

# HIGHER EDUCATION INFORMATION MEMO

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## Federal Anti-Hazing Legislation to Impose New Reporting Obligations on Colleges and Universities

Earlier this month, Congress passed the federal Stop Campus Hazing Act. President Biden is expected to sign the new legislation before leaving office in January 2025. If enacted, the Act will create new obligations for colleges and universities to track and report incidents of hazing affecting their campus communities.

The Act imposes two levels of institutional reporting obligations, each of which are described below.

### Clery Act Reporting

First, institutions must report hazing incidents as a new category of offense in their Annual Security Report statistics. The timing of this obligation is at this point uncertain, given that the legislation's effectiveness is calculated from the date it becomes law. If President Biden signs the legislation before the end of 2024, hazing incidents would need to be tracked beginning in calendar year 2025 for inclusion in the Annual Security Report due on October 1, 2026. If the Act is not signed into law until sometime in 2025, these dates would each be extended by a year.

Importantly, this reporting obligation covers hazing involving student organizations regardless of whether they are established or officially recognized by the institution, provided that the incidents in question are reported to have occurred within the institution's Clery geography.

The Act defines the following conduct as "hazing," (note that this may differ from definitions under state law and/or institutional policy):

*"[A]ny intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that—*

- (I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and*
- (II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—*
  - (aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;*
  - (bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;*

- (cc) *causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;*
- (dd) *causing, coercing, or otherwise inducing another person to perform sexual acts;*
- (ee) *any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;*
- (ff) *any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and*
- (gg) *any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.”*

In addition to reporting hazing statistics, institutions will be required to include in the Annual Security Report statements of policy relating to hazing, including prevention and awareness programs, and processes used to report, investigate and adjudicate allegations of hazing behavior.

### **Campus Hazing Transparency Report**

Second, institutions will be required to publish on their websites a “Campus Hazing Transparency Report” summarizing findings concerning any student organization established or recognized by the institution that is found to be in violation of institutional anti-hazing policies. The reports must include the name of the organization, a general description of the violation (including whether the violation involved alcohol or drugs), sanctions imposed on the organization and a timeline that includes: the dates on which (a) the alleged conduct occurred; (b) the investigation was initiated; (c) the organization was found responsible for a hazing violation; and (d) the organization was notified of the finding. The report must be published initially no later than 12 months after enactment of the Act, and must be updated at least two times per year thereafter. The Campus Hazing Transparency Report must also include information about institutional policies and applicable law relating to hazing and notice of where to find the statistics described above.

If you have any questions, please contact [Philip J. Zaccheo](#), any attorney in the firm’s [higher education practice](#) or the Bond attorney with whom you have regular contact.

