

117TH CONGRESS
1ST SESSION

S. 775

To require institutions of higher education to disclose hazing-related misconduct, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2021

Mr. CASSIDY (for himself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To require institutions of higher education to disclose hazing-related misconduct, 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 “Educational Notifica-
5 tion and Disclosure of Actions risking Loss of Life by
6 Hazing Act” or the “END ALL Hazing Act”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) Hazing is a problem in the United States,
 2 but most especially in our Nation's educational sys-
 3 tem.

4 (2) Hazing undermines the educational experi-
 5 ence of the victims and the perpetrators. Hazing
 6 often perpetuates a cycle in which students who have
 7 been hazed feel the need to haze other students as
 8 a rite of passage to join a student organization.

9 (3) While hazing takes many forms, including
 10 menial labor, disparagement, public or private hu-
 11 miliation, and forced exercise, the combination of al-
 12 cohol or drug consumption as a form of hazing has
 13 caused bodily injury to thousands of students and
 14 has been fatal in many instances.

15 (4) Numerous students have died as a result of
 16 collegiate hazing. Some of the recent tragedies in-
 17 clude Nicky Cumberland, Max Gruver, Tim Piazza,
 18 Dalton Debrick, Collin Wiant, Marquise Braham,
 19 and Harrison Kowiak.

20 **SEC. 3. HAZING REPORTING REQUIREMENTS FOR INSTITU-**
 21 **TIONS OF HIGHER EDUCATION.**

22 Section 485 of the Higher Education Act of 1965 (20
 23 U.S.C. 1092) is amended—

24 (1) in subsection (a)(1)—

1 (A) in subparagraph (U), by striking
2 “and” at the end;

3 (B) in subparagraph (V), by striking the
4 period and inserting “; and”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(W) the hazing reports prepared by the
8 institution pursuant to subsection (n).”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(n) DISCLOSURES OF HAZING-RELATED MIS-
12 CONDUCT.—

13 “(1) MANDATORY HAZING REPORTS.—Each eli-
14 gible institution participating in any program under
15 this title, other than a foreign institution of higher
16 education, shall on August 1, 2022, begin to collect
17 information with respect to hazing-related mis-
18 conduct and anti-hazing policies of that institution
19 and prepare, in accordance with this subsection, a
20 report containing the information required by this
21 subsection and make the report publicly available be-
22 ginning on January 1, 2023, and each July 1 and
23 January 1 thereafter, or on dates determined by
24 State law.

25 “(2) REPORT CONTENT.—

“(A) IN GENERAL.—A report required by paragraph (1) shall include each finding by the institution that a student organization committed—

“(i) a violation of the institution’s standards of conduct, or of Federal, State, or local law, relating to hazing; or

“(ii) other hazing-related conduct that threatens a student’s physical safety, including a violation involving the abuse or illegal use of alcohol or drugs.

“(B) INCIDENT INFORMATION.—A report required by paragraph (1) shall include, for each finding by the institution of a violation described in subparagraph (A), the following:

“(i) The name of the student organization that committed the violation.

“(ii) A general description of the violation, the charges, the findings of the institution, and the sanctions placed on the organization.

“(iii) The dates on which—

“(I) the violation was alleged to have occurred;

1 “(II) the student organization
2 was charged with misconduct;

3 “(III) the investigation was initi-
4 ated; and

5 “(IV) the investigation ended
6 with a finding that a violation oc-
7 curred.

8 “(C) EXCLUSIONS.—A report required by
9 paragraph (1) shall not include—

10 “(i) any information related to allega-
11 tions or investigations of hazing that do
12 not result in a formal finding of a violation
13 of the standards of conduct of the institu-
14 tion; or

15 “(ii) any personally identifiable infor-
16 mation on any individual student or mem-
17 ber of a student organization.

18 “(D) FERPA COMPLIANCE.—The report
19 required by paragraph (1) shall be subject to
20 the requirements of section 444 of the General
21 Education Provisions Act (commonly known as
22 the ‘Family Educational Rights and Privacy
23 Act of 1974’).

24 “(3) AVAILABILITY.—

“(A) PUBLIC WEBSITE.—Each institution shall provide, in a prominent location on the institution’s website, a link to the web page that contains each report required under paragraph (1). Such web page shall include a statement notifying the public—

“(i) of the availability of information, including findings or sanctions, except information protected under section 444 of the General Education Provisions Act (commonly known as the ‘Family Education Rights and Privacy Act of 1974’);

“(ii) a description of how a member of the public may obtain such information; and

“(iii) a statement that the institution is required to provide such information pursuant to this subsection.

“(B) MAINTENANCE PERIOD.—Each institution shall maintain each report required under paragraph (1) on its website for a period of 5 academic years.

“(4) REPORTS TO LAW ENFORCEMENT.—Each institution participating in any program under this title, other than a foreign institution of higher edu-

1 cation, shall report to campus police and appropriate
 2 law enforcement authorities any allegation of hazing
 3 that involved serious bodily injury or a significant
 4 risk of serious bodily injury that is reported to the
 5 institution, campus authorities, or any student orga-
 6 nization officially recognized by the institution. Such
 7 an allegation shall be reported to campus police and
 8 appropriate law enforcement authorities not later
 9 than 72 hours from the time the institution is first
 10 notified of the allegation.

11 “(5) APPLICABILITY TO MULTI-INSTITUTION
 12 STUDENT ORGANIZATIONS.—In the case of an alle-
 13 gation that a multi-institution student organization
 14 was involved in a hazing incident, the requirements
 15 of this subsection shall apply only to the institution
 16 or institutions at which the students involved in such
 17 allegation are enrolled (or were formerly enrolled),
 18 including any student who was a victim in the al-
 19 leged incident.

20 “(6) DEFINITIONS.—For the purposes of this
 21 Act—

22 “(A) HAZING.—The term ‘hazing’ means
 23 any intentional, knowing, or reckless act com-
 24 mitted by a student, or a former student, of an
 25 institution of higher education, whether individ-

ually or in concert with other persons, against
another student, that—

“(i) was committed in connection with
an initiation into, an affiliation with, or
the maintenance of membership in, any
student organization; and

“(ii) causes, or contributes to a sub-
stantial risk of, physical injury, mental
harm, or personal degradation.

“(B) STUDENT ORGANIZATION.—

“(i) IN GENERAL.—The term ‘student
organization’ means an organization that
is officially recognized by or otherwise af-
filiated with an institution of higher edu-
cation and that has a membership that is
made up primarily of students enrolled at
such institution.

“(ii) MULTI-INSTITUTION STUDENT
ORGANIZATIONS.—The term ‘multi-institu-
tion student organization’ means a student
organization that includes students from
more than one institution of higher edu-
cation, including citywide, regional, State,

- 1 and national chapters of student organiza-
- 2 tions.”.

