

AN ACT

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

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2903.31 be amended and sections 2903.311, 3333.0417, and 3345.19 of the Revised Code be enacted to read as follows:

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

(1) "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code.

(2) "Organization" includes a national or international organization with which a fraternity or sorority is affiliated.

(B)(1) No person shall recklessly participate in the hazing of another.

(2) No administrator, employee, ~~or~~ faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or ~~of~~ any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization.

(C)(1) No person shall recklessly participate in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to the other person.

(2) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other educational institution, public or private, shall recklessly permit the hazing of any person associated with the organization when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person.

(D) Whoever violates this section is guilty of hazing. A violation of division (B)(1) or (2) of this section is a misdemeanor of the ~~fourth~~ second degree. A violation of division (C)(1) or (2) of this section is a felony of the third degree.

Sec. 2903.311. (A) As used in this section, "hazing" and "organization" have the same meanings as in section 2903.31 of the Revised Code.

(B) No administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including any primary, secondary, or post-secondary school or any other public

or private educational institution, who is acting in an official and professional capacity shall recklessly fail to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred.

(C) A violation of this section is a misdemeanor of the fourth degree, except that the violation is a misdemeanor of the first degree if the hazing causes serious physical harm.

Sec. 3333.0417. (A) As used in this section:

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

(2) "Institution of higher education" has the same meaning as in section 3345.19 of the Revised Code.

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

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

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

(a) Students enrolled in an institution;

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

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

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

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

(2) "Institution of higher education" means the following:

(a) A state institution of higher education as defined in section 3345.011 of the Revised Code;

(b) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(c) An institution holding a certificate of registration from the state board of career colleges and schools;

(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

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

(1) Rules prohibiting hazing;

(2) A method to enforce the policy;

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

(a) The imposition of fines;

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

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

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

A penalty imposed under the policy adopted under division (B) of this section shall be in addition to a penalty imposed for a violation of section 2903.31 of the Revised Code, the criminal laws of this state, or for a violation of any other rule of the institution to which the individual or organization who committed the violation may be subject.

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

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

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

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

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

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

(2) Each institution shall post the initial report issued under division (D) of this section on the institution's publicly accessible web site not later than January 15, 2023. Thereafter, each institution shall update the report on the first day of January and August of each year and shall post the updated report on the institution's publicly accessible web site. However, each institution shall retain reports for five consecutive years.

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

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

(E)(1) Each institution shall provide students with an educational program on hazing, which shall include information regarding hazing awareness, prevention, intervention, and the institution's policy developed under division (B) of this section. The educational program may be conducted in-person or online. The institution must offer at least one opportunity for students to complete the

program during a new student orientation session. Each institution shall verify each student's attendance at the program. Each institution shall prohibit a student who does not attend the program from participating in an organization recognized by or operating under the sanction of the institution until the student attends the program. An organization shall not accept or initiate any person who has not attended the program.

(2) Each institution shall provide all staff and volunteers that advise or coach an organization recognized by or operating under the sanction of an institution and who have direct contact with students with mandatory training on hazing, which shall include information on hazing awareness, hazing prevention, and the institution's policy adopted under division (B) of this section.

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

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

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

SECTION 2. That existing section 2903.31 of the Revised Code is hereby repealed.

SECTION 3. This act shall be known as Collin's Law: The Ohio Anti-Hazing Act.

SECTION 4. Nothing in this act shall be construed to create private right of action against any individual or institution of higher education.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. Sub. S. B. No. 126

134th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____