

By: Representative Powell

To: Judiciary B

HOUSE BILL NO. 238

1 AN ACT TO REQUIRE THE BOARD OF TRUSTEES OF STATE INSTITUTIONS  
 2 OF HIGHER LEARNING TO DEVELOP AND ADOPT A UNIFORM HAZING POLICY  
 3 FOR ALL POSTSECONDARY EDUCATIONAL INSTITUTIONS; TO REQUIRE  
 4 POSTSECONDARY EDUCATIONAL INSTITUTIONS TO ADOPT SUCH POLICY; TO  
 5 AUTHORIZE SUCH INSTITUTIONS TO AMEND SUCH POLICY WITH LIMITATIONS;  
 6 TO REQUIRE INSTITUTIONS TO PROVIDE INFORMATION RELATIVE TO HAZING  
 7 AT ORIENTATION; TO REQUIRE CAMPUS ORGANIZATIONS TO PROVIDE  
 8 INFORMATION RELATIVE TO HAZING; TO DEFINE CERTAIN TERMS; TO AMEND  
 9 SECTION 37-111-11, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
 10 THERETO; TO BRING FORWARD SECTION 97-3-105, MISSISSIPPI CODE OF  
 11 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS; AND FOR RELATED  
 12 PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** (1) Hazing in any form, or the use of any method  
 15 of initiation into organizations in any postsecondary educational  
 16 institution supported wholly or in part by public funds, which is  
 17 likely to cause bodily danger or physical punishment to any  
 18 student or other person attending any such institution is  
 19 prohibited.

20 (2) Whoever violates the provisions of this section shall be  
 21 subject to penalties imposed by the educational institution, which  
 22 may include being expelled, suspended or dismissed from the  
 23 postsecondary educational institution and not permitted to return



24 for at least one (1) semester, quarter, or comparable academic  
25 period. The severity of the academic penalties and sanctions  
26 imposed for violations of this section shall be in the sole  
27 discretion of the educational institution. In addition, the  
28 person violating the provisions of this section, may also be  
29 subject to the provisions of Section 97-3-105, which provides  
30 penalties for certain hazing activities.

31 (3) A local, national or parent organization that receives a  
32 report alleging the commission of an act or acts of hazing shall  
33 immediately contact the administration of the educational  
34 institution in accordance with the institution's policy for  
35 reporting such incidents. The local, national or parent  
36 organization, whichever is applicable, shall conduct a timely and  
37 efficient investigation to substantiate or determine the veracity  
38 of the allegations, a process which may be undertaken in concert  
39 with the institution, depending on the institution's policies and  
40 procedures. The local, national or parental organization's  
41 investigation does not preclude the institution from conducting  
42 its own investigation. The investigation shall begin no later  
43 than five (5) days after the date on which the report alleging the  
44 commission of an act or acts of hazing was received.

45 (4) For purposes of this act, the following terms shall have  
46 the meaning ascribed herein, unless the context clearly requires  
47 otherwise:



48           (a) "Educational institution" means any elementary or  
49 secondary school, junior or community college, institution of  
50 higher learning or any postsecondary educational institution in  
51 this state, and includes, but not limited to, any other  
52 educational institution.

53           (b) (i) "Hazing" means any intentional or reckless act  
54 by a person acting alone or acting with others that is directed  
55 against another when both of the following apply:

56                       1. The person knew or should have known that  
57 the act endangers the physical health or safety of the other  
58 person or causes severe emotional distress; and

59                       2. The act was done as a result of pledging,  
60 intake, being initiated into, affiliating with, participating in,  
61 holding office in, or obtaining, maintaining membership or  
62 obtaining or maintaining a certain status as a member of in any  
63 organization.

64           (ii) "Hazing" includes, but is not limited to, any  
65 of the following acts associated with pledging, intake, being  
66 initiated into, affiliating with, participating in, holding office  
67 in, or obtaining, maintaining membership or obtaining or  
68 maintaining a certain status as a member of in any organization:

69                       1. Physical brutality, such as whipping,  
70 beating, paddling, striking, branding, electronic shocking,  
71 placing of a harmful substance on the body, or similar activity.



72                   2. Physical activity, such as sleep  
73 deprivation, exposure to the elements, confinement in a small  
74 space, or calisthenics, that subjects the other person to an  
75 unreasonable risk of harm or that endangers the physical or mental  
76 health or safety of the individual.

77                   3. Activity involving consumption of food,  
78 liquid, or any other substance, including, but not limited to, an  
79 alcoholic beverage or drug, that subjects the individual to an  
80 unreasonable risk of harm or that endangers the physical or mental  
81 health or safety of the individual.

82                   4. Activity that induces, causes, or requires  
83 an individual to perform a duty or task that involves the  
84 commission of a crime or an act of hazing.

85                   5. Activity that coerces current or  
86 prospective members to use technological applications to transfer  
87 monies to another person for personal use, except for official  
88 organization requirements.

89                   6. Activity that would subject forced  
90 prolonged exclusion from social contact, forced conduct which  
91 could result in extreme embarrassment, or any other forced  
92 activity which could adversely affect the mental health or dignity  
93 of the individual.

94                   7. "Hazing" does not mean a physical or  
95 mental activity that is normal, customary, and reasonable for a  
96 person's training or participation in any band, athletic, physical



97 education, military training, or similar program sanctioned by the  
98 educational institution or that institution's athletics regulatory  
99 body or conference.

100 (c) "Organization" means a fraternity, sorority,  
101 association, corporation, order, society, corps, cooperative,  
102 club, service group, social group, band, spirit group, athletic  
103 team or similar group whose members are primarily students at, or  
104 former students of, an educational institution. "Organization"  
105 includes the local, national or parent organization of which any  
106 of the underlying entities provided for in this paragraph is a  
107 sanctioned or recognized member at the time of the hazing.  
108 However, the term "organization" does not include the educational  
109 institution.

110 (d) "Pledging," also known as "recruitment," "intake"  
111 or "rushing," means any action or activity related to becoming a  
112 member of, holding office in, maintaining membership in or  
113 obtaining a certain level of respect of the organization.

114 **SECTION 2.** (1) Not later than August 1, 2022, the Board of  
115 Trustees of State Institutions of Higher Learning shall develop  
116 and adopt a uniform policy on hazing prevention. The policy shall  
117 define hazing as defined in Section 1 of this act. Each  
118 postsecondary educational institution shall adopt the uniform  
119 policy developed by the Board of Trustees of State Institutions of  
120 Higher Learning. An institution may expand the definition of



121 hazing to prohibit additional behaviors it determines may be  
122 dangerous but shall not otherwise amend the definition.

123 (2) (a) Each new student shall be provided educational  
124 information on the dangers of and prohibition on hazing during the  
125 new student orientation process in the form of a handbook or  
126 similar document, which may be provided in an electronic format.

127 (b) In addition to the requirement provided in  
128 paragraph (a) of this subsection, beginning in the fall semester  
129 of 2023, each new student shall be provided educational  
130 information on the dangers of and prohibition on hazing during the  
131 new student orientation process either in person or  
132 electronically.

133 (3) Each organization as defined in Section 1 of this act  
134 shall provide annually at least one (1) hour of hazing prevention  
135 education to all members and prospective members. The education  
136 may be provided in person, electronically, or both. The education  
137 shall include, at a minimum, the definition of hazing, penalties  
138 for hazing, information on how to report hazing to the institution  
139 and a copy or link to an electronic version of the institution's  
140 policy on hazing. The educational institution shall develop  
141 policies and procedures to ensure compliance with this subsection.

142 **SECTION 3.** Section 37-111-11, Mississippi Code of 1972, is  
143 amended as follows:

144 37-111-11. The members of organizations of the character  
145 designated in Section 37-111-1 and Section 1 of this act, shall be



146 amenable to the same rules and regulations as any and all other  
147 students in the institution. In the event that the members of  
148 such an organization become guilty of continued violation of the  
149 rules and of infractions of discipline the Board of Trustees of  
150 State Institutions of Higher Learning shall have the authority to  
151 dissolve such society and prohibit further meetings or its  
152 continuation as an organization. A failure to comply with the  
153 requirements of the trustees shall be a cause for suspension or  
154 expulsion from the institution as the faculty of the same may  
155 elect.

156       **SECTION 4.** Section 97-3-105, Mississippi Code of 1972, is  
157 brought forward as follows:

158       97-3-105. (1) A person is guilty of hazing in the first  
159 degree when, in the course of another person's initiation into or  
160 affiliation with any organization, he intentionally or recklessly  
161 engages in conduct which creates a substantial risk of physical  
162 injury to such other person or a third person and thereby causes  
163 such injury.

164       (2) Any person violating the provisions of subsection (1) of  
165 this section shall be guilty of a misdemeanor and, upon conviction  
166 thereof, shall be punished by a fine of not more than Two Thousand  
167 Dollars (\$2,000.00) or imprisonment in the county jail for not  
168 more than six (6) months, or both.

169       (3) A person is guilty of hazing in the second degree when,  
170 in the course of another person's initiation into or affiliation



171 with any organization, he intentionally or recklessly engages in  
172 conduct which creates a substantial risk of physical injury to  
173 such other person or a third person.

174 (4) Any person violating the provisions of subsection (3) of  
175 this section shall be guilty of a misdemeanor and, upon conviction  
176 thereof, shall be punished by a fine of not more than One Thousand  
177 Dollars (\$1,000.00).

178 (5) The provisions of this section shall be in addition to  
179 other criminal laws, and actions take pursuant to this section  
180 shall not bar prosecutions for other violations of criminal law.

181 **SECTION 5.** This act shall take effect and be in force from  
182 and after July 1, 2022.

