

As Passed by the House

134th General Assembly

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Am. Sub. S. B. No. 126

Senators Kunze, Gavarone

Cosponsors: Senators Brenner, Cirino, Yuko, Antonio, Antani, Blessing, Craig, Dolan, Fedor, Hackett, Hottinger, Huffman, S., Johnson, Maharath, McColley, Peterson, Reineke, Roegner, Rulli, Schuring, Sykes, Thomas, Williams, Wilson Representatives LaRe, Leland, Abrams, Blackshear, Denson, Galonski, Miller, A., Plummer, Schmidt, White, Baldrige, Boggs, Brent, Brown, Carfagna, Carruthers, Click, Crawley, Creech, Crossman, Dean, Edwards, Fraizer, Ghanbari, Ginter, Grendell, Gross, Hall, Hicks-Hudson, Hillyer, Hoops, Ingram, Jarrells, John, Johnson, Jones, Kelly, Kick, Lampton, Lanese, Lightbody, Loychik, Manning, Miller, J., Miranda, O'Brien, Oelslager, Patton, Pavliga, Ray, Richardson, Riedel, Robinson, Roemer, Russo, Seitz, Sheehy, Smith, K., Sobecki, Stein, Troy, Upchurch, Weinstein, West, Wilkin, Young, B., Young, T., Speaker Cupp

A BILL

To amend section 2903.31 and to enact sections 1
2903.311, 3333.0417, and 3345.19 of the Revised 2
Code to enact Collin's Law: The Ohio Anti-Hazing 3
Act with regard to hazing policies at colleges 4
and criminal prohibitions against hazing. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2903.31 be amended and sections 6
2903.311, 3333.0417, and 3345.19 of the Revised Code be enacted 7
to read as follows: 8

Sec. 2903.31. (A) As used in this section, ~~"hazing"~~: 9

(1) "Hazing" means doing any act or coercing another, 10
including the victim, to do any act of initiation into any 11

student or other organization or any act to continue or 12
reinstate membership in or affiliation with any student or other 13
organization that causes or creates a substantial risk of 14
causing mental or physical harm to any person, including 15
coercing another to consume alcohol or a drug of abuse, as 16
defined in section 3719.011 of the Revised Code. 17

(2) "Organization" includes a national or international 18
organization with which a fraternity or sorority is affiliated. 19

(B) (1) No person shall recklessly participate in the 20
hazing of another. 21

(2) No administrator, employee, ~~or~~ faculty member, 22
teacher, consultant, alumnus, or volunteer of any organization, 23
including any primary, secondary, or post-secondary school or of 24
any other educational institution, public or private, shall 25
recklessly permit the hazing of any person associated with the 26
organization. 27

(C) (1) No person shall recklessly participate in the 28
hazing of another when the hazing includes coerced consumption 29
of alcohol or drugs of abuse resulting in serious physical harm 30
to the other person. 31

(2) No administrator, employee, faculty member, teacher, 32
consultant, alumnus, or volunteer of any organization, including 33
any primary, secondary, or post-secondary school or any other 34
educational institution, public or private, shall recklessly 35
permit the hazing of any person associated with the organization 36
when the hazing includes coerced consumption of alcohol or drugs 37
of abuse resulting in serious physical harm to that person. 38

(D) Whoever violates this section is guilty of hazing. A 39
violation of division (B) (1) or (2) of this section is a 40

misdemeanor of the ~~fourth~~ second degree. A violation of 41
division (C) (1) or (2) of this section is a felony of the third 42
degree. 43

Sec. 2903.311. (A) As used in this section, "hazing" and 44
"organization" have the same meanings as in section 2903.31 of 45
the Revised Code. 46

(B) No administrator, employee, faculty member, teacher, 47
consultant, alumnus, or volunteer of any organization, including 48
any primary, secondary, or post-secondary school or any other 49
public or private educational institution, who is acting in an 50
official and professional capacity shall recklessly fail to 51
immediately report the knowledge of hazing to a law enforcement 52
agency in the county in which the victim of hazing resides or in 53
which the hazing is occurring or has occurred. 54

(C) A violation of this section is a misdemeanor of the 55
fourth degree, except that the violation is a misdemeanor of the 56
first degree if the hazing causes serious physical harm. 57

Sec. 3333.0417. (A) As used in this section: 58

(1) "Hazing" and "organization" have the same meanings as 59
in section 2903.31 of the Revised Code. 60

(2) "Institution of higher education" has the same meaning 61
as in section 3345.19 of the Revised Code. 62

(B) The chancellor of higher education shall develop a 63
statewide educational plan for preventing hazing at institutions 64
of higher education. The plan shall include at least both of the 65
following: 66

(1) A model anti-hazing policy that prohibits students 67
enrolled in an institution of higher education, or other 68

individuals associated with an organization recognized by or 69
operating under the sanction of an institution, from engaging in 70
hazing or a violation of section 2903.31 of the Revised Code. 71
The model policy shall meet the requirements prescribed under 72
division (B) of section 3345.19 of the Revised Code. The 73
chancellor shall provide the model policy to each institution. 74

(2) Guidelines regarding anti-hazing education and 75
training for all of the following: 76

(a) Students enrolled in an institution; 77

(b) Administrators, faculty members, and individuals 78
employed by an institution; 79

(c) Organizations recognized by, or operating under the 80
sanction of, an institution. 81

Sec. 3345.19. (A) As used in this section: 82

(1) "Hazing" and "organization" have the same meanings as 83
in section 2903.31 of the Revised Code. 84

(2) "Institution of higher education" means the following: 85

(a) A state institution of higher education as defined in 86
section 3345.011 of the Revised Code; 87

(b) A nonprofit institution holding a certificate of 88
authorization pursuant to Chapter 1713. of the Revised Code; 89

(c) An institution holding a certificate of registration 90
from the state board of career colleges and schools; 91

(d) A private institution exempt from regulation under 92
Chapter 3332. of the Revised Code as prescribed in section 93
3333.046 of the Revised Code. 94

(B) Each institution of higher education shall develop an 95

anti-hazing policy that prohibits students enrolled in an 96
institution of higher education, or other individuals associated 97
with an organization recognized by or operating under the 98
sanction of an institution, from engaging in hazing or a 99
violation of section 2903.31 of the Revised Code. The policy 100
shall apply to an act conducted on or off-campus if the act is 101
determined to constitute hazing or a violation of section 102
2903.31 of the Revised Code. The policy shall apply only if the 103
hazing or violation of section 2903.31 of the Revised Code takes 104
place between two or more people who are affiliated with the 105
institution. The policy shall include all of the following: 106

(1) Rules prohibiting hazing; 107

(2) A method to enforce the policy; 108

(3) Appropriate penalties for violations of the policy, 109
which may include any of the following: 110

(a) The imposition of fines; 111

(b) Withholding of diplomas or transcripts pending 112
compliance with the rules or payment of fines; 113

(c) The revocation of permission for an organization to 114
operate on campus or to otherwise operate under the recognition 115
or sanction of the institution; 116

(d) The imposition of probation, suspension, dismissal, or 117
expulsion. 118

A penalty imposed under the policy adopted under division 119
(B) of this section shall be in addition to a penalty imposed 120
for a violation of section 2903.31 of the Revised Code, the 121
criminal laws of this state, or for a violation of any other 122
rule of the institution to which the individual or organization 123

who committed the violation may be subject. 124

(C) Each institution shall provide a copy of the policy, 125
including the institution's rules, penalties, and method to 126
enforce the policy, to each organization within the institution. 127
Additionally, each institution shall post the policy on the 128
institution's publicly accessible web site. 129

(D) (1) Beginning in the 2022-2023 academic year, each 130
institution shall maintain a report of all violations of the 131
institution's policy adopted under division (B) of this section 132
or other state law regarding hazing that are reported to the 133
institution. Each institution shall post the report on its 134
publicly accessible web site. Each report shall include all of 135
the following: 136

(a) The name of the subject of the report; 137

(b) The date when the subject of the report was charged 138
with a violation of the institution's policy or other state law 139
regarding hazing; 140

(c) A general description of the violation, any 141
investigation and findings by the institution, and any penalties 142
imposed on the subject of the report; 143

(d) The date on which the matter was resolved. 144

(2) Each institution shall post the initial report issued 145
under division (D) of this section on the institution's publicly 146
accessible web site not later than January 15, 2023. Thereafter, 147
each institution shall update the report on the first day of 148
January and August of each year and shall post the updated 149
report on the institution's publicly accessible web site. 150
However, each institution shall retain reports for five 151
consecutive years. 152

(3) The initial report issued under division (D) of this 153
section shall include information concerning hazing violations 154
that have been reported to the institution for the five 155
consecutive years prior to the effective date of this section to 156
the extent that the institution has retained information 157
concerning the violations. 158

(4) Each report issued under division (D) of this section 159
shall not include the personal identifying information of an 160
individual and shall be subject to the "Family Educational 161
Rights and Privacy Act of 1974," 20 U.S.C. 1232g. 162

(E) (1) Each institution shall provide students with an 163
educational program on hazing, which shall include information 164
regarding hazing awareness, prevention, intervention, and the 165
institution's policy developed under division (B) of this 166
section. The educational program may be conducted in-person or 167
online. The institution must offer at least one opportunity for 168
students to complete the program during a new student 169
orientation session. Each institution shall verify each 170
student's attendance at the program. Each institution shall 171
prohibit a student who does not attend the program from 172
participating in an organization recognized by or operating 173
under the sanction of the institution until the student attends 174
the program. An organization shall not accept or initiate any 175
person who has not attended the program. 176

(2) Each institution shall provide all staff and 177
volunteers that advise or coach an organization recognized by or 178
operating under the sanction of an institution and who have 179
direct contact with students with mandatory training on hazing, 180
which shall include information on hazing awareness, hazing 181
prevention, and the institution's policy adopted under division 182

<u>(B) of this section.</u>	183
<u>(3) Each institution shall adopt rules requiring any</u>	184
<u>organization recognized by or operating under the sanction of</u>	185
<u>that institution to conduct mandatory training on hazing for any</u>	186
<u>volunteer who has contact with students.</u>	187
<u>(4) Each institution shall ensure that the educational</u>	188
<u>program and training prescribed under this division comply with</u>	189
<u>the guidelines prescribed under division (B)(2) of section</u>	190
<u>3333.0417 of the Revised Code.</u>	191
<u>(F) Nothing in this section shall be construed to create a</u>	192
<u>private right of action against any individual or institution of</u>	193
<u>higher education.</u>	194
Section 2. That existing section 2903.31 of the Revised	195
Code is hereby repealed.	196
Section 3. This act shall be known as Collin's Law: The	197
Ohio Anti-Hazing Act.	198
Section 4. Nothing in this act shall be construed to	199
create private right of action against any individual or	200
institution of higher education.	201