

HAZING

An Act Prohibiting the Practice of Hazing was enacted by the MA Senate and House of Representatives in General Court in 1985. Chapter 269 of the General Laws was amended by adding the following three sections:

SECTION 17. HAZING; ORGANIZING OR PARTICIPATING; HAZING DEFINED

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than \$3,000 or by imprisonment in a house of correction for not more than one year, or by both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity that is likely to adversely affect the physical health or safety of any such student or other person, or that subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

SECTION 18. FAILURE TO REPORT HAZING

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than \$1,000.

SECTION 19. COPY OF SECTIONS 17-19; ISSUANCE TO STUDENTS AND STUDENT GROUPS, TEAMS AND ORGANIZATION REPORTS

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

The recently-enacted Stop Campus Hazing Act (“the Act”), adds new requirements to the Jeanne Clery Campus Safety Act (“Clery”) for reporting hazing statistics and for publishing hazing policies and a summary of hazing violations (attached). Institutions must comply with these new federal requirements in addition to current Massachusetts law (M.G.L. ch. 269, §§17 to 19) which requires an annual notice about hazing and a disciplinary process addressing hazing.

CAMPUS HAZING TRANSPARENCY REPORT

The Act requires a new Campus Hazing Transparency Report (“CHTR”) which summarizes hazing violations committed by recognized student organizations. Unlike the ASR, the CHTR likely includes hazing violations found to have occurred beyond an institution’s Clery geography. Similar to the policy statements, the institution’s definition of hazing applies to violations reported in the CHTR. For each violation, the summary must include: the name of the student organization; a general description of the violation, including whether it involved the abuse or illegal use of alcohol or drugs; the institution’s findings; sanctions issued, and; relevant dates related to the conduct (ex. date occurred) and the investigation (ex. date reported, date investigation began, dates of investigation notices, date of determination). The CHTR can include additional information deemed necessary by the institution, but may not include any personally identifiable information in accordance with federal student privacy protections under the Family Educational Rights and Privacy Act (“FEPR”).

Beginning July 1, 2025, institutions must be prepared to publish the CHTR if, and when, hazing violations by recognized student organizations are found to have occurred. Further, the CHTR must be updated at least twice a year to include any new violations that have occurred since the prior update. Each update to the CHTR must be maintained for a period of five years. The CHTR must be published in a prominent location on an institution’s website and include references to “Hazing” statistics as included in the ASR and the institution’s hazing policy statements.

