

BEFORE THE SENATE WORKFORCE & HIGHER EDUCATION COMMITTEE

**SENATOR TERRY JOHNSON
CHAIR**

**TESTIMONY
OF
BRUCE JOHNSON
PRESIDENT
INTER-UNIVERSITY COUNCIL OF OHIO**

MARCH 31, 2021

The Public Universities of Ohio

The University of Akron
University of Cincinnati
Miami University
Ohio University
Wright State University

Bowling Green State University
Cleveland State University
Northeast Ohio Medical University
Shawnee State University
Youngstown State University

Central State University
Kent State University
The Ohio State University
The University of Toledo

Chair Johnson, Vice Chair Cirino, Ranking Minority Member Williams, and members of the Senate Workforce and Higher Education Committee, thank you for allowing me to provide proponent testimony today in support of Senate Bill 126 on behalf of the state's fourteen public universities, all of which are members of the Inter-University Council of Ohio (IUC). My name is Bruce Johnson, and I am the President of the IUC. The IUC was established in 1939 as a voluntary educational association of Ohio's public universities. It is committed to ensuring affordable opportunities for the more than 300,000 students attending our member institutions without sacrificing the quality of their education or experience.

I am testifying today in support of Senate Bill 126, Collin's Law, sponsored by Senators Stephanie Kunze and Theresa Gavarone. The IUC would like to thank the sponsors for their work in drafting this legislation and for reaching out to our public universities through the IUC for review and comment prior to introduction. Senator Kunze's process was open and inclusive which, I believe, made for a stronger piece of legislation. I also would like to thank Kathleen Wiant who was part of that process. Her commitment, determination, and the love she has shown not just for her own son, Collin, but for all students, are the driving forces behind this bill. Despite her loss, she has led this fight with compassion and grace. I never knew Collin, but I have gotten to know his mom – and I know she has made him very proud.

Everyone agrees that hazing is unacceptable and intolerable. It is something we do not condone, and it must never be excused or rationalized. It furthers no end and serves no legitimate purpose. It is not justifiable, and it is not harmless. And, as we have just experienced again with the family of Stone Foltz, the consequences are devastating. Hazing must stop and to stop it we must change the culture and what some may view as acceptable behavior.

We believe this legislation will help cause that culture change. It will change behavior. When enacted, Senate Bill 126 will expand the definition of hazing to capture more activity that could constitute hazing, create a variety of new criminal hazing offenses, and increase penalties for being convicted of those hazing offenses. It will impose a robust educational and reporting requirement on students and personnel at all institutions of higher education in Ohio.

The bill modifies the offender's mental state for the criminal offense of "hazing" by replacing reckless participation, which is current law, with "knowing" participation. It also adds the following to the list of actions that constitute hazing: knowingly committing, soliciting another person to commit, or being actively involved in the planning of the hazing of another. Under the bill "hazing" is a ***first-degree misdemeanor***. However, if the violation causes physical harm to the victim it is a ***fifth-degree felony***. Under current law, "hazing," is a fourth-degree misdemeanor for any act of hazing.

The bill establishes the offense of "aggravated hazing" when the hazing causes physical harm, substantial risk of physical harm, or death to the victim of hazing, provided the offender acted with reckless indifference to the health and safety of the victim and caused, coerced, or forced the consumption of an alcohol or a drug of abuse. "Aggravated hazing" is a ***second-degree felony*** under the bill.

It creates the offense of "supporting hazing." Under the bill, a person who commits or witnesses criminal hazing that causes physical harm and who knowingly fails to immediately report that hazing to law enforcement or emergency services is guilty of "supporting hazing." The offense is a ***first-degree misdemeanor***. However, if the violation causes serious physical harm to the victim, the offense is a ***third-degree felony***.

The bill establishes the offense of "failure to report hazing." Any member of an organization [a new term defined comprehensively as a fraternity, sorority, association, corporation, order, society, corps, athletic team, band, orchestra, or chorus, a service or social club, or a group of people sharing common interests and related together socially, competitively, or with a shared purpose] who is aware of a hazing incident and knowingly fails to report

it is guilty of “failure to report hazing.” Under the bill, “failure to report hazing” is a fourth-degree misdemeanor, except that if the hazing incident causes physical harm to the victim, the offense is a *first-degree misdemeanor*.

The bill clearly establishes the elements for each offense which the prosecution must prove to secure a conviction. As a former prosecutor for the City of Columbus, this clarity is critical for determining whether to even pursue charges and then for successfully securing a conviction. This is important because, I believe, if we want students to take this call for change seriously, we need to make it clear to them that if they violate this law they will be charged, prosecuted, and fully punished. To change culture, we must hold those who commit these crimes accountable by making it as uncomplicated as possible for law enforcement to pursue charges and earn a conviction.

Under the bill, Ohio’s public universities also have a role to play in changing the culture on campus. We acknowledge that as an institution of higher education we have a responsibility to help ensure all students, faculty, and staff understand the seriousness of the issue and the consequences of this type of activity. The bill establishes a requirement on the institution to have an anti-hazing policy, issue a hazing violation report, and develop an educational program on hazing. Even though each institution currently has a policy and currently does provide training to students, we can always do more, and we can always do better. If it helps prevent the loss of another life on campus because of hazing, then we support it.

Each institution of higher education is required to develop an anti-hazing policy that includes rules prohibiting hazing, a method to enforce the policy, and appropriate penalties for violations. The policy’s penalties are in addition to criminal penalties and may include the imposition of fines, withholding of diplomas or transcripts, the revocation of permission to operate an organization on campus, or probation, suspension, dismissal, or expulsion. These penalties create an additional substantial deterrent and give this provision teeth.

Beginning with the 2022-2023 academic year, each institution must maintain and post a report of hazing violations and the institution’s policy. The legislation specifies that each report must include a general description of the violation, investigation and findings, and penalties imposed, among other things.

Finally, each institution must provide students with an online or in-person educational program on hazing, hazing awareness, prevention, intervention, and on the antihazing policy that complies with the Chancellor’s guidelines. Each institution must offer an opportunity for students to complete the program during new student orientation, certify each student’s attendance, and prohibit a student who does not attend the program from participating in any institutional organization. Likewise, each organization within an institution is prohibited from accepting or initiating a student who has not completed the program. The training must include information on hazing awareness, hazing prevention, and the institution’s anti-hazing policy.

As Mrs. Wiant stated at the press conference for the introduction of this bill, it took the enactment of much tougher drunk driving laws to change a culture in which the offense was not taken as seriously as it should have been taken. I believe we have the same opportunity now with this legislation. This law is tough. It sends a clear message that this anti-social, bullying behavior will result in a felony conviction with real prison time if harm is caused to another through hazing. And, we believe, it will be a deterrent. It will change both behavior and culture.

On behalf of Ohio’s public universities, the IUC looks forward to partnering with the sponsors and those families who have suffered loss because of hazing to end this practice. We are proud to say that we are a strong proponent of this legislation. Thank you, Mr. Chairman, and members of the committee for the opportunity to speak in support of SB 126. I am happy to answer any questions you may have.