

As Introduced

134th General Assembly  
Regular Session  
2021-2022

S. B. No. 126

Senators Kunze, Gavarone  
Cosponsors: Senators Brenner, Cirino, Yuko, Antonio

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A BILL

To amend section 2903.31 and to enact sections 1  
2903.311, 3333.0417, and 3345.19 of the Revised 2  
Code to enact Collin's Law: The Ohio Anti-Hazing 3  
Act with regard to hazing policies at colleges 4  
and criminal prohibitions against hazing. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 2903.31 be amended and sections 6  
2903.311, 3333.0417, and 3345.19 of the Revised Code be enacted 7  
to read as follows: 8

**Sec. 2903.31.** (A) As used in this section, ~~"hazing":~~ 9

(1) "Alcoholic liquid" means either "intoxicating liquor" 10  
as defined in section 4301.01 of the Revised Code or "beer" as 11  
defined in that section. 12

(2) "Drug of abuse" has the same meaning as in section 13  
3719.011 of the Revised Code. 14

(3) (a) Except as provided in division (A) (3) (b) of this 15  
section, "hazing" means doing any act causing, forcing, 16  
soliciting, or coercing another, including the victim, to do any 17

~~act of initiation into any student or other organization that~~ 18  
~~causes or creates a substantial risk of causing mental or~~ 19  
~~physical harm to any person~~ of the following for the purposes of 20  
initiating, admitting, or affiliating an individual into or with 21  
an organization, continuing or enhancing an individual's 22  
membership or status in an organization, or perpetuating or 23  
furthering a tradition or ritual of an organization: 24

(i) Violate federal or state criminal law; 25

(ii) Consume any food, liquid, alcoholic liquid, drug of 26  
abuse, or other substance which subjects the victim to a 27  
substantial risk of emotional or physical harm; 28

(iii) Cause a substantial risk of emotional harm to 29  
another. 30

(b) "Hazing" does not include either of the following: 31

(i) Reasonable and customary organizational training, 32  
contests, competitions, or events; 33

(ii) Lawful expressive activity that is protected under 34  
the First Amendment to the United States Constitution, Section 35  
11 of Article I of the Ohio Constitution, or sections 3345.0211 36  
through 3345.0214 of the Revised Code. 37

(4) "Organization" includes both of the following: 38

(a) A fraternity, sorority, association, corporation, 39  
order, society, corps, athletic team, band, orchestra, or 40  
chorus, a service or social club, or a group of people sharing 41  
common interests and related together socially, competitively, 42  
or with a shared purpose; 43

(b) A national or international organization with which a 44  
fraternity, sorority, or other organization under division (A) 45

(4) (a) of this section is affiliated. 46

~~(B) (1) (B)~~ No person shall ~~recklessly~~ knowingly 47  
participate in, commit, solicit another person to commit, or be 48  
actively involved in the planning of the hazing of another. 49

~~(2) (C)~~ No administrator, employee, or faculty member of 50  
any primary, secondary, or post-secondary school or of any other 51  
educational institution, public or private, shall ~~recklessly~~ 52  
knowingly permit the hazing of any person. 53

~~(C) Whoever~~ (D) (1) Except as provided in division (E) of 54  
this section, whoever violates division (B) or (C) of this 55  
section is guilty of hazing. 56

(2) A violation of division (B) of this section is a 57  
misdeemeanor of the first degree, except that the violation shall 58  
be a felony of the fifth degree if the violation causes physical 59  
harm to the victim. 60

(3) A violation of division (C) of this section is a 61  
misdeemeanor of the fourth degree. 62

(E) Whoever violates division (B) of this section shall be 63  
guilty of aggravated hazing, a felony of the second degree, if 64  
the violation causes serious physical harm, substantial risk of 65  
serious physical harm, or death to the victim of hazing and 66  
either of the following applies to the person who commits the 67  
violation: 68

(1) The person acted with reckless indifference to the 69  
health and safety of the victim of hazing. 70

(2) The person caused, coerced, or forced the consumption 71  
of an alcoholic liquid or a drug of abuse by the victim of 72  
hazing. 73

(F) (1) No individual who violates division (B) of this section, or witnesses another violate division (B) of this section, shall knowingly fail to immediately report the hazing to law enforcement or emergency services if the hazing causes physical harm in the victim of hazing. 74  
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(2) Whoever violates division (F) (1) of this section shall be guilty of supporting hazing, a misdemeanor of the first degree, except that the violation shall be a felony of the third degree if the violation of division (B) of this section described in division (F) (1) of this section causes serious physical harm to the victim of hazing. 79  
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(G) (1) No individual who is a member of an organization and who is aware of a violation of division (B) of this section shall knowingly fail to report that violation to law enforcement. 85  
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(2) Whoever violates division (G) (1) of this section shall be guilty of failing to report hazing, a misdemeanor of the fourth degree, except that the violation shall be a misdemeanor of the first degree if the violation of division (B) of this section described in division (G) (1) of this section causes physical harm to the victim of hazing. 89  
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(H) A prosecution for a violation of this section does not preclude a prosecution for a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under this section, the other section of the Revised Code, or both sections. 95  
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**Sec. 2903.311.** (A) As used in this section: 102

<u>(1) "Hazing" and "organization" have the same meanings as</u>	103
<u>in section 2903.31 of the Revised Code.</u>	104
<u>(2) "Institution of higher education" means any of the</u>	105
<u>following:</u>	106
<u>(a) A state institution of higher education as defined in</u>	107
<u>section 3345.011 of the Revised Code;</u>	108
<u>(b) A nonprofit institution holding a certificate of</u>	109
<u>authorization pursuant to Chapter 1713. of the Revised Code;</u>	110
<u>(c) An institution holding a certificate of registration</u>	111
<u>from the state board of career colleges and schools and program</u>	112
<u>authorization for an associate or bachelor's degree program</u>	113
<u>issued under section 3332.05 of the Revised Code;</u>	114
<u>(d) A private institution exempt from regulation under</u>	115
<u>Chapter 3332. of the Revised Code as prescribed in section</u>	116
<u>3333.046 of the Revised Code.</u>	117
<u>(B) No volunteer, administrator, employee, or faculty</u>	118
<u>member of an institution of higher education, or volunteer or</u>	119
<u>official of an organization, who is acting in an official or</u>	120
<u>professional capacity and knows that a person has suffered or</u>	121
<u>faces a threat or substantial risk of suffering any physical or</u>	122
<u>mental wound, injury, disability, or condition of a nature that</u>	123
<u>reasonably indicates hazing shall knowingly fail to immediately</u>	124
<u>report that knowledge or reasonable cause to a law enforcement</u>	125
<u>agency in the county in which the victim of hazing resides or in</u>	126
<u>which the hazing is occurring or has occurred.</u>	127
<u>(C) Violation of this section is a misdemeanor of the</u>	128
<u>fourth degree.</u>	129
<b><u>Sec. 3333.0417. (A) As used in this section:</u></b>	130

(1) "Hazing" and "organization" have the same meanings as 131  
in section 2903.31 of the Revised Code. 132

(2) "Institution of higher education" has the same meaning 133  
as in section 2903.311 of the Revised Code. 134

(B) The chancellor of higher education shall develop a 135  
statewide educational plan for preventing hazing at institutions 136  
of higher education. The plan shall include at least both of the 137  
following: 138

(1) A model anti-hazing policy that prohibits students 139  
enrolled in an institution of higher education, or other 140  
individuals associated with an organization recognized by or 141  
operating under the sanction of an institution, from engaging in 142  
hazing or a violation of section 2903.31 of the Revised Code. 143  
The model policy shall meet the requirements prescribed under 144  
division (B) of section 3345.19 of the Revised Code. The 145  
chancellor shall provide the model policy to each institution. 146

(2) Guidelines regarding anti-hazing education and 147  
training for all of the following: 148

(a) Students enrolled in an institution; 149

(b) Administrators, faculty members, and individuals 150  
employed by an institution; 151

(c) Organizations recognized by, or operating under the 152  
sanction of, an institution. 153

**Sec. 3345.19. (A) As used in this section:** 154

(1) "Hazing" and "organization" have the same meanings as 155  
in section 2903.31 of the Revised Code. 156

(2) "Institution of higher education" has the same meaning 157

as in section 2903.311 of the Revised Code. 158

(B) Each institution of higher education shall develop an 159  
anti-hazing policy that prohibits students enrolled in an 160  
institution of higher education, or other individuals associated 161  
with an organization recognized by or operating under the 162  
sanction of an institution, from engaging in hazing or a 163  
violation of section 2903.31 of the Revised Code. The policy 164  
shall apply to an act conducted on or off-campus if the act is 165  
determined to constitute hazing or a violation of section 166  
2903.31 of the Revised Code. The policy shall apply only if the 167  
hazing or violation of section 2903.31 of the Revised Code takes 168  
place between two or more people who are affiliated with the 169  
institution. The policy shall include all of the following: 170

(1) Rules prohibiting hazing; 171

(2) A method to enforce the policy; 172

(3) Appropriate penalties for violations of the policy, 173  
which may include any of the following: 174

(a) The imposition of fines; 175

(b) Withholding of diplomas or transcripts pending 176  
compliance with the rules or payment of fines; 177

(c) The revocation of permission for an organization to 178  
operate on campus or to otherwise operate under the recognition 179  
or sanction of the institution; 180

(d) The imposition of probation, suspension, dismissal, or 181  
expulsion. 182

A penalty imposed under the policy adopted under division 183

(B) of this section shall be in addition to a penalty imposed 184

for a violation of section 2903.31 of the Revised Code, the 185

criminal laws of this state, or for a violation of any other 186  
rule of the institution to which the individual or organization 187  
who committed the violation may be subject. 188

(C) Each institution shall provide a copy of the policy, 189  
including the institution's rules, penalties, and method to 190  
enforce the policy, to each organization within the institution. 191  
Additionally, each institution shall post the policy on the 192  
institution's publicly accessible web site. 193

(D) (1) Beginning in the 2022-2023 academic year, each 194  
institution shall maintain a report of all violations of the 195  
institution's policy adopted under division (B) of this section 196  
or other state law regarding hazing that are reported to the 197  
institution. Each institution shall post the report on its 198  
publicly accessible web site. Each report shall include all of 199  
the following: 200

(a) The name of the subject of the report; 201

(b) The date when the subject of the report was charged 202  
with a violation of the institution's policy or other state law 203  
regarding hazing; 204

(c) A general description of the violation, any 205  
investigation and findings by the institution, and any penalties 206  
imposed on the subject of the report; 207

(d) The date on which the matter was resolved. 208

(2) Each institution shall post the initial report issued 209  
under division (D) of this section on the institution's publicly 210  
accessible web site not later than January 15, 2023. Thereafter, 211  
each institution shall update the report on the first day of 212  
January and August of each year and shall post the updated 213  
report on the institution's publicly accessible web site. 214

However, each institution shall retain reports for five 215  
consecutive years. 216

(3) The initial report issued under division (D) of this 217  
section shall include information concerning hazing violations 218  
that have been reported to the institution for the five 219  
consecutive years prior to the effective date of this section to 220  
the extent that the institution has retained information 221  
concerning the violations. 222

(4) Each report issued under division (D) of this section 223  
shall not include the personal identifying information of an 224  
individual and shall be subject to the "Family Educational 225  
Rights and Privacy Act of 1974," 20 U.S.C. 1232g. 226

(E) (1) Each institution shall provide students with an 227  
educational program on hazing, which shall include information 228  
regarding hazing awareness, prevention, intervention, and the 229  
institution's policy developed under division (B) of this 230  
section. The educational program may be conducted in-person or 231  
online. The institution must offer at least one opportunity for 232  
students to complete the program during a new student 233  
orientation session. Each institution shall verify each 234  
student's attendance at the program. Each institution shall 235  
prohibit a student who does not attend the program from 236  
participating in an organization recognized by or operating 237  
under the sanction of the institution until the student attends 238  
the program. An organization shall not accept or initiate any 239  
person who has not attended the program. 240

(2) Each institution shall provide all staff and 241  
volunteers that advise or coach an organization recognized by or 242  
operating under the sanction of an institution and who have 243  
direct contact with students with mandatory training on hazing, 244

which shall include information on hazing awareness, hazing 245  
prevention, and the institution's policy adopted under division 246  
(B) of this section. 247

(3) Each institution shall adopt rules requiring any 248  
organization recognized by or operating under the sanction of 249  
that institution to conduct mandatory training on hazing for any 250  
volunteer who has contact with students. 251

(4) Each institution shall ensure that the educational 252  
program and training prescribed under this division comply with 253  
the guidelines prescribed under division (B)(2) of section 254  
3333.0417 of the Revised Code. 255

(F) Nothing in this section shall be construed to create a 256  
private right of action against any individual or institution of 257  
higher education. 258

**Section 2.** That existing section 2903.31 of the Revised 259  
Code is hereby repealed. 260

**Section 3.** This act shall be known as Collin's Law: The 261  
Ohio Anti-Hazing Act. 262

**Section 4.** Nothing in this act shall be construed to 263  
create private right of action against any individual or 264  
institution of higher education. 265