

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 563 Session of
2007

INTRODUCED BY GREENLEAF, RHOADES, KITCHEN, RAFFERTY,
TARTAGLIONE, BROWNE, BOSCOLA, O'PAKE, COSTA, FONTANA,
C. WILLIAMS, LOGAN, WOZNIAK AND STACK, MARCH 20, 2007

REFERRED TO EDUCATION, MARCH 20, 2007

AN ACT

1 Amending the act of December 15, 1986 (P.L.1595, No.175),
2 entitled "An act prohibiting hazing; and providing
3 penalties," further defining "hazing"; and further providing
4 for enforcement by institutions and schools.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Sections 2 and 4 of the act of December 15, 1986
8 (P.L.1595, No.175), known as the Antihazing Law, are amended to
9 read:

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Hazing." Any action or situation which recklessly or
15 intentionally endangers the mental or physical health or safety
16 of a student or which willfully destroys or removes public or
17 private property for the purpose of initiation or admission into
18 or affiliation with, or as a condition for continued membership

1 in, any organization operating under the sanction of or
2 recognized as an organization by an institution of higher
3 education or a secondary school. The term shall include, but not
4 be limited to, any brutality of a physical nature, such as
5 whipping, beating, branding, forced calisthenics, exposure to
6 the elements, forced consumption of any food, liquor, drug or
7 other substance, or any other forced physical activity which
8 could adversely affect the physical health and safety of the
9 individual, and shall include any activity which would subject
10 the individual to extreme mental stress, such as sleep
11 deprivation, forced exclusion from social contact, forced
12 conduct which could result in extreme embarrassment, or any
13 other forced activity which could adversely affect the mental
14 health or dignity of the individual, or any willful destruction
15 or removal of public or private property. For purposes of this
16 definition, any activity as described in this definition upon
17 which the initiation or admission into or affiliation with or
18 continued membership in an organization or acceptance by other
19 members of the organization is directly or indirectly
20 conditioned shall be presumed to be "forced" activity, the
21 willingness of an individual to participate in such activity
22 notwithstanding.

23 "Institution of higher education" or "institution." Any
24 public or private institution within this Commonwealth
25 authorized to grant an associate degree or higher academic
26 degree.

27 "Secondary school" or "school." A day or residential school,
28 whether public or nonpublic, which provides secondary education
29 in this Commonwealth.

30 Section 4. Enforcement by institution or school.

1 (a) Antihazing policy.--Each institution or school shall
2 adopt a written antihazing policy and, pursuant to that policy,
3 shall adopt rules prohibiting students or other persons
4 associated with any organization operating under the sanction of
5 or recognized as an organization by the institution or school
6 from engaging in any activity which can be described as hazing.

7 (b) Enforcement and penalties.--

8 (1) Each institution or school shall provide a program
9 for the enforcement of such rules and shall adopt appropriate
10 penalties for violations of such rules to be administered by
11 the person or agency at the institution or school responsible
12 for the sanctioning or recognition of such organizations.

13 (2) Such penalties may include the imposition of fines,
14 the withholding of diplomas or transcripts pending compliance
15 with the rules or pending payment of fines and the imposition
16 of probation, suspension or dismissal.

17 (3) In the case of an organization which authorizes
18 hazing in blatant disregard of such rules, penalties may also
19 include recision of permission for that organization to
20 operate on campus or school property or to otherwise operate
21 under the sanction or recognition of the institution or
22 school.

23 (4) All penalties imposed under the authority of this
24 section shall be in addition to any penalty imposed for
25 violation of section 3 or any of the criminal laws of this
26 State or for violation of any other institutional or school
27 rule to which the violator may be subject.

28 (5) Rules adopted pursuant hereto shall apply to acts
29 conducted on or off campus or school property whenever such
30 acts are deemed to constitute hazing.

1 Section 2. This act shall take effect in 60 days.