



House Bill 1751 (“Sam’s Law”, Hazing Prevention) Implementation Guide for Community & Technical Colleges, June 2022

SAM’S LAW – HAZING PREVENTION

Executive Summary

Sam’s Law is the name of new anti-hazing legislation recently adopted in Washington State. It is named after Sam Martinez, a freshman at Washington State University who died of alcohol poisoning at a fraternity party in November 2019. The new law updates the definition of hazing and requires institutions of higher education to implement anti-hazing programming for employees and students. It also requires institutions of higher education (IHEs) to publish an annual report identifying student organizations, athletic teams, and living groups found responsible for engaging in hazing.

New Definition of Hazing

The Act defines “hazing” to include the following:

“[A]ny 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 any student or other person attending a public . . . institution of higher education . . . in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which 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.” [Emphasis added.]

In addition to adopting this new definition of hazing, IHEs are required to revise their student conduct codes to prohibit hazing both on and off campus. The Act, which took effect on June 9, 2022, does not provide a deadline for completing conduct code revisions.

Beginning in fall 2022, IHEs must provide students with educational programming on hazing that includes information on hazing awareness, prevention, intervention, and the IHE’s policies prohibiting hazing. This programming can be provided either in person or electronically and must be part of the IHE’s new student orientation sessions. The program must also be posted on the IHE’s public website for the public, including parents, legal guardians, and volunteers to review.

Employee Training and Mandatory Reporting

Effective fall 2022, all “employees” including student employees must receive hazing prevention training, either electronically or in person, on the signs and dangers of hazing, as well as the IHE’s prohibition against hazing. For purposes of this training, an “employee” is defined as a person who is receiving wages from an IHE and has direct ongoing contact with students in a supervisory role or position of authority. Medical staff and confidential employees are excluded from the definition of “employee.” Persons who are employed by affiliated organizations, entities, or extensions of the IHE are also excluded from the definition of “employee,” unless they have a supervisory role or position of authority over students. The hazing prevention training must be provided to all employees at the beginning of each academic year and at the beginning of each academic quarter for employees who are just joining the IHE.

The Act also imposes mandatory reporting requirements. If an employee, student employee, or volunteer has “reasonable cause” to believe hazing has occurred, they are required to report the incident to a designated authority at the IHE. “Reasonable cause” means receiving a credible written or oral report alleging hazing or potential or planned hazing. Persons who report hazing in good faith are sheltered from discipline by the Act, unless they are directly involved in the prohibited conduct.

Hazing Prevention Committee

Each IHE is required to establish a hazing prevention committee to promote and address hazing prevention. The Committee must have at least six members, including a designated chair appointed by the President of the institution. Fifty percent of the membership must be enrolled students and at least one of the positions must be filled by a student from a student organization, athletic team or living group. The remaining members must have at least one parent or legal guardian of a student who is currently enrolled and at least one faculty or staff member. Students who are members of student groups that have been found responsible for hazing within the past year are not eligible to serve on the committee.

Hazing Reporting

IHE must publish a report disclosing all student groups found responsible for engaging in hazing on a quarterly basis. The report must be published at least forty-five (45) days before fall quarter commences and at least ten (10) days before the start of any other academic quarter. The report must contain the beginning and ending dates for the hazing investigation, the dates the student group was charged with hazing and the date it was found responsible for the violation, a description of the incident, and a description of the sanctions and the date they were imposed. Each report must be retained for at least five years.

The Act specifically requires that the report comply with Family Educational Records and Privacy Act (FERPA), which protects the confidentiality of personally identifiable student records. IHEs will want to confer with their assigned Assistant Attorneys General to ensure that disclosure made in compliance with the Act conform with FERPA.

Model Hazing Prevention Policy Statement

Hazing is prohibited within the _____ College community. Hazing is any conduct committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group (collectively "student groups") or any pastime or amusement engaged in with respect to such a student group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending _____ College, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which 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. This prohibition applies to conduct that may occur both on and off campus. In compliance with 2SHB 1751 (2022), the College will implement procedures and programs, including offering students and employees hazing prevention training and programming, implementation of a mandatory reporting procedure, creation of a hazing prevention committee, and publication of a hazing report.

Model Hazing Prevention Procedure

- **Definition:** As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes 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 any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which 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.
- **Employee Mandatory Reporting:**
 - (1) 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 _____ College 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 (Colleges should define the process and identify employees who are considered designated authority). The employee or volunteer shall make the report at the first opportunity to do so.
 - (2) "Reasonable cause" means a person who witnesses hazing or receives a credible written or oral report alleging hazing or potential or planned hazing activity.
 - (3) 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.

- (4) Nothing in this section shall preclude a person from independently reporting hazing or suspected hazing activity to law enforcement.
- (5) As used in this section, "employee" means a person who is receiving wages from _____ College 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 postsecondary educational institution, unless the employee has a supervisory role or position of authority over students. "Employee" does not include confidential employees.

- **Hazing Prevention Committee:** The _____ College Hazing Prevention Committee shall 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 positions shall include students currently attending the higher education institution with at least one position filled by a student from a student organization, athletic team, or living group. The other fifty percent of the committee positions 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 months may not participate in or be a member of the hazing prevention committee. The Chair of _____ College's Hazing Prevention Committee is *****.
- **Training:** All "employees" including student employees must receive hazing prevention training, either electronically or in person, on the signs and dangers of hazing, as well as the College's prohibition against hazing.

The College must provide students with educational programming on hazing that includes information on hazing awareness, prevention, intervention, and the College's policies prohibiting hazing. This programming can be provided either in person or electronically and must be part of the College's new student orientation sessions. The program must also be posted on the College's public website for the public, including parents, legal guardians, and volunteers to review.

Model Student Conduct Code Revisions

WAC 132__-__-__ Prohibited Student Conduct

The college may impose disciplinary sanctions against a student or Student Group,^[1] who commits, attempts to commit, aids, abets, incites, encourages, or assists another person to commit, an act(s) of misconduct, which include, but are not limited to the following:

1. ...
2. ...

...

9. **Hazing.**

(a) Hazing is any act committed as part of

- (1) a person's recruitment, initiation, pledging, admission into, or affiliation with a student group, or
- (2) any pastime or amusement engaged in with respect to such a student group;
- (3) that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

- (1) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm;
- (2) Humiliation by ritual act;
- (3) Striking another person with an object or body part;
- (4) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or
- (5) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions.^[2]

(d) Consent is not a valid defense against hazing.

WAC 132__ - __ - __ - STATEMENT OF JURISDICTION

1. The student conduct code shall apply to conduct by students and student groups that occurs:

- (a) on college premises; or
- (b) at or in connection with college sponsored activities; or
- (c) to off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives.

2. Jurisdiction extends to, but is not limited to, locations in which students or student groups are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, on-line education, practicums, supervised work experiences or any other college-sanctioned social or club activities and college-sanctioned housing.

3. Students are responsible for their conduct from notification of admission to the college through the actual receipt of a certificate or degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

4. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

5. The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct by students or student groups that occurs off-campus.

WAC 132__ - __ - __ - Definitions

The following definitions shall apply for purpose of this student conduct code:

...

[__] **Student Group.** A Student Group for purposes of this Code, is a student organization, athletic team, or living group, including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.^[3]

Individual colleges will probably want to tailor this definition to identify and include various student groups that may be unique to their traditions and cultures. When defining this term, colleges will also want to consider the extent to which student groups include informal groups of students that are not officially sanctioned or recognized by the college.

NEW SECTION - WAC 132_____ - __ Hazing Prohibited, Sanctions

1. Hazing by a student or a student group is prohibited pursuant to WAC 132__ - __ - __ (__)

2. No student may conspire to engage in hazing or participate in hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor. ^[4]

3. Washington state law provides that:

- (a) Any Student Group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.^[5]
- (b) Any 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 college.^[6]
- (c) Student groups that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.^[7]
- (d) Student groups found responsible for violating the code of student conduct, college anti-hazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

[1] See 2SHB 1751, Sec. 4(1) (requiring colleges to issue reports of violations of actual findings of violations college’s “code of conduct, antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault.”)

[2] See RCW 28B.10.900 (as amended by 2SHB 1751)

[3] See, e.g., RCW 28B.10.090 (as amended by 2SHB 1751) defining “hazing” to include activities associated with recruitment, initiation, pledging, admission into, or affiliation with “student organization, athletic team, or living group.”

[4] RCW 28B.10.901(2)&(3).

[5] RCW 28B.10.901(3).

[6] RCW 28B.10.902(1).

[7] RCW 28B.10.902(2).

Public Posting and Reporting Requirements

- Webpage: Colleges will need to develop an Anti-Hazing webpage that:
 - Defines Hazing Using Language From the new Student Code of Conducts WAC/Bill
 - Links/Lists Findings/Reports
 - Links to Student Code of Conduct Re: Hazing
 - Links to College Policy on Hazing for Employees
 - The Student training program must be posted on the College's public website for the public, including parents, legal guardians, and volunteers to review.

Model Anti-Hazing Policy for Groups, Clubs, and Organizations

Purpose

College Name (herein after named as “college”) is committed to and maintains an atmosphere of social and ethical responsibility. It is the College's belief that learning and working occurs in environments where learners, employees, and visitors feel safe, secure, and welcome. The College regards responsible pre-initiation activity or extra- and co-curricular activities as a positive educational approach to preparation for student group or organization membership and affiliation, who maintain different purposes and process. These purposes and process may have traditions and the College supports traditions that match the College's core values. The College further recognizes that a student organization or group may belong to a national oversight organization that also holds students accountable to expectations and standards (e.g., the national organization for a local fraternity chapter). The College is committed to partnering with these outside affiliates to address hazing allegations and will communicate with them as appropriate.

Policy

Faculty, staff, learners, volunteers (e.g., advisors and volunteer coaches), organizations, groups, alumni, and consultants are members of the “College community” for purposes of this policy. This policy addresses hazing activity by any party, regardless of the existence of consent, and recognizes the act of hazing as illegal, irresponsible, intolerable, and inconsistent with the principles of higher education and basic human development. Hazing is antithetical to this College's commitment to maintaining a positive educational environment. Participation in hazing activities is against the law [WAC]. This policy applies to hazing that takes place between two or more people who are affiliated with the college regardless of whether it occurs at sanctioned or non-sanctioned events, on- or off-campus.

This policy applies to student organizations, groups, and individuals and is effective from enrollment to commencement, including breaks in the academic year.

Violation of the stated hazing policy may subject participants, including students and organizations, to arrest, prosecution and/or disciplinary action, including, but not limited to,

suspension or expulsion of students and the revocation of an organization's registration and/or recognition at the college. Consent to or acquiescence in hazing activity is not a defense.

If college community members are asked to take part in hazing activities, or if they are uncomfortable with the instructions given as a new member, they have the right to say no. If the organization engages in behaviors that college community members believe are hazing, they do not have to participate or support such activities and need to report them.

The College holds students accountable for their behavior both on and off-campus and addresses behavior that is a violation of the "Student Code of Conduct."

The group or organization, regardless of chartered status, has the responsibility to ensure its activities are acceptable under this policy. Questions regarding the acceptability of a proposed organization activity should be discussed with the identified college office.

College community members have a duty to report violations of this policy of which they become aware in the course of their duties when these duties include responsibility for the safety and wellbeing of other members of campus community or if they have supervisory, evaluative, grading, or advisory responsibility over other members of the campus community.

Appendix A

Types of Hazing

Some activities are clearly understood as hazing, but other activities may be less clear. It is imperative to consider that any act that subjects a specific student or group of students to conditions poorer than those of current members of the organization can be considered hazing.

[or WAC language] Listed here are various types of hazing:

Violent Hazing

Behaviors that have the potential to cause physical and/or emotional, or psychological harm.

Harassment Hazing

Behaviors that cause emotional anguish or physical discomfort in order to feel like part of the group. Harassment hazing confuses, frustrates, and causes undue stress for new members.

Subtle Hazing

Behaviors that emphasize a power imbalance between new members and other members of the group or team. These types of hazing are often taken-for-granted or accepted as harmless or meaningless. Subtle hazing typically involves activities or attitudes that breach reasonable standards of mutual respect and place new members on the receiving end of ridicule, embarrassment, and/or humiliation tactics. New members often feel the need to endure subtle hazing to feel like part of the group or team.

Hazing Examples

Examples of actions and activities which may constitute hazing include, but are not limited to, the following:

- a) Compelling individuals to consume alcohol or drugs.
- b) Paddling in any form, shoving or otherwise striking individuals.
- c) Compelling individuals to engage in sexual behaviors, sexual or racial harassment or
- d) slurs or exhibitionism.
- e) Compelling individuals to eat or drink unusual substances or compelling the consumption of undue amounts or odd preparations of food.
- f) Having harmful substances thrown at, poured on or otherwise applied to the bodies of individuals.
- g) Morally degrading or humiliating games or activities which make an individual the object of amusement, ridicule, or intimidation.
- h) Transporting individuals against their will, abandoning individuals at distant locations, or conducting any “kidnap,” “ditch” or “road trip” that may in any way endanger or compromise the health, safety, or comfort of any individual.
- i) Causing an individual to be indecently exposed or exposed to the elements.

- j) Requiring an individual to remain in a fixed position for a long period of time.
- k) Compelling an individual to be branded or tattooed.
- l) “Line-ups” involving intense shouting of obscenities or insults.
- m) Compelling individuals to participate in activities (pranks, scavenger hunts, etc.) which
- n) encourage the defacement of property; engage in theft; harass other individuals, groups of individuals or organizations.
- o) Excluding an individual from social contact for prolonged periods of time.
- p) Compelling an individual to engage in acts of personal servitude.

Definitions

“Organization”

An organization consists of several persons who are associated with each other and have registered with the College as a student organization (such as clubs, club sports, or fraternities and sororities).

“Groups”

A group consists of a number of persons who are associated with the College and each other, but who have not registered, or are not required to register, as a student organization (including but not limited to athletic teams, musical or theatrical ensembles, academic or administrative units, and clubs not registered as student organizations).

“College Community”

Faculty, staff, learners, volunteers (e.g., advisors and volunteer coaches), organizations, groups, alumni, and consultants involved in activities sponsored by chartered or un-chartered college groups or organizations who hold events on- or off-campus.

“Chartered”

A group or organization who completes a registration form and receives recognition from the College’s Associated Student Government Executive Body assigned to charter groups, clubs, or organizations, or similarly responsible college department.

“Unchartered”

A group or organization with involved college community members who gather to sponsor an activity or event who has not sought recognition from a College’s Associated Student Government or similarly responsible college department.

Resources

Please visit the following sites for the latest news on hazing, up to date resources on hazing prevention and alternative activities for groups.

<http://www.stophazing.org/>

<http://www.hazingprevention.org/>

Funding and Vendor Options

Each public community and technical college will receive an allocation of \$5,000 in the fiscal year beginning July 1, 2022, to implement the education requirement in HB 1751. A contract between SBCTC and *Get Inclusive* for VAWA-mandated sexual violence prevention provides access to their full course catalog, which includes – for use with students – a hazing prevention course. For student anti-hazing education mandated by Sam’s Law, colleges have the option of using the *Get Inclusive* course at no additional cost. Colleges may choose to purchase or develop their own anti-hazing program for students, utilizing the above-mentioned allocation. For employee anti-hazing education, as of this writing *Get Inclusive* has a course in development that is expected to be available for college use prior to fall term. As with student programming, colleges may choose to purchase or develop their own program for employees with the allocated funds.

HB 1751 Implementation Workgroup

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