

118TH CONGRESS
1ST SESSION

H. R. 5646

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2023

Mrs. MCBATH (for herself and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Campus Hazing
5 Act”.

6 **SEC. 2. INCLUSION OF HAZING INCIDENTS IN ANNUAL SE-**
7 **CURITY REPORTS.**

8 Section 485(f)(1)(F) of the Higher Education Act of
9 1965 (20 U.S.C. 1092(f)(1)(F)) is amended—

1 (1) in clause (i)(IX), by striking “and” after
2 the semicolon;

3 (2) in clause (ii), by striking “and” after the
4 semicolon;

5 (3) in clause (iii), by striking the period at the
6 end and inserting “; and”; and

7 (4) by adding at the end the following:

8 “(iv) of hazing incidents that were re-
9 ported to campus security authorities or local
10 police agencies.”.

11 **SEC. 3. DEFINITION OF HAZING.**

12 Section 485(f)(6)(A) of the Higher Education Act of
13 1965 (20 U.S.C. 1092(f)(6)(A)) is amended—

14 (1) by redesignating clauses (iii) through (v) as
15 clauses (iv) through (vi), respectively; and

16 (2) by inserting after clause (ii) the following:

17 “(iii) The term ‘hazing’ means any inten-
18 tional, knowing, or reckless act committed by a
19 person, whether individually or in concert with
20 other persons, against a student regardless of
21 that student’s willingness to participate, that—

22 “(I) was committed in connection with
23 an initiation into, an affiliation with, or
24 the maintenance of membership in, an or-
25 ganization (such as a club, society, associa-

1 tion, athletic team, fraternity, sorority, or
2 student government); and

3 “(II) causes or is likely to contribute
4 to a substantial risk, above the reasonable
5 risk encountered in the course of participa-
6 tion in the institution of higher education
7 or the organization (such as the physical
8 training necessary for participation in an
9 athletic team), of physical injury, mental
10 harm, or degradation.”.

11 **SEC. 4. RECORDING OF HAZING INCIDENTS.**

12 Section 485(f)(7) of the Higher Education Act of
13 1965 (20 U.S.C. 1092(f)(7)) is amended by inserting after
14 the second sentence the following: “For hazing incidents,
15 such statistics shall be compiled in accordance with the
16 definition of that term in paragraph (6)(A)(iii).”.

17 **SEC. 5. HAZING EDUCATION AND REPORTING.**

18 Section 485(f) of the Higher Education Act of 1965
19 (20 U.S.C. 1092(f)) is amended—

20 (1) by redesignating paragraphs (9) through
21 (18) as paragraphs (10) through (19), respectively;
22 and

23 (2) by inserting after paragraph (8) the fol-
24 lowing:

1 “(9)(A) Each institution of higher education
2 participating in any program under this title, other
3 than a foreign institution of higher education, shall
4 develop and distribute as part of the report de-
5 scribed in paragraph (1) a statement of policy re-
6 garding the following:

7 “(i) A comprehensive program to prevent
8 hazing that shall—

9 “(I) be a campus-wide program for
10 students, staff, faculty, and other campus
11 stakeholders, such as alumni and families
12 of students;

13 “(II) be a research-based program;

14 “(III) be designed and implemented in
15 partnership with a broad coalition of cam-
16 pus stakeholders, including leadership of
17 the institution, faculty, staff, students,
18 alumni, and families of students;

19 “(IV) include information on hazing
20 awareness, hazing prevention, the institu-
21 tion’s policies on hazing, how to report
22 hazing, and the process used to investigate
23 hazing; and

24 “(V) include skill building for by-
25 stander intervention, information about

1 ethical leadership, and the promotion of
2 strategies for building group cohesion with-
3 out hazing.

4 “(ii) The institution’s current campus poli-
5 cies relating to hazing, which shall include pro-
6 cedures that comply with the following:

7 “(I) The institution shall—

8 “(aa) collect information, begin-
9 ning not later than 6 months after the
10 date of enactment of the Stop Cam-
11 pus Hazing Act, with respect to haz-
12 ing incidents and hazing prevention
13 policies of the institution;

14 “(bb) prepare, in accordance with
15 this clause, a report (which shall be
16 referred to as the ‘Campus Hazing
17 Transparency Report’) containing the
18 information required under this
19 clause;

20 “(cc) make the Campus Hazing
21 Transparency Report publicly avail-
22 able not later than 12 months after
23 the date of enactment of the Stop
24 Campus Hazing Act; and

1 “(dd) update the Campus Hazing
2 Transparency Report not less fre-
3 quently than on January 15 and July
4 15 of each year, with, for each such
5 update, each incident for which a for-
6 mal finding has been issued, as de-
7 scribed in subclause (II), during the
8 period preceding such update that
9 ends 15 days before the date of such
10 update.

11 “(II) The Campus Hazing Trans-
12 parency Report shall include each incident
13 involving a student of the institution for
14 which a formal finding of guilt, responsi-
15 bility, or culpability is issued that either of
16 the following was committed:

17 “(aa) A violation related to haz-
18 ing—

19 “(AA) of the institution’s
20 standards of conduct; or

21 “(BB) of Federal, State, or
22 local law.

23 “(bb) When committed in con-
24 nection with a violation reported
25 under item (aa) and that threatened a

1 student’s physical safety (including a
2 violation involving the abuse or illegal
3 use of alcohol or drugs), any violation
4 of—

5 “(AA) the institution’s
6 standards of conduct; or

7 “(BB) Federal, State, or
8 local law.

9 “(III) The Campus Hazing Trans-
10 parency Report shall include, for each for-
11 mal finding under subclause (II), the fol-
12 lowing:

13 “(aa) The name of the organiza-
14 tion with which the violation that re-
15 sulted in a formal finding of guilt, re-
16 sponsibility, or culpability, was com-
17 mitted in connection.

18 “(bb) A general description of
19 the violation that resulted in a formal
20 finding of guilt, responsibility, or cul-
21 pability, the charges, the findings of
22 the institution, and the sanctions
23 placed on the organization.

24 “(cc) The dates on which—

1 “(AA) the incident was al-
2 leged to have occurred;

3 “(BB) the violation that re-
4 sulted in a formal finding of
5 guilt, responsibility, or culpability
6 was charged;

7 “(CC) the investigation was
8 initiated; and

9 “(DD) the investigation
10 ended with a finding that a viola-
11 tion occurred.

12 “(IV) The Campus Hazing Trans-
13 parency Report shall not include any infor-
14 mation that would reveal personally identi-
15 fiable information about any individual
16 student.

17 “(V) The institution shall provide, in
18 a prominent location on the institution’s
19 public website, a link to the webpage that
20 contains the Campus Hazing Transparency
21 Report. Such webpage shall include—

22 “(aa) a statement notifying the
23 public of the availability of informa-
24 tion including findings or sanctions,
25 except information protected under

1 section 444 of the General Education
2 Provisions Act (commonly known as
3 the ‘Family Educational Rights and
4 Privacy Act of 1974’);

5 “(bb) a description of how a
6 member of the public may obtain such
7 information;

8 “(cc) a statement that the insti-
9 tution is required to provide such in-
10 formation pursuant to this clause;

11 “(dd) a statement notifying the
12 public of the availability of the statis-
13 tics required to be made available
14 under paragraph (1)(F); and

15 “(ee) information about the insti-
16 tution’s anti-hazing policy.

17 “(B) Each institution shall maintain each Cam-
18 pus Hazing Transparency Report on its website for
19 a period of 7 academic years.

20 “(C) In the case of an allegation that a multi-
21 institution organization was involved in a hazing in-
22 cident, the requirements of this subsection shall
23 apply only to the institution or institutions at which
24 the persons involved in such allegation are enrolled

1 or were formerly enrolled, including any student who
2 was a victim in the alleged incident.”.

3 **SEC. 6. RULE OF CONSTRUCTION.**

4 Nothing in this Act, or an amendment made by this
5 Act, shall be construed to alter legal standards regarding,
6 or affect the rights (including remedies and procedures)
7 available to individuals under the Constitution of the
8 United States or other Federal laws that establish protec-
9 tions for freedom of speech or expression.

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