

MA State Law

An Act Prohibiting the Practice of Hazing

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 269 of the General Laws is hereby amended by adding the following three sections:

Section 17. *Whoever is a principle organizer or participant in the crime of hazing as defined here in shall be punished by a fine of not more than \$3,000 or by imprisonment in a house of correction for not more than 1 year, or by both such fine and imprisonment.*

The term "hazing" as used in this section and in Sections 18 and 19, shall mean any conduct or method initiation into any student organization, whether on public or private property, which will fully or recklessly endanger 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 which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation or 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. *Whoever knows that another person is the victim of hazing as defined in Section 17 and is at the scene if 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 reasonable practicable. Whoever fails to report such a crime shall be punished by a fine of not more than \$1,000.*

Section 19. *Each institution of secondary education and each public and private institution of post-secondary education shall issue to every group, student team, or student organization which is part of such institution or is recognized by the institution or permitted by the institution or 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 17 and 18; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and Sections 17 and 18 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 17 and 18 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 acknowledgment stating that such group, team, or organization has received a copy of this section and said Sections 17 and 18, that each of its members, plebes, pledges, or applicants has received a copy of Sections 17 and 18, and that such group, team, or organization understands and agrees to comply with the provisions of this section and Sections 17 and 18.

*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 17 and 18.***

*Each institution of secondary education and each public or private institution of post-secondary education **shall file** at least annually, a report with the regents 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 17 and 18 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 regents 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 that fails to make such report.*