S. 2901

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2023

Ms. KLOBUCHAR (for herself and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop Campus Hazing Act”.

SEC. 2. INCLUSION OF HAZING INCIDENTS IN ANNUAL SECURITY REPORTS.

(1) in clause (i)(IX), by striking “and” after the semicolon;

(2) in clause (ii), by striking “and” after the semicolon;

(3) in clause (iii), by striking the period at the end and inserting “; and”;

(4) by adding at the end the following:

“(iv) of hazing incidents that were reported to campus security authorities or local police agencies.”.

SEC. 3. DEFINITION OF HAZING.


(1) by redesignating clauses (iii) through (v) as clauses (iv) through (vi), respectively; and

(2) by inserting after clause (ii) the following:

“(iii) The term ‘hazing’ means any intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against a student regardless of that student’s willingness to participate, that—

“(I) was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in, an organization (such as a club, society, associa-
tion, athletic team, fraternity, sorority, or
student government); and

“(II) causes or is likely to contribute
to a substantial risk, above the reasonable
risk encountered in the course of participa-
tion in the institution of higher education
or the organization (such as the physical
training necessary for participation in an
athletic team), of physical injury, mental
harm, or degradation.”.

SEC. 4. RECORDING OF HAZING INCIDENTS.

Section 485(f)(7) of the Higher Education Act of
1965 (20 U.S.C. 1092(f)(7)) is amended by inserting after
the second sentence the following: “For hazing incidents,
such statistics shall be compiled in accordance with the
definition of that term in paragraph (6)(A)(iii).”.

SEC. 5. HAZING EDUCATION AND REPORTING.

Section 485(f) of the Higher Education Act of 1965
(20 U.S.C. 1092(f)) is amended—

(1) by redesignating paragraphs (9) through
(18) as paragraphs (10) through (19), respectively;
and

(2) by inserting after paragraph (8) the fol-
lowing:
“(9)(A) Each institution of higher education participating in any program under this title, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding the following:

“(i) A comprehensive program to prevent hazing that shall—

“(I) be a campus-wide program for students, staff, faculty, and other campus stakeholders, such as alumni and families of students;

“(II) be a research-based program;

“(III) be designed and implemented in partnership with a broad coalition of campus stakeholders, including leadership of the institution, faculty, staff, students, alumni, and families of students;

“(IV) include information on hazing awareness, hazing prevention, the institution’s policies on hazing, how to report hazing, and the process used to investigate hazing; and

“(V) include skill building for bystander intervention, information about
ethical leadership, and the promotion of strategies for building group cohesion without hazing.

“(ii) The institution’s current campus policies relating to hazing, which shall include procedures that comply with the following:

“(I) The institution shall—

“(aa) collect information, beginning not later than 6 months after the date of enactment of the Stop Campus Hazing Act, with respect to hazing incidents and hazing prevention policies of the institution;

“(bb) prepare, in accordance with this clause, a report (which shall be referred to as the ‘Campus Hazing Transparency Report’) containing the information required under this clause;

“(cc) make the Campus Hazing Transparency Report publicly available not later than 12 months after the date of enactment of the Stop Campus Hazing Act; and
“(dd) update the Campus Hazing Transparency Report not less frequently than on January 15 and July 15 of each year, with, for each such update, each incident for which a formal finding has been issued, as described in subclause (II), during the period preceding such update that ends 15 days before the date of such update.

“(II) The Campus Hazing Transparency Report shall include each incident involving a student of the institution for which a formal finding of guilt, responsibility, or culpability is issued that either of the following was committed:

“(aa) A violation related to hazing—

“(AA) of the institution’s standards of conduct; or

“(BB) of Federal, State, or local law.

“(bb) When committed in connection with a violation reported under item (aa) and that threatened a
student’s physical safety (including a violation involving the abuse or illegal use of alcohol or drugs), any violation of—

“(AA) the institution’s standards of conduct; or

“(BB) Federal, State, or local law.

“(III) The Campus Hazing Transparency Report shall include, for each formal finding under subclause (II), the following:

“(aa) The name of the organization with which the violation that resulted in a formal finding of guilt, responsibility, or culpability, was committed in connection.

“(bb) A general description of the violation that resulted in a formal finding of guilt, responsibility, or culpability, the charges, the findings of the institution, and the sanctions placed on the organization.

“(cc) The dates on which—
“(AA) the incident was alleged to have occurred;

“(BB) the violation that resulted in a formal finding of guilt, responsibility, or culpability was charged;

“(CC) the investigation was initiated; and

“(DD) the investigation ended with a finding that a violation occurred.

“(IV) The Campus Hazing Transparency Report shall not include any information that would reveal personally identifiable information about any individual student.

“(V) The institution shall provide, in a prominent location on the institution’s public website, a link to the webpage that contains the Campus Hazing Transparency Report. Such webpage shall include—

“(aa) a statement notifying the public of the availability of information including findings or sanctions, except information protected under
section 444 of the General Education
Provisions Act (commonly known as
the ‘Family Educational Rights and
Privacy Act of 1974’);

“(bb) a description of how a
member of the public may obtain such
information;

“(cc) a statement that the insti-
tution is required to provide such in-
formation pursuant to this clause;

“(dd) a statement notifying the
public of the availability of the statis-
tics required to be made available
under paragraph (1)(F); and

“(ee) information about the insti-
tution’s anti-hazing policy.

“(B) Each institution shall maintain each Cam-
pus Hazing Transparency Report on its website for
a period of 7 academic years.

“(C) In the case of an allegation that a multi-
institution organization was involved in a hazing in-
cident, the requirements of this subsection shall
apply only to the institution or institutions at which
the persons involved in such allegation are enrolled
or were formerly enrolled, including any student who
was a victim in the alleged incident.’’.

SEC. 6. RULE OF CONSTRUCTION.

Nothing in this Act, or an amendment made by this
Act, shall be construed to alter legal standards regarding,
or affect the rights (including remedies and procedures)
available to individuals under the Constitution of the
United States or other Federal laws that establish protec-
tions for freedom of speech or expression.