MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Powell

To: Universities and Colleges

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 6

AN ACT TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING TO DEVELOP AND ADOPT A UNIFORM HAZING POLICY FOR ALL POSTSECONDARY EDUCATIONAL INSTITUTIONS; TO REQUIRE POSTSECONDARY EDUCATIONAL INSTITUTIONS TO ADOPT SUCH POLICY; TO AUTHORIZE SUCH INSTITUTIONS TO AMEND SUCH POLICY WITH LIMITATIONS; TO REQUIRE INSTITUTIONS TO PROVIDE INFORMATION RELATIVE TO HAZING AT ORIENTATION; TO REQUIRE CAMPUS ORGANIZATIONS TO PROVIDE INFORMATION RELATIVE TO HAZING; TO DEFINE CERTAIN TERMS; TO AMEND SECTION 37-111-11, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO BRING FORWARD SECTION 97-3-105, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Hazing in any form, or the use of any method of initiation into organizations in any postsecondary 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.

(2) Whoever violates the provisions of this section shall be subject to penalties imposed by the educational institution, which may include being expelled, suspended or dismissed from the postsecondary educational institution and not permitted to return

for at least one (1) semester, quarter, or comparable academic period. The severity of the academic penalties and sanctions imposed for violations of this section shall be in the sole discretion of the educational institution. In addition, the person violating the provisions of this section, may also be subject to the provisions of Section 97-3-105, which provides penalties for certain hazing activities.

(3) A local, national or parent organization that receives a report alleging the commission of an act or acts of hazing shall immediately contact the administration of the educational institution in accordance with the institution's policy for reporting such incidents. The local, national or parent organization, whichever is applicable, shall conduct a timely and efficient investigation to substantiate or determine the veracity of the allegations, a process which may be undertaken in concert with the institution, depending on the institution's policies and procedures. The local, national or parental organization's investigation does not preclude the institution from conducting its own investigation. The investigation shall begin no later than five (5) days after the date on which the report alleging the commission of an act or acts of hazing was received.

(4) For purposes of this act, the following terms shall have the meaning ascribed herein, unless the context clearly requires otherwise:

(a) "Educational institution" means any elementary or secondary school, junior or community college, institution of higher learning or any postsecondary educational institution in this state, and includes, but not limited to, any other educational institution.

(b) (i) "Hazing" means any intentional or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

1. The person knew or should have known that the act endangers the physical health or safety of the other person or causes severe emotional distress; and

2. The act was done as a result of pledging, intake, being initiated into, affiliating with, participating in, holding office in, or obtaining, maintaining membership or obtaining or maintaining a certain status as a member of in any organization.

(ii) "Hazing" includes, but is not limited to, any of the following acts associated with pledging, intake, being initiated into, affiliating with, participating in, holding office in, or obtaining, maintaining membership or obtaining or maintaining a certain status as a member of in any organization:

1. Physical brutality, such as whipping, beating, paddling, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.

2. 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 endangers the physical or mental health or safety of the individual.

3. Activity involving consumption of food, liquid, or any other substance, including, but not limited to, an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that endangers the physical or mental health or safety of the individual.

4. 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.

5. Activity that coerces current or prospective members to use technological applications to transfer monies to another person for personal use, except for official organization requirements.

6. Activity that would subject 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.

7. "Hazing" does not mean a physical or mental activity that is normal, customary, and reasonable for a person's training or participation in any band, athletic, physical

education, military training, or similar program sanctioned by the educational institution or that institution's athletics regulatory body or conference.

(c) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team or similar group whose members are primarily students at, or former students of, an educational institution. "Organization" includes the local, national or parent organization of which any of the underlying entities provided for in this paragraph is a sanctioned or recognized member at the time of the hazing. However, the term "organization" does not include the educational institution.

(d) "Pledging," also known as "recruitment," "intake" or "rushing," means any action or activity related to becoming a member of, holding office in, maintaining membership in or obtaining a certain level of respect of the organization.

SECTION 2. (1) Not later than August 1, 2021, the Board of Trustees of State Institutions of Higher Learning shall develop and adopt a uniform policy on hazing prevention. The policy shall define hazing as defined in Section 1 of this act. Each postsecondary educational institution shall adopt the uniform policy developed by the Board of Trustees of State Institutions of Higher Learning. An institution may expand the definition of

hazing to prohibit additional behaviors it determines may be dangerous but shall not otherwise amend the definition.

(2) (a) Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook or similar document, which may be provided in an electronic format.

(b) In addition to the requirement provided in paragraph (a) of this subsection, beginning in the fall semester of 2022, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.

(3) Each organization as defined in Section 1 of this act shall provide annually at least one (1) hour of hazing prevention education to all members and prospective members. The education may be provided in person, electronically, or both. The education shall include, at a minimum, the definition of hazing, penalties for hazing, information on how to report hazing to the institution and a copy or link to an electronic version of the institution's policy on hazing. The educational institution shall develop policies and procedures to ensure compliance with this subsection.

SECTION 3. Section 37-111-11, Mississippi Code of 1972, is amended as follows:

37-111-11. The members of organizations of the character designated in Section 37-111-1 and Section 1 of this act, shall be

amenable to the same rules and regulations as any and all other students in the institution. In the event that the members of such an organization become guilty of continued violation of the rules and of infractions of discipline the Board of Trustees of State Institutions of Higher Learning shall have the authority to dissolve such society and prohibit further meetings or its continuation as an organization. A failure to comply with the requirements of the trustees shall be a cause for suspension or expulsion from the institution as the faculty of the same may elect.

SECTION 4. Section 97-3-105, Mississippi Code of 1972, is brought forward as follows:

97-3-105. (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 take pursuant to this section shall not bar prosecutions for other violations of criminal law.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.