

SENATE BILL 55

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Harold Pope

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HAZING; CREATING THE ANTI-HAZING ACT; REQUIRING A CODE OF CONDUCT AND HAZING PREVENTION COMMITTEE AT A PUBLIC OR PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTION; REQUIRING AN ANNUAL REPORT; REQUIRING HAZING PREVENTION EDUCATION; PROVIDING  
SEC→~~PENALTIES~~←SEC SEC→~~A PENALTY~~←SEC .

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be

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cited as the "Anti-Hazing Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Anti-Hazing Act:

A. "employee" means a person who is receiving wages from a public or private post-secondary educational institution and is in a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee" does not include a person employed as medical staff or with an affiliated organization, entity or extension of a post-secondary educational institution unless the employee has a supervisory role or position of authority over students; and

B. "reasonable cause" means a person who witnesses hazing or receives a credible written or oral report alleging hazing or potential or planned hazing activity.

SECTION 3. [NEW MATERIAL] HAZING PROHIBITED--  
SEC→PENALTIES←SEC SEC→PENALTY←SEC .--

A. Hazing consists of any act committed as part of a person's recruitment, initiation, pledging, admission into or affiliation with a student organization, athletic team or living group or any pastime or amusement engaged in with respect to such an organization, athletic team or living group that causes, or is likely to cause, bodily danger or physical harm or serious psychological or emotional harm to a student or other person attending a public or private post-secondary educational institution, including causing, directing, coercing

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or forcing a person to consume any food, liquid, alcohol, drug or other substance that subjects the person to risk of such harm, regardless of the person's willingness to participate. Hazing does not include customary athletic events or other similar contests or competitions, practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and national collegiate athletic association athletics or other similar contests or competitions. However, gratuitous hazing activities occurring as part of such customary athletic event or contest are prohibited.

B. No student or other person in attendance at a public or private post-secondary educational institution may intentionally haze another.

C. Whoever commits hazing is guilty of a misdemeanor.

SEC→~~D. Whoever commits hazing that results in substantial bodily harm to another is guilty of a fourth degree felony.~~←SEC

SEC→~~E.~~←SEC SEC→~~D.~~←SEC Any student organization, association or student living group that permits hazing is strictly liable for damages caused to a person or property resulting from hazing. If the student organization, association or student living group is a corporation, whether for-profit or nonprofit, the individual directors of the

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corporation may be held individually liable for damages.

SEC→F.←SEC SEC→E.←SEC A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for a period of time determined by the public or private post-secondary educational institution.

SEC→G.←SEC SEC→F.←SEC Any organization, association or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall forfeit any official recognition or approval granted by a public or private post-secondary educational institution.

SECTION 4. [NEW MATERIAL] REQUIREMENT FOR CODE OF CONDUCT AT A PUBLIC OR PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTION--HAZING PREVENTION COMMITTEE.--

A. A public or private post-secondary educational institution shall prohibit in its code of conduct hazing off- and on-campus.

B. Beginning with the 2024 fall term, a public or private post-secondary educational institution shall provide students with an educational program on hazing and the dangers of and prohibition on hazing that shall include information regarding hazing awareness, prevention, intervention and the institution's policy on hazing. The educational program may be offered in person or electronically. The institution shall

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incorporate the educational program as part of new student orientation sessions. The educational program shall be posted on the institution's public website for parents, legal guardians and volunteers to view.

C. Institutional materials on student rights and responsibilities given to student organizations, athletic teams or living groups, either electronically or in hard copy form, shall include a statement on the institution's anti-hazing policy and on the dangers of hazing.

D. A public or private post-secondary educational institution shall establish a hazing prevention committee to promote and address hazing prevention. The committee shall have a minimum of six members, including a designated chair appointed by the president of the institution. Fifty percent of the committee members shall include students currently attending the public or private post-secondary educational institution, and at least one position shall be filled by a student from a student organization, athletic team or living group. The other fifty percent of the committee members shall include at least one faculty or staff member and one parent or legal guardian of a student currently enrolled at the institution. Student input shall be considered for committee membership. A student who is a member of a student organization, athletic team or living group that was affiliated with a finding of a hazing violation within the last twelve

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months may not participate in or be a member of the hazing prevention committee.

SECTION 5. [NEW MATERIAL] REQUIREMENT FOR ANNUAL REPORT.--

A. Beginning with the 2024-25 academic year, a public or private post-secondary educational institution shall maintain and publicly report actual findings of violations by any student organization, athletic team or living group of the public or private post-secondary educational institution's code of conduct, anti-hazing policies or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault or physical assault.

B. The report shall include the following:

- (1) the name of the student organization, athletic team or living group;
- (2) the date the investigation was initiated;
- (3) the date on which the investigation ended with a finding that a violation occurred;
- (4) a description of the incident or incidents, including the date of the initial violation and the violations, findings and sanctions placed on the student organization, athletic team or living group;
- (5) the details of the sanction or sanctions imposed, including the beginning and end dates of the sanction or sanctions; and

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(6) the date the student organization, athletic team or living group was charged with a violation.

C. Investigations that do not result in a finding of formal violations of the student code of conduct or state or federal law shall not be included in the report. The report shall not include any personal or identifying information of individual student members SEC→, is not subject to inspection pursuant to the Inspection of Public Records Act←SEC and shall be subject to the requirements of the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232g.

D. A public or private post-secondary educational institution shall make reports maintained pursuant to this section available on the institution's website in a prominent location that is clearly labeled and easily accessible.

E. A public or private post-secondary educational institution shall maintain reports as they are updated for five years and shall post them on the institution's website at least forty-five calendar days before the start of each fall academic term and at least ten days before the start of all other academic terms."

SECTION 6. [NEW MATERIAL] REQUIREMENT TO PROVIDE HAZING PREVENTION EDUCATION.--

A. Beginning in the 2024 fall academic term, a public or private post-secondary educational institution shall

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provide hazing prevention education on the signs and dangers of hazing as well as the institution's prohibition on hazing to employees, including student employees, either in person or electronically. The prevention education shall be provided to employees at the beginning of each academic year and for new employees at the beginning of each academic term.

B. If, as a result of observations or information received in the course of employment or volunteer service, any employee, including a student employee or volunteer at a public or private post-secondary educational institution, has reasonable cause to believe that hazing has occurred, the employee or volunteer shall report the incident, or cause a report to be made, to a designated authority at the institution. The employee or volunteer shall make the report at the first opportunity to do so.

C. A person who witnesses hazing or has reasonable cause to believe hazing has occurred or will occur and makes a report in good faith may not be sanctioned or punished for the violation of hazing unless the person is directly engaged in the planning, directing or act of hazing reported.

D. Nothing in this section shall preclude a person from independently reporting hazing or suspected hazing activity to law enforcement.

**SECTION 7. [NEW MATERIAL] REQUIREMENTS FOR SOCIAL FRATERNITY AND SORORITY ORGANIZATIONS.--**

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A. Social fraternity and sorority organizations shall notify a public or private post-secondary educational institution before chartering, rechartering, opening or reopening a local chapter or operating at the public or private post-secondary educational institution.

B. Social fraternity and sorority organizations shall notify a public or private post-secondary educational institution when the organization instigates an investigation of a local chapter at the public or private post-secondary educational institution for hazing or other activity that includes an element of hazing, such as furnishing alcohol to minors. The organization shall provide the results of such an investigation and a copy of the full findings report to the public or private post-secondary educational institution's student conduct office.

C. Beginning in the 2024 fall academic term, a local social fraternity or sorority chapter seeking to obtain or maintain registration with a public or private post-secondary educational institution in the state must certify in writing and provide web links to the institution showing that the landing pages of all websites owned or maintained by the local chapter contain a full list for the previous five years of all findings of violations of anti-hazing policies, state or federal laws relating to hazing, alcohol, drugs, sexual assault or physical assault or the institution's code of conduct

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against the local chapter.

D. Failure of a social fraternity or sorority organization to comply with this section shall result in automatic loss of recognition until such time that the organization comes into compliance with this section.

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