

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1574 Session of
2015

INTRODUCED BY MARSICO, BISHOP, HELM, ENGLISH, BOBACK, MILLARD,
V. BROWN, FARINA, REGAN, DRISCOLL, MURT, READSHAW, D. COSTA,
KOTIK, McNEILL, KILLION, JOZWIAK, COHEN, A. HARRIS, JAMES,
COX, BARBIN, SCHWEYER, WARD, WHITE, WATSON, DeLUCA,
M. K. KELLER, GROVE, PHILLIPS-HILL, VEREB, PETRI, GINGRICH,
BAKER, SAYLOR, D. PARKER, PICKETT, RADER, STEPHENS, RAPP,
TOEPEL, EVERETT, KORTZ, DELOZIER, TOOIL, SAMUELSON, O'NEILL,
PYLE, CALTAGIRONE, DAVIS AND BOYLE, SEPTEMBER 30, 2015

SENATOR SMUCKER, EDUCATION, IN SENATE, AS AMENDED, MARCH 22,
2016

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 providing for definitions and for
4 enforcement.

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

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

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

29 "Secondary school." Any public or private school within this
30 Commonwealth providing instruction in grades 7 through 12 or any

1 combination of those grades.

2 Section 4. Enforcement by institution and secondary school.

3 ~~(a) Antihazing policy. Each institution and secondary~~ <--

4 (A) ANTIHAZING POLICY.-- <--

5 (1) EACH INSTITUTION AND EACH GOVERNING BOARD OF A
6 SECONDARY school shall adopt a written antihazing policy and,
7 pursuant to that policy, shall adopt rules prohibiting
8 students or other persons associated with any organization
9 operating under the sanction of or recognized as an
10 organization by the institution and OR secondary school from <--
11 engaging in any activity which can be described as hazing.

12 (2) EACH SECONDARY SCHOOL SHALL PROVIDE A COPY OF THE <--
13 WRITTEN ANTIHAZING POLICY, ITS RULES, PENALTIES AND PROGRAM
14 OF ENFORCEMENT TO ALL ATHLETIC COACHES INVOLVED IN
15 ORGANIZATIONS WITHIN THE SECONDARY SCHOOL.

16 (3) EACH GOVERNING BOARD OF A SECONDARY SCHOOL SHALL
17 POST ITS WRITTEN ANTIHAZING POLICY ON ITS PUBLICLY ACCESSIBLE
18 INTERNET WEBSITE.

19 (b) Enforcement and penalties.--

20 (1) Each institution and EACH GOVERNING BOARD OF A <--
21 secondary school shall provide a program for the enforcement
22 of such rules and shall adopt appropriate penalties for
23 violations of such rules to be administered by the person or
24 agency at the institution or secondary school responsible for
25 the sanctioning or recognition of such organizations.

26 (2) Such penalties may include the imposition of fines,
27 the withholding of diplomas or transcripts pending compliance
28 with the rules or pending payment of fines and the imposition
29 of probation, suspension [or], dismissal or expulsion.

30 (3) In the case of an organization which authorizes

1 hazing in blatant disregard of such rules, penalties may also
2 include recision of permission for that organization to
3 operate on campus or other school property or to otherwise
4 operate under the sanction or recognition of the institution
5 or secondary school.

6 (4) All penalties imposed under the authority of this
7 section shall be in addition to any penalty imposed for
8 violation of section 3 or any of the criminal laws of this
9 State or for violation of any other institutional or
10 secondary school rule to which the violator may be subject.

11 (5) Rules adopted pursuant hereto shall apply to acts
12 conducted on or off campus or other school property whenever
13 such acts are deemed to constitute hazing.

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