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HOUSE BILL 427

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Monica Youngblood and Sheryl Williams Stapleton

AN ACT

RELATING TO EDUCATION; PROHIBITING HAZING AT PUBLIC SCHOOLS AND
PUBLIC POST-SECONDARY SCHOOLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 21 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] PROHIBITION OF HAZING.--

A. Every educational institution shall adopt, post
and enforce a hazing prevention policy. The hazing prevention
policy shall be printed in every student handbook for
distribution to parents and students. Each hazing prevention
policy shall include:

(1) a definition of hazing pursuant to
Paragraph (2) of Subsection D of this section;

(2) a statement that hazing is a prohibited

1 activity;

2 (3) a statement that any solicitation to
3 engage in hazing is prohibited;

4 (4) a statement that aiding and abetting
5 another person who is engaged in hazing is prohibited;

6 (5) a statement that it is not a defense to a
7 violation of the hazing prevention policy if the hazing victim
8 consented to or acquiesced in the hazing activity;

9 (6) a statement that all students, teachers
10 and staff shall take reasonable measures within the scope of
11 their individual authority to prevent violations of the hazing
12 prevention policy;

13 (7) a description of the procedures for
14 students, teachers and staff to report violations of the hazing
15 prevention policy and the procedures to file a complaint for a
16 violation of the hazing prevention policy;

17 (8) procedures to investigate reports of
18 violations of the hazing prevention policy and to investigate
19 complaints for a violation of the hazing prevention policy;

20 (9) a description of the circumstances under
21 which a violation of the hazing prevention policy shall be
22 reported to the appropriate law enforcement agency; and

23 (10) a description of appropriate penalties,
24 sanctions and appeals mechanisms for persons and organizations
25 that violate the hazing prevention policy. The sanctions shall

1 include the revocation or suspension of an organization's
2 permission to conduct operations at the educational institution
3 if the organization knowingly permitted, authorized or condoned
4 the hazing activity. Any teacher or staff member who knowingly
5 permitted, authorized or condoned the hazing activity shall be
6 subject to disciplinary action by the educational institution.

7 B. The hazing prevention policy of the educational
8 institution where a person has been accepted for or promoted to
9 enrollment, or where a person intends to enroll or be promoted
10 to enrollment within the next twelve calendar months, shall be
11 the effective hazing prevention policy for that person.

12 C. Violations of hazing prevention policies adopted
13 pursuant to this section do not include:

14 (1) customary athletic events, contests or
15 competitions that are sponsored by an educational institution;
16 or

17 (2) an activity or conduct that furthers the
18 goals of a legitimate educational curriculum, a legitimate
19 extracurricular program or a legitimate military training
20 program.

21 D. As used in this section:

22 (1) "educational institution" means any of the
23 following:

24 (a) a public community college or a
25 vocational education program that provides academic instruction

1 or training not exceeding two years' duration in the arts,
2 sciences and humanities beyond the twelfth grade of a public or
3 private high school course of study; and

4 (b) a public college or university that
5 provides academic instruction beyond the twelfth grade of a
6 public or private high school course of study and that offers
7 any combination of baccalaureate, master's or doctoral degrees
8 to students that complete specified academic requirements;

9 (2) "hazing" means any intentional, knowing or
10 reckless act committed by a student, whether individually or in
11 concert with other persons, against another student and in
12 which both of the following apply:

13 (a) the act was committed in connection
14 with an initiation into, an affiliation with or the maintenance
15 of membership in any organization that is affiliated with an
16 educational institution; and

17 (b) the act contributes to a substantial
18 risk of potential physical injury, mental harm or personal
19 degradation or causes physical injury, mental harm or personal
20 degradation;

21 (3) "organization" means an athletic team,
22 association, order, society, corps, cooperative, club or other
23 similar group that is affiliated with an educational
24 institution and whose membership consists primarily of students
25 enrolled at that educational institution; and

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1 (4) "student" means a person who is enrolled
2 at an educational institution, a person who has been promoted
3 or accepted for enrollment at an educational institution or a
4 person who intends to enroll at or be promoted to an
5 educational institution within the next twelve calendar months.
6 A person who meets the definition of a student pursuant to this
7 paragraph shall continue to be defined as a student for
8 purposes of this section until the person graduates, transfers,
9 is promoted or withdraws from the educational institution."

10 SECTION 2. A new section of the Public School Code is
11 enacted to read:

12 "[NEW MATERIAL] PROHIBITION OF HAZING.--

13 A. Every educational institution shall adopt, post
14 and enforce a hazing prevention policy. The hazing prevention
15 policy shall be printed in every student handbook for
16 distribution to parents and students. Each hazing prevention
17 policy shall include:

18 (1) a definition of hazing pursuant to
19 Paragraph (1) of Subsection D of this section;

20 (2) a statement that hazing is a prohibited
21 activity;

22 (3) a statement that any solicitation to
23 engage in hazing is prohibited;

24 (4) a statement that aiding and abetting
25 another person who is engaged in hazing is prohibited;

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1 (5) a statement that it is not a defense to a
2 violation of the hazing prevention policy if the hazing victim
3 consented to or acquiesced in the hazing activity;

4 (6) a statement that all students, teachers
5 and staff shall take reasonable measures within the scope of
6 their individual authority to prevent violations of the hazing
7 prevention policy;

8 (7) a description of the procedures for
9 students, teachers and staff to report violations of the hazing
10 prevention policy and the procedures to file a complaint for a
11 violation of the hazing prevention policy;

12 (8) procedures to investigate reports of
13 violations of the hazing prevention policy and to investigate
14 complaints for a violation of the hazing prevention policy;

15 (9) a description of the circumstances under
16 which a violation of the hazing prevention policy shall be
17 reported to the appropriate law enforcement agency; and

18 (10) a description of appropriate penalties,
19 sanctions and appeals mechanisms for persons and organizations
20 that violate the hazing prevention policy. The sanctions shall
21 include the revocation or suspension of an organization's
22 permission to conduct operations at the educational institution
23 if the organization knowingly permitted, authorized or condoned
24 the hazing activity. Any teacher or staff member who knowingly
25 permitted, authorized or condoned the hazing activity shall be

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1 subject to disciplinary action by the public school.

2 B. The hazing prevention policy of the educational
3 institution where a person has been accepted for or promoted to
4 enrollment, or where a person intends to enroll or be promoted
5 to enrollment within the next twelve calendar months, shall be
6 the effective hazing prevention policy for that person.

7 C. Violations of hazing prevention policies adopted
8 pursuant to this section do not include:

9 (1) customary athletic events, contests or
10 competitions that are sponsored by an educational institution;
11 or

12 (2) an activity or conduct that furthers the
13 goals of a legitimate educational curriculum, a legitimate
14 extracurricular program or a legitimate military training
15 program.

16 D. As used in this section:

17 (1) "hazing" means any intentional, knowing or
18 reckless act committed by a student, whether individually or in
19 concert with other persons, against another student and in
20 which both of the following apply:

21 (a) the act was committed in connection
22 with an initiation into, an affiliation with or the maintenance
23 of membership in any organization that is affiliated with an
24 educational institution; and

25 (b) the act contributes to a substantial

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1 risk of potential physical injury, mental harm or personal
2 degradation or causes physical injury, mental harm or personal
3 degradation;

4 (2) "organization" means an athletic team,
5 association, order, society, corps, cooperative, club or other
6 similar group that is affiliated with an educational
7 institution and whose membership consists primarily of students
8 enrolled at that educational institution; and

9 (3) "student" means a person who is enrolled
10 at an educational institution, a person who has been promoted
11 to or accepted for enrollment at an educational institution or
12 a person who intends to enroll at or be promoted to an
13 educational institution within the next twelve calendar months.
14 A person who meets the definition of a student pursuant to this
15 paragraph shall continue to be defined as a student for
16 purposes of this section until the person graduates, transfers,
17 is promoted or withdraws from the educational institution."