

No. 2016-31

AN ACT

HB 1574

Amending the act of December 15, 1986 (P.L.1595, No.175), entitled "An act prohibiting hazing; and providing penalties," further providing for definitions and for enforcement.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 2 and 4 of the act of December 15, 1986 (P.L.1595, No.175), known as the Antihazing Law, are amended to read:

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Hazing." Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of **[a student] a person** or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization **[operating under the sanction of or recognized as an organization by an institution of higher education]**. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced 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, or any willful destruction or removal of public or private property. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

"Institution of higher education" or "institution." Any public or private institution within this Commonwealth authorized to grant an associate degree or higher academic degree.

"Secondary school." Any public or private school within this Commonwealth providing instruction in grades 7 through 12 or any combination of those grades.

Section 4. Enforcement by institution *and secondary school*.

(a) Antihazing policy.—

(1) Each institution *and each governing board of a secondary school* shall adopt a written antihazing policy and, pursuant to that policy, shall adopt rules prohibiting students or other persons associated with any

organization operating under the sanction of or recognized as an organization by the institution *or secondary school* from engaging in any activity which can be described as hazing.

(2) Each secondary school shall provide a copy of the written antihazing policy, its rules, penalties and program of enforcement to all athletic coaches involved in organizations within the secondary school.

(3) Each governing board of a secondary school shall post its written antihazing policy on its publicly accessible Internet website.

(b) Enforcement and penalties.—

(1) Each institution *and each governing board of a secondary school* shall provide a program for the enforcement of such rules and shall adopt appropriate penalties for violations of such rules to be administered by the person or agency at the institution *or secondary school* responsible for the sanctioning or recognition of such organizations.

(2) Such penalties may include the imposition of fines, the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines and the imposition of probation, suspension **[or]**, dismissal *or expulsion*.

(3) In the case of an organization which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus *or other school* property or to otherwise operate under the sanction or recognition of the institution *or secondary school*.

(4) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of section 3 or any of the criminal laws of this State or for violation of any other institutional *or secondary school* rule to which the violator may be subject.

(5) Rules adopted pursuant hereto shall apply to acts conducted on or off campus *or other school property* whenever such acts are deemed to constitute hazing.

Section 2. This act shall take effect in 60 days.

APPROVED—The 24th day of May, A.D. 2016

TOM WOLF