

SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 10

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO HAZING; ENACTING THE ANTI-HAZING ACT; REQUIRING A
CODE OF CONDUCT AND A HAZING PREVENTION COMMITTEE AT PUBLIC OR
PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTIONS; REQUIRING
ANNUAL REPORTS; 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"

.230145.2

underscored material = new
[bracketed material] = delete

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--FAILURE TO
9 REPORT HAZING--PENALTIES.--

10 A. Hazing consists of any intentional, knowing or
11 reckless act committed by a person, whether individually or in
12 concert with other persons, against a student, regardless of
13 that student's willingness to participate, that:

14 (1) was committed in connection with an
15 initiation into, an affiliation with or the maintenance of
16 membership in an organization, including a club, a society, an
17 association, an athletic team, a fraternity, a sorority or
18 student government; and

19 (2) causes or is likely to contribute to a
20 substantial risk above the reasonable risk encountered in the
21 course of participation in the public or private post-secondary
22 educational institution or the organization, including the
23 physical training necessary for participation in an athletic
24 team, of physical injury, mental harm or degradation.

25 B. No student or other person in attendance at a

1 public or private post-secondary educational institution may
2 intentionally haze another.

3 C. Whoever commits hazing is guilty of a
4 misdemeanor.

5 D. Any student organization, association or student
6 living group that permits hazing is strictly liable for damages
7 caused to a person or property resulting from hazing. If the
8 student organization, association or student living group is a
9 corporation, whether for-profit or nonprofit, the individual
10 directors of the corporation may be held individually liable
11 for damages.

12 E. A person who participates in the hazing of
13 another shall forfeit any entitlement to state-funded grants,
14 scholarships or awards for a period of time determined by the
15 public or private post-secondary educational institution.

16 F. Any organization, association or student living
17 group that knowingly permits hazing to be conducted by its
18 members or by others subject to its direction or control shall
19 forfeit any official recognition or approval granted by the
20 public or private post-secondary educational institution.

21 G. Failure to report hazing consists of an
22 administrator, a faculty member, a coach, an employee, an
23 independent contractor performing or overseeing school
24 functions or a volunteer of a student organization of a public
25 or private post-secondary educational institution who knows or

.230145.2

1 reasonably should know of hazing conduct or activity described
2 in the Anti-Hazing Act and fails to report the incident to a
3 law enforcement agency.

4 H. Whoever commits failure to report hazing is
5 guilty of a misdemeanor.

6 I. The state department of justice and the district
7 attorney in the county of jurisdiction have concurrent
8 jurisdiction to enforce the provisions of the Anti-Hazing Act.

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

12 A. A public or private post-secondary educational
13 institution shall prohibit in its code of conduct hazing off-
14 and on-campus.

15 B. Beginning with the 2025 fall academic term, a
16 public or private post-secondary educational institution shall
17 provide students with an educational program on hazing and the
18 dangers of and prohibition on hazing that shall include
19 information regarding hazing awareness, prevention,
20 intervention and the institution's policy on hazing. The
21 educational program may be offered in person or electronically.
22 The institution shall incorporate the educational program as
23 part of new student orientation sessions. The educational
24 program shall be posted on the institution's public website for
25 parents, legal guardians and volunteers to view.

.230145.2

1 C. Institutional materials on student rights and
2 responsibilities given to student organizations, athletic teams
3 or living groups, either electronically or in hard copy form,
4 shall include a statement on the institution's anti-hazing
5 policy and on the dangers of hazing.

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

24 SECTION 5. [NEW MATERIAL] REQUIREMENT FOR ANNUAL
25 REPORT.--

.230145.2

1 A. Beginning with the 2025-2026 academic year, a
2 public or private post-secondary educational institution shall
3 maintain and annually publicly report actual findings of
4 violations by any student organization, athletic team or living
5 group of the public or private post-secondary educational
6 institution's code of conduct, anti-hazing policies or state or
7 federal laws relating to hazing or offenses related to alcohol,
8 drugs, sexual assault or physical assault.

9 B. The annual report shall include the following:

10 (1) the name of the organization that the
11 violation that resulted in a formal finding of guilt,
12 responsibility or culpability was committed in connection with;

13 (2) a general description of the violation
14 that resulted in a formal finding of guilt, responsibility or
15 culpability, the charges, the findings of the public or private
16 post-secondary educational institution and the sanctions placed
17 on the organization; and

18 (3) the date on which the:

19 (a) incident was alleged to have
20 occurred;

21 (b) violation that resulted in a formal
22 finding of guilt, responsibility or culpability was charged;

23 (c) investigation was initiated; and

24 (d) investigation ended with a finding
25 that a violation occurred.

1 C. Investigations that do not result in a finding
2 of formal violations of the student code of conduct or state or
3 federal law shall not be included in the report. The report
4 shall not include any personal or identifying information of
5 individual student members, is not subject to inspection
6 pursuant to the Inspection of Public Records Act and shall be
7 subject to the requirements of the federal Family Educational
8 Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232g.

9 D. A public or private post-secondary educational
10 institution shall make reports maintained pursuant to this
11 section available on the institution's website in a prominent
12 location that is clearly labeled and easily accessible.

13 E. A public or private post-secondary educational
14 institution shall maintain reports as they are updated for five
15 years and shall post them on the institution's website at least
16 forty-five calendar days before the start of each fall academic
17 term and at least ten days before the start of all other
18 academic terms."

19 **SECTION 6. [NEW MATERIAL] REQUIREMENT TO PROVIDE HAZING**
20 **PREVENTION EDUCATION.--**

21 A. Beginning in the 2025 fall academic term, a
22 public or private post-secondary educational institution shall
23 provide hazing prevention education on the signs and dangers of
24 hazing as well as the institution's prohibition on hazing to
25 employees, including student employees, either in person or

.230145.2

1 electronically. The prevention education shall be provided to
2 employees at the beginning of each academic year and for new
3 employees at the beginning of each academic term.

4 B. If, as a result of observations or information
5 received in the course of employment or volunteer service, any
6 employee, including a student employee or volunteer at a public
7 or private post-secondary educational institution, has
8 reasonable cause to believe that hazing has occurred, the
9 employee or volunteer shall report the incident, or cause a
10 report to be made, to a designated authority at the
11 institution. The employee or volunteer shall make the report
12 at the first opportunity to do so.

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

18 D. Nothing in this section shall preclude a person
19 from independently reporting hazing or suspected hazing
20 activity to law enforcement.

21 SECTION 7. [NEW MATERIAL] REQUIREMENTS FOR SOCIAL
22 FRATERNITY AND SORORITY ORGANIZATIONS.--

23 A. Social fraternity and sorority organizations
24 shall notify a public or private post-secondary educational
25 institution before chartering, rechartering, opening or

1 reopening a local chapter or operating at the public or private
2 post-secondary educational institution.

3 B. Social fraternity and sorority organizations
4 shall notify a public or private post-secondary educational
5 institution when the organization instigates an investigation
6 of a local chapter at the public or private post-secondary
7 educational institution for hazing or other activity that
8 includes an element of hazing, such as furnishing alcohol to
9 minors. The organization shall provide the results of such an
10 investigation and a copy of the full findings report to the
11 public or private post-secondary educational institution's
12 student conduct office.

13 C. Beginning in the 2025 fall academic term, a
14 local social fraternity or sorority chapter seeking to obtain
15 or maintain registration with a public or private post-
16 secondary educational institution in the state shall certify in
17 writing and provide web links to the institution showing that
18 the landing pages of all websites owned or maintained by the
19 local chapter contain a full list for the previous five years
20 of all findings of violations of anti-hazing policies, state or
21 federal laws relating to hazing, alcohol, drugs, sexual assault
22 or physical assault or the institution's code of conduct
23 against the local chapter.

24 D. Failure of a social fraternity or sorority
25 organization to comply with this section shall result in

.230145.2

1 automatic loss of recognition until such time that the
2 organization comes into compliance with this section.

3 - 10 -
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

underscoring material = new
~~[bracketed material] = delete~~