying, and based on sound instructional and classroom management practices and clear discipline policies that are consistently and effectively enforced.

§ 166. Approved and recognized independent schools

...

(e) The board of trustees of an independent school operating in Vermont shall adopt harassment and hazing prevention policies, establish procedures for dealing with harassment and hazing of students and provide notice of these. The provisions of section 565 of this title for public schools shall apply to this subsection, except that the board shall follow its own procedures for adopting policy.

Title Sixteen. Education
Part 1. Administration
Chapter 9. School Districts
Subchapter 4. Other Provisions

§ 565. Harassment and hazing prevention policies

(a) It is the policy of the state of Vermont that all Vermont educational institutions provide safe, orderly, civil and positive learning environments. Harassment, hazing and bullying have no place and will not be tolerated in Vermont schools. No Vermont student should feel threatened or be discriminated against while enrolled in a Vermont school.

(b) Each school board shall develop, adopt, ensure the enforcement of, and make available in the manner described under subdivision 563(1) of this title harassment and hazing prevention

policies which shall be at least as stringent as model policies developed by the commissioner. In this section, the definitions of educational institution, organization, pledging, and student shall be the same as those in section 140a of this title.

(1) The harassment prevention policy shall include:

- (A) A statement prohibiting harassment of a student.
- (B) The definition of harassment pursuant to subdivision 11(a)(26) of this title.
- (C) Consequences and appropriate remedial action for staff or students who commit harassment. At all stages of the investigation and determination process, school officials are encouraged to make available to complainants alternative dispute resolution methods, such as mediation, for resolving complaints.
- (D) A procedure that directs students and staff how to report violations and file complaints.
- (E) A procedure for investigating reports of violations and complaints. The procedure shall provide that, unless special circumstances are present and documented by the school officials, an investigation is initiated no later than one school day from the filing of a complaint and the investigation and determination by school officials are concluded no later than five school days from the filing of the complaint with a person designated to receive complaints under subdivision (c)(1) of this section. All internal reviews of the school's initial determination, including the issuance of a final decision, shall, unless special circumstances are present and documented by the school officials, be completed within 30 days after the review is requested.
- (F) A description of how the board will ensure that teachers and other staff members receive training in preventing, recognizing and responding to harassment.

(2) The hazing prevention policy shall include:

- (A) A statement that hazing, as defined in subdivision 11(a)(30) of this title, is prohibited.
- (B) A procedure that directs students and staff how to report violations and file complaints.
- (C) A procedure for investigating reports of violations and complaints.
- (D) Circumstances under which hazing may be reported to a law enforcement agency.
- (E) Appropriate penalties or sanctions, or both, for organizations which or individuals who engage in hazing, and revocation or suspension of an organization's permission to operate or exist within the institution's purview, if that organization knowingly permits, authorizes, or condones hazing.
- (F) A description of how the board will ensure that teachers and other staff members receive training in preventing, recognizing and responding to hazing.

(c) Each school district shall establish rules setting forth procedures for dealing with harassment and hazing of students which include:

- (1) Annual designation of two or more people within the institution to receive complaints and a procedure for publicizing those people's availability.
 - (2) A procedure for publicizing the availability of the Vermont human rights commission and the federal Department of Education's Office of Civil Rights and other appropriate state and federal agencies to receive complaints of harassment.
 - (3) A statement that acts of retaliation for reporting of harassment or for cooperating in an investigation of harassment is unlawful pursuant to subdivision 4503(a)(5) of Title 9.
- (d) Annually, prior to the commencement of curricular and cocurricular activities, the school board shall provide notice of the policy and procedures developed under this section to students, custodial parents or guardians of students, and staff members. Notice to students shall be in age-appropriate language and should include examples of harassment and hazing. At a minimum, this notice shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards of conduct for the school. The board shall use its discretion in developing and initiating age-appropriate programs to effectively inform students about the substance of the policy and procedures in order to help prevent harassment, and hazing.
- (e) The commissioner shall develop and, from time to time, update model harassment and hazing prevention policies.
- (f) Independent review.
- (1) A student who desires independent review under this subsection because the student is either dissatisfied with the final determination of the school officials as to whether harassment occurred, or believes that although a final determination was made that harassment occurred, the school's response was inadequate to correct the problem, shall make such request in writing to the headmaster or superintendent of schools. Upon such request, the superintendent shall initiate an independent review by a neutral person selected from a list developed jointly by the commissioner of education and the human rights commission and maintained by the commissioner. Individuals shall be placed on the list on the basis of their objectivity, knowledge of harassment issues, and relevant experience.
 - (2) The independent review shall proceed expeditiously and shall consist of an interview of the student and the relevant school officials and review of written materials involving the complaint maintained by the school or others.
 - (3) Upon the conclusion of the review, the reviewer shall advise the student and the school officials as to the sufficiency of the school's investigation, its determination, the steps taken by the school to correct any harassment found to have occurred, and any future steps the school should take. The reviewer shall advise the student of other remedies that may be available if the student remains dissatisfied and, if appropriate, may recommend mediation or other alternative dispute resolution.
 - (4) The independent reviewer shall be considered an agent of the school for the purpose of being able to review confidential student records.
 - (5) The costs of the independent review shall be borne by the independent school or school board.
 - (6) Nothing in this subsection shall prohibit the school district from requesting an independent review at any stage of the process.

(7) Evidence of conduct or statements made in connection with an independent review shall not be admissible in any court proceeding. This subdivision shall not require exclusion of any evidence otherwise obtainable from independent sources merely because it is presented in the course of an independent review.

(8) The commissioner may adopt rules implementing this subsection.

Title 16, Subchapter 4, § 1161a. addresses discipline measures in public schools, including measures against hazing.

Virginia

Title 18.2. Crimes and Offenses Generally

Chapter 4. Crimes Against The Person

Article 4. Assaults and Bodily Woundings

§ 18.2-56. Hazing unlawful; civil and criminal liability; duty of school, etc., officials

It shall be unlawful to haze so as to cause bodily injury, any student at any school, college, or university.

Any person found guilty thereof shall be guilty of a **Class 1 misdemeanor**.

Any person receiving bodily injury by hazing shall have a **right to sue, civilly**, the person or persons guilty thereof, whether adults or infants.

The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall, upon satisfactory proof of the guilt of any student hazing another student, sanction and discipline such student in accordance with the institution's policies and procedures. The institution's policies and procedures shall provide for expulsions or other appropriate discipline based on the facts and circumstances of each case. The president or other presiding official of any school, college or university receiving appropriations from the state treasury shall report hazing which causes bodily injury to the attorney for the Commonwealth of the county or city in which such school, college or university is, who shall take such action as he deems appropriate.

For the purposes of this section, "hazing" means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

Punishment: Class 1 misdemeanor

The authorized punishments for conviction of a Class 1 misdemeanor are: confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both. (Title 18.2 §18.2-11)

See § 37.2-416 about hazing convictions and background checks.

Washington

Title 28B. Higher Education

Chapter 28B.10. COLLEGES and Universities Generally

28B.10.900. "Hazing" defined

As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state. "Hazing" does not include customary athletic events or other similar contests or competitions.

28B.10.901. Hazing prohibited--Penalty

- (1) No student, or other person in attendance at any public or private institution of higher education, or any other postsecondary educational institution, may conspire to engage in hazing or participate in hazing of another.
- (2) A violation of this section is a **misdemeanor**, punishable as provided under RCW 9A.20.021.
- (3) Any organization, association, or student living group that knowingly permits hazing is **strictly liable for harm** caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

28B.10.902. Participating in or permitting hazing--Loss of state-funded grants or awards--Loss of official recognition or control--Rules

- (1) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the institution of higher education.
- (2) Any organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by a public institution of higher education.
- (3) The public institutions of higher education shall adopt rules to implement this section.

Punishment: misdemeanor

Every person convicted of a misdemeanor defined in Title 9A RCW shall be punished by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. RCW 9A.20.021.

West Virginia

Chapter 18. Education
Article 16. Antihazing Law

§ 18-16-1. Short title

This article shall be known and may be cited as the "Antihazing Law".

§ 18-16-2. Definitions

(a) "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual or individuals, and includes any activity which would subject the individual or individuals to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual or individuals, or any willful destruction or removal of public or private property: Provided, That the implied or expressed consent or willingness of a person or persons to hazing shall not be a defense under this section.

(b) "Institution of higher education" or "institution" means any public or private institution as defined in section two, article one, chapter eighteen-b of this code.

§ 18-16-3. Hazing prohibited

Any person or persons who causes hazing is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars, or confined in a county or regional jail, not more than nine months, or both fined and imprisoned: Provided, That if the act would otherwise be deemed a felony as defined in this code, the person committing such act may be found guilty of such felony and be subject to penalties provided for such felony.

§ 18-16-4. Enforcement by institution

(a) Antihazing policy.--The university of West Virginia board of trustees created pursuant to article two, chapter eighteen-b of this code and the board of directors of the state college system created pursuant to article three of said chapter shall by the first day of August, one thousand nine hundred ninety-five, promulgate guidelines for antihazing policies.

(b) Enforcement and penalties.--

(1) Each institution shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution responsible for the sanctioning or recognition of such organizations.

(2) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction or recognition of the institution.

(3) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of section three of this article or of any of the criminal laws of this state or for violation of any other institutional rule to which the violator may be subject.

(4) Rules adopted pursuant hereto apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

Punishment: misdemeanor

Fine of \$100 - \$1,000 or confinement to jail, not more than 9 months, or both fine and imprisonment. (§18-16-3)

Wisconsin

Crimes

Chapter 948. Crimes Against Children

948.51. Hazing

(1) In this section "forced activity" means any activity which is a condition of initiation or admission into or affiliation with an organization, regardless of a student's willingness to participate in the activity.

(2) No person may intentionally or recklessly engage in acts which endanger the physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating in connection with a school, college or university. Under those circumstances, prohibited acts may include any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug or other substance, forced confinement or any other forced activity which endangers the physical health or safety of the student.

(3) Whoever violates sub. (2) is guilty of:

- (a) A **Class A misdemeanor** if the act results in or is likely to result in bodily harm to another.
- (b) A **Class H felony** if the act results in great bodily harm to another.
- (c) A **Class G felony** if the act results in the death of another.

Punishment: Class A misdemeanor (bodily harm or risk of bodily harm)

For a Class A misdemeanor, a fine not to exceed \$10,000 or imprisonment not to exceed 9 months, or both. §939.51(3)(a)

Punishment: Class H felony (great bodily harm)

For a Class H felony, a fine not to exceed \$10,000 or imprisonment not to exceed 6 years, or both. §939.50(h)

Punishment: Class G felony (death)

For a Class G felony, a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both. §939.50(g)

Wyoming

No hazing statute