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SENATE BILL 55

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Harold Pope and Pamelya Herndon

AN ACT

RELATING TO HAZING; CREATING THE ANTI-HAZING ACT; REQUIRING A CODE OF CONDUCT AND HAZING PREVENTION COMMITTEE AT A PUBLIC OR PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTION; REQUIRING AN ANNUAL REPORT; REQUIRING HAZING PREVENTION EDUCATION; PROVIDING PENALTIES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Anti-Hazing Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Anti-Hazing Act:

A. "employee" means a person who is receiving wages from a public or private post-secondary educational institution and is in a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee"

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1 does not include a person employed as medical staff or with an
2 affiliated organization, entity or extension of a post-
3 secondary educational institution unless the employee has a
4 supervisory role or position of authority over students; and

5 B. "reasonable cause" means a person who witnesses
6 hazing or receives a credible written or oral report alleging
7 hazing or potential or planned hazing activity.

8 SECTION 3. [NEW MATERIAL] HAZING PROHIBITED--PENALTIES.--

9 A. Hazing consists of any act committed as part of
10 a person's recruitment, initiation, pledging, admission into or
11 affiliation with a student organization, athletic team or
12 living group or any pastime or amusement engaged in with
13 respect to such an organization, athletic team or living group
14 that causes, or is likely to cause, bodily danger or physical
15 harm or serious psychological or emotional harm to a student or
16 other person attending a public or private post-secondary
17 educational institution, including causing, directing, coercing
18 or forcing a person to consume any food, liquid, alcohol, drug
19 or other substance that subjects the person to risk of such
20 harm, regardless of the person's willingness to participate.
21 Hazing does not include customary athletic events or other
22 similar contests or competitions, practice, training,
23 conditioning and eligibility requirements for customary
24 athletic events such as intramural or club sports and national
25 collegiate athletic association athletics or other similar

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1 contests or competitions. However, gratuitous hazing
2 activities occurring as part of such customary athletic event
3 or contest are prohibited.

4 B. No student or other person in attendance at a
5 public or private post-secondary educational institution may
6 intentionally haze another.

7 C. Whoever commits hazing is guilty of a
8 misdemeanor.

9 D. Whoever commits hazing that results in
10 substantial bodily harm to another is guilty of a fourth degree
11 felony.

12 E. Any student organization, association or student
13 living group that permits hazing is strictly liable for damages
14 caused to a person or property resulting from hazing. If the
15 student organization, association or student living group is a
16 corporation, whether for-profit or nonprofit, the individual
17 directors of the corporation may be held individually liable
18 for damages.

19 F. A person who participates in the hazing of
20 another shall forfeit any entitlement to state-funded grants,
21 scholarships or awards for a period of time determined by the
22 public or private post-secondary educational institution.

23 G. Any organization, association or student living
24 group that knowingly permits hazing to be conducted by its
25 members or by others subject to its direction or control shall

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1 forfeit any official recognition or approval granted by a
2 public or private post-secondary educational institution.

3 SECTION 4. [NEW MATERIAL] REQUIREMENT FOR CODE OF CONDUCT
4 AT A PUBLIC OR PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTION--
5 HAZING PREVENTION COMMITTEE.--

6 A. A public or private post-secondary educational
7 institution shall prohibit in its code of conduct hazing off-
8 and on-campus.

9 B. Beginning with the 2024 fall term, a public or
10 private post-secondary educational institution shall provide
11 students with an educational program on hazing and the dangers
12 of and prohibition on hazing that shall include information
13 regarding hazing awareness, prevention, intervention and the
14 institution's policy on hazing. The educational program may be
15 offered in person or electronically. The institution shall
16 incorporate the educational program as part of new student
17 orientation sessions. The educational program shall be posted
18 on the institution's public website for parents, legal
19 guardians and volunteers to view.

20 C. Institutional materials on student rights and
21 responsibilities given to student organizations, athletic teams
22 or living groups, either electronically or in hard copy form,
23 shall include a statement on the institution's anti-hazing
24 policy and on the dangers of hazing.

25 D. A public or private post-secondary educational

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1 institution shall establish a hazing prevention committee to
2 promote and address hazing prevention. The committee shall
3 have a minimum of six members, including a designated chair
4 appointed by the president of the institution. Fifty percent
5 of the committee members shall include students currently
6 attending the public or private post-secondary educational
7 institution, and at least one position shall be filled by a
8 student from a student organization, athletic team or living
9 group. The other fifty percent of the committee members shall
10 include at least one faculty or staff member and one parent or
11 legal guardian of a student currently enrolled at the
12 institution. Student input shall be considered for committee
13 membership. A student who is a member of a student
14 organization, athletic team or living group that was affiliated
15 with a finding of a hazing violation within the last twelve
16 months may not participate in or be a member of the hazing
17 prevention committee.

18 SECTION 5. [NEW MATERIAL] REQUIREMENT FOR ANNUAL
19 REPORT.--

20 A. Beginning with the 2024-25 academic year, a
21 public or private post-secondary educational institution shall
22 maintain and publicly report actual findings of violations by
23 any student organization, athletic team or living group of the
24 public or private post-secondary educational institution's code
25 of conduct, anti-hazing policies or state or federal laws

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1 relating to hazing or offenses related to alcohol, drugs,
2 sexual assault or physical assault.

3 B. The report shall include the following:

4 (1) the name of the student organization,
5 athletic team or living group;

6 (2) the date the investigation was initiated;

7 (3) the date on which the investigation ended
8 with a finding that a violation occurred;

9 (4) a description of the incident or
10 incidents, including the date of the initial violation and the
11 violations, findings and sanctions placed on the student
12 organization, athletic team or living group;

13 (5) the details of the sanction or sanctions
14 imposed, including the beginning and end dates of the sanction
15 or sanctions; and

16 (6) the date the student organization,
17 athletic team or living group was charged with a violation.

18 C. Investigations that do not result in a finding
19 of formal violations of the student code of conduct or state or
20 federal law shall not be included in the report. The report
21 shall not include any personal or identifying information of
22 individual student members and shall be subject to the
23 requirements of the federal Family Educational Rights and
24 Privacy Act of 1974, 20 U.S.C. Sec. 1232g.

25 D. A public or private post-secondary educational

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1 institution shall make reports maintained pursuant to this
2 section available on the institution's website in a prominent
3 location that is clearly labeled and easily accessible.

4 E. A public or private post-secondary educational
5 institution shall maintain reports as they are updated for five
6 years and shall post them on the institution's website at least
7 forty-five calendar days before the start of each fall academic
8 term and at least ten days before the start of all other
9 academic terms."

10 SECTION 6. [NEW MATERIAL] REQUIREMENT TO PROVIDE HAZING
11 PREVENTION EDUCATION.--

12 A. Beginning in the 2024 fall academic term, a
13 public or private post-secondary educational institution shall
14 provide hazing prevention education on the signs and dangers of
15 hazing as well as the institution's prohibition on hazing to
16 employees, including student employees, either in person or
17 electronically. The prevention education shall be provided to
18 employees at the beginning of each academic year and for new
19 employees at the beginning of each academic term.

20 B. If, as a result of observations or information
21 received in the course of employment or volunteer service, any
22 employee, including a student employee or volunteer at a public
23 or private post-secondary educational institution, has
24 reasonable cause to believe that hazing has occurred, the
25 employee or volunteer shall report the incident, or cause a

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1 report to be made, to a designated authority at the
2 institution. The employee or volunteer shall make the report
3 at the first opportunity to do so.

4 C. A person who witnesses hazing or has reasonable
5 cause to believe hazing has occurred or will occur and makes a
6 report in good faith may not be sanctioned or punished for the
7 violation of hazing unless the person is directly engaged in
8 the planning, directing or act of hazing reported.

9 D. Nothing in this section shall preclude a person
10 from independently reporting hazing or suspected hazing
11 activity to law enforcement.

12 SECTION 7. [NEW MATERIAL] REQUIREMENTS FOR SOCIAL
13 FRATERNITY AND SORORITY ORGANIZATIONS.--

14 A. Social fraternity and sorority organizations
15 shall notify a public or private post-secondary educational
16 institution before chartering, rechartering, opening or
17 reopening a local chapter or operating at the public or private
18 post-secondary educational institution.

19 B. Social fraternity and sorority organizations
20 shall notify a public or private post-secondary educational
21 institution when the organization instigates an investigation
22 of a local chapter at the public or private post-secondary
23 educational institution for hazing or other activity that
24 includes an element of hazing, such as furnishing alcohol to
25 minors. The organization shall provide the results of such an

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1 investigation and a copy of the full findings report to the
2 public or private post-secondary educational institution's
3 student conduct office.

4 C. Beginning in the 2024 fall academic term, a
5 local social fraternity or sorority chapter seeking to obtain
6 or maintain registration with a public or private post-
7 secondary educational institution in the state must certify in
8 writing and provide web links to the institution showing that
9 the landing pages of all websites owned or maintained by the
10 local chapter contain a full list for the previous five years
11 of all findings of violations of anti-hazing policies, state or
12 federal laws relating to hazing, alcohol, drugs, sexual assault
13 or physical assault or the institution's code of conduct
14 against the local chapter.

15 D. Failure of a social fraternity or sorority
16 organization to comply with this section shall result in
17 automatic loss of recognition until such time that the
18 organization comes into compliance with this section.