

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 126

Senators Kunze, Gavarone

**Cosponsors: Senators Brenner, Cirino, Yuko, Antonio, Antani, Blessing, Craig, Dolan, Fedor, Hackett, Hottinger, Huffman, S., Johnson, Maharath, McColley, Peterson, Reineke, Roegner, Rulli, Schuring, Sykes, Thomas, Williams, Wilson
Representatives LaRe, Leland, Abrams, Blackshear, Denson, Galonski, Miller, A., Plummer, Schmidt, White**

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) "Hazing" means doing any act or coercing another, 10
including the victim, to do any act of initiation into any 11
student or other organization or any act to continue or 12
reinstate membership in or affiliation with any student or other 13
organization that causes or creates a substantial risk of 14
causing mental or physical harm to any person, including 15

coercing another to consume alcohol or a drug of abuse, as 16
defined in section 3719.011 of the Revised Code. 17

(2) "Organization" includes a national or international 18
organization with which a fraternity or sorority is affiliated. 19

(B) (1) No person shall recklessly participate in the 20
hazing of another. 21

(2) No administrator, employee, ~~or~~ faculty member, 22
teacher, consultant, alumnus, or volunteer of any organization, 23
including any primary, secondary, or post-secondary school or ~~of~~ 24
any other educational institution, public or private, shall 25
recklessly permit the hazing of any person associated with the 26
organization. 27

(C) (1) No person shall recklessly participate in the 28
hazing of another when the hazing includes coerced consumption 29
of alcohol or drugs of abuse resulting in serious physical harm 30
to the other person. 31

(2) No administrator, employee, faculty member, teacher, 32
consultant, alumnus, or volunteer of any organization, including 33
any primary, secondary, or post-secondary school or any other 34
educational institution, public or private, shall recklessly 35
permit the hazing of any person associated with the organization 36
when the hazing includes coerced consumption of alcohol or drugs 37
of abuse resulting in serious physical harm to that person. 38

(3) No parent or guardian whose child is a student at any 39
primary, secondary, or post-secondary school or any other 40
educational institution, public or private, shall recklessly 41
permit the hazing of any person associated with the school or 42
institution when the hazing includes coerced consumption of 43
alcohol or drugs of abuse resulting in serious physical harm to 44

that person. 45

(D) Whoever violates this section is guilty of hazing. A 46
violation of division (B) (1) or (2) of this section is a 47
misdemeanor of the ~~fourth~~ second degree. A violation of 48
division (C) (1), (2), or (3) of this section is a felony of the 49
third degree. 50

Sec. 2903.311. (A) As used in this section, "hazing" and 51
"organization" have the same meanings as in section 2903.31 of 52
the Revised Code. 53

(B) No administrator, employee, faculty member, teacher, 54
consultant, alumnus, or volunteer of any organization, including 55
any primary, secondary, or post-secondary school or any other 56
public or private educational institution, who is acting in an 57
official and professional capacity shall recklessly fail to 58
immediately report the knowledge of hazing to a law enforcement 59
agency in the county in which the victim of hazing resides or in 60
which the hazing is occurring or has occurred. 61

(C) No parent or guardian whose child is a student at any 62
primary, secondary, or post-secondary school or any other public 63
or private educational institution shall recklessly fail to 64
immediately report the knowledge of hazing to a law enforcement 65
agency in the county in which the victim of hazing resides or in 66
which the hazing is occurring or has occurred. 67

(D) A violation of this section is a misdemeanor of the 68
fourth degree, except that the violation is a misdemeanor of the 69
first degree if the hazing causes serious physical harm. 70

Sec. 3333.0417. (A) As used in this section: 71

(1) "Hazing" and "organization" have the same meanings as 72
in section 2903.31 of the Revised Code. 73

(2) "Institution of higher education" has the same meaning 74
as in section 3345.19 of the Revised Code. 75

(B) The chancellor of higher education shall develop a 76
statewide educational plan for preventing hazing at institutions 77
of higher education. The plan shall include at least both of the 78
following: 79

(1) A model anti-hazing policy that prohibits students 80
enrolled in an institution of higher education, or other 81
individuals associated with an organization recognized by or 82
operating under the sanction of an institution, from engaging in 83
hazing or a violation of section 2903.31 of the Revised Code. 84
The model policy shall meet the requirements prescribed under 85
division (B) of section 3345.19 of the Revised Code. The 86
chancellor shall provide the model policy to each institution. 87

(2) Guidelines regarding anti-hazing education and 88
training for all of the following: 89

(a) Students enrolled in an institution; 90

(b) Administrators, faculty members, and individuals 91
employed by an institution; 92

(c) Organizations recognized by, or operating under the 93
sanction of, an institution. 94

Sec. 3345.19. (A) As used in this section: 95

(1) "Hazing" and "organization" have the same meanings as 96
in section 2903.31 of the Revised Code. 97

(2) "Institution of higher education" means the following: 98

(a) A state institution of higher education as defined in 99
section 3345.011 of the Revised Code; 100

<u>(b) A nonprofit institution holding a certificate of</u>	101
<u>authorization pursuant to Chapter 1713. of the Revised Code;</u>	102
<u>(c) An institution holding a certificate of registration</u>	103
<u>from the state board of career colleges and schools;</u>	104
<u>(d) A private institution exempt from regulation under</u>	105
<u>Chapter 3332. of the Revised Code as prescribed in section</u>	106
<u>3333.046 of the Revised Code.</u>	107
<u>(B) Each institution of higher education shall develop an</u>	108
<u>anti-hazing policy that prohibits students enrolled in an</u>	109
<u>institution of higher education, or other individuals associated</u>	110
<u>with an organization recognized by or operating under the</u>	111
<u>sanction of an institution, from engaging in hazing or a</u>	112
<u>violation of section 2903.31 of the Revised Code. The policy</u>	113
<u>shall apply to an act conducted on or off-campus if the act is</u>	114
<u>determined to constitute hazing or a violation of section</u>	115
<u>2903.31 of the Revised Code. The policy shall apply only if the</u>	116
<u>hazing or violation of section 2903.31 of the Revised Code takes</u>	117
<u>place between two or more people who are affiliated with the</u>	118
<u>institution. The policy shall include all of the following:</u>	119
<u>(1) Rules prohibiting hazing;</u>	120
<u>(2) A method to enforce the policy;</u>	121
<u>(3) Appropriate penalties for violations of the policy,</u>	122
<u>which may include any of the following:</u>	123
<u>(a) The imposition of fines;</u>	124
<u>(b) Withholding of diplomas or transcripts pending</u>	125
<u>compliance with the rules or payment of fines;</u>	126
<u>(c) The revocation of permission for an organization to</u>	127
<u>operate on campus or to otherwise operate under the recognition</u>	128

<u>or sanction of the institution;</u>	129
<u>(d) The imposition of probation, suspension, dismissal, or expulsion.</u>	130 131
<u>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.</u>	132 133 134 135 136 137
<u>(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.</u>	138 139 140 141 142
<u>(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:</u>	143 144 145 146 147 148 149
<u>(a) The name of the subject of the report;</u>	150
<u>(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;</u>	151 152 153
<u>(c) A general description of the violation, any investigation and findings by the institution, and any penalties imposed on the subject of the report;</u>	154 155 156

<u>(d) The date on which the matter was resolved.</u>	157
<u>(2) Each institution shall post the initial report issued</u>	158
<u>under division (D) of this section on the institution's publicly</u>	159
<u>accessible web site not later than January 15, 2023. Thereafter,</u>	160
<u>each institution shall update the report on the first day of</u>	161
<u>January and August of each year and shall post the updated</u>	162
<u>report on the institution's publicly accessible web site.</u>	163
<u>However, each institution shall retain reports for five</u>	164
<u>consecutive years.</u>	165
<u>(3) The initial report issued under division (D) of this</u>	166
<u>section shall include information concerning hazing violations</u>	167
<u>that have been reported to the institution for the five</u>	168
<u>consecutive years prior to the effective date of this section to</u>	169
<u>the extent that the institution has retained information</u>	170
<u>concerning the violations.</u>	171
<u>(4) Each report issued under division (D) of this section</u>	172
<u>shall not include the personal identifying information of an</u>	173
<u>individual and shall be subject to the "Family Educational</u>	174
<u>Rights and Privacy Act of 1974," 20 U.S.C. 1232g.</u>	175
<u>(E)(1) Each institution shall provide students with an</u>	176
<u>educational program on hazing, which shall include information</u>	177
<u>regarding hazing awareness, prevention, intervention, and the</u>	178
<u>institution's policy developed under division (B) of this</u>	179
<u>section. The educational program may be conducted in-person or</u>	180
<u>online. The institution must offer at least one opportunity for</u>	181
<u>students to complete the program during a new student</u>	182
<u>orientation session. Each institution shall verify each</u>	183
<u>student's attendance at the program. Each institution shall</u>	184
<u>prohibit a student who does not attend the program from</u>	185
<u>participating in an organization recognized by or operating</u>	186

under the sanction of the institution until the student attends 187
the program. An organization shall not accept or initiate any 188
person who has not attended the program. 189

(2) Each institution shall provide all staff and 190
volunteers that advise or coach an organization recognized by or 191
operating under the sanction of an institution and who have 192
direct contact with students with mandatory training on hazing, 193
which shall include information on hazing awareness, hazing 194
prevention, and the institution's policy adopted under division 195
(B) of this section. 196

(3) Each institution shall adopt rules requiring any 197
organization recognized by or operating under the sanction of 198
that institution to conduct mandatory training on hazing for any 199
volunteer who has contact with students. 200

(4) Each institution shall ensure that the educational 201
program and training prescribed under this division comply with 202
the guidelines prescribed under division (B) (2) of section 203
3333.0417 of the Revised Code. 204

(F) Nothing in this section shall be construed to create a 205
private right of action against any individual or institution of 206
higher education. 207

Section 2. That existing section 2903.31 of the Revised 208
Code is hereby repealed. 209

Section 3. This act shall be known as Collin's Law: The 210
Ohio Anti-Hazing Act. 211

Section 4. Nothing in this act shall be construed to 212
create private right of action against any individual or 213
institution of higher education. 214