

S. 1937

A. 2132

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 14, 2011

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IN SENATE -- Introduced by Sens. LAVALLE, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

IN ASSEMBLY -- Introduced by M. of A. MORELLE -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to hazing, serving alcohol to minors and illegal drug offenses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 6430 of the education law, as  
2     amended by chapter 75 of the laws of 2004, is amended and a new subdivi-  
3     sion 7 is added to read as follows:  
4     1. The trustees or other governing board of every college chartered by  
5     the regents or incorporated by special act of the legislature and which  
6     maintains a campus, unless otherwise provided, shall adopt written rules  
7     for implementing all policies required pursuant to this article and for  
8     the maintenance of public order on college campuses and other college  
9     property used for educational purposes and provide a program for the  
10    enforcement thereof. Such rules shall prohibit, among other things, any  
11    action or situation which recklessly or intentionally endangers THE  
12    mental or physical health [or involves the forced consumption of liquor  
13    or drugs for the purpose of initiation into or affiliation with any  
14    organization] OF ANY INDIVIDUAL. Such rules shall govern the conduct of  
15    students, faculty and other staff as well as visitors and other licen-  
16    sees and invitees on such campuses and property. The penalties for  
17    violations of such rules shall be clearly set forth therein and shall  
18    include provisions for the ejection of a violator from such campus and  
19    property, in the case of a student or faculty violator his or her  
20    suspension, expulsion, or other appropriate disciplinary action, and in  
21    the case of an organization which authorizes such conduct, recision of

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 permission for that organization to operate on campus property. Such  
2 penalties shall be in addition to any penalty pursuant to the penal law  
3 or any other law to which a violator or organization may be subject.

4 7. FOR THE PURPOSES OF THIS ARTICLE, ORGANIZATIONS SHALL INCLUDE, BUT  
5 NOT BE LIMITED TO, RECOGNIZED COLLEGE OR STUDENT GOVERNMENT ORGANIZA-  
6 TIONS OR CLUBS, ALUMNI ORGANIZATIONS, ATHLETIC TEAMS AND CLUBS, FRATER-  
7 NITIES AND SORORITIES OR ANY CAMPUS OR UNIVERSITY ORGANIZATION OR GROUP  
8 THAT HAS ACCESS TO AND USE OF COLLEGE FACILITIES.

9 S 2. Paragraphs a and c of subdivision 3 of section 6431 of the educa-  
10 tion law, as amended by chapter 13 of the laws of 2009, are amended to  
11 read as follows:

12 a. educating the campus community, including security personnel and  
13 those persons who advise or supervise students, about sexual assault,  
14 domestic violence, BIAS RELATED CRIME, HAZING, UNDERAGE DRINKING, ILLE-  
15 GAL DRUG USE, and stalking offenses pursuant to section sixty-four  
16 hundred thirty-two, SECTION SIXTY-FOUR HUNDRED THIRTY-EIGHT, AND SECTION  
17 SIXTY-FOUR HUNDRED THIRTY-NINE of this article;

18 c. reporting sexual assaults, domestic violence, HAZING, BIAS RELATED  
19 CRIME, and stalking incidents and assisting victims during investi-  
20 gations;

21 S 3. The education law is amended by adding two new sections 6438 and  
22 6439 to read as follows:

23 S 6438. HAZING INFORMATION AND PREVENTION. 1. EACH COLLEGE SHALL ADOPT  
24 RULES THAT PROHIBIT CONDUCT WHICH INTENTIONALLY OR RECKLESSLY INVOLVES  
25 THE FORCED CONSUMPTION OF ALCOHOL OR DRUGS, OR ANY OTHER BEHAVIOR THAT  
26 MAY ENDANGER THE MENTAL OR PHYSICAL HEALTH AND SAFETY OF INDIVIDUALS.

27 2. EACH COLLEGE SHALL INFORM INCOMING STUDENTS ABOUT PROHIBITIONS ON  
28 HAZING THROUGH PROGRAMS WHICH MAY INCLUDE WORKSHOPS, SEMINARS,  
29 DISCUSSION GROUPS AND MEDIA PRESENTATIONS, IN ORDER TO DISSEMINATE  
30 INFORMATION ABOUT HAZING, PROMOTE DISCUSSION, ENCOURAGE REPORTING OF  
31 INCIDENTS OF HAZING AND FACILITATE PREVENTION OF SUCH INCIDENTS. SUCH  
32 INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

33 A. THE APPLICABLE LAWS, ORDINANCES AND REGULATIONS REGARDING HAZING,  
34 INCLUDING THE PENALTIES FOR VIOLATION UNDER LAW;

35 B. THE PROCEDURES AND PENALTIES IN EFFECT AT THE COLLEGE FOR DEALING  
36 WITH HAZING; AND

37 C. THE AVAILABILITY OF COUNSELING AND OTHER SUPPORT SERVICES FOR THE  
38 VICTIMS OF HAZING.

39 3. EACH COLLEGE SHALL DEVELOP POLICIES FOR THE TRAINING OF APPROPRIATE  
40 STAFF, INCLUDING, BUT NOT LIMITED TO, RESIDENT LIFE STAFF, COACHES AND  
41 OTHER PERSONNEL REGARDING HAZING AND THE PROCEDURES FOR ENFORCING AND  
42 REPORTING SUCH INCIDENTS TO THE PROPER COLLEGE OFFICIALS.

43 4. EACH COLLEGE SHALL REVIEW DISCIPLINARY PROCEDURES PERTAINING TO ALL  
44 ORGANIZATIONS AS DEFINED BY SUBDIVISION SEVEN OF SECTION SIXTY-FOUR  
45 HUNDRED THIRTY OF THIS ARTICLE. SUCH PENALTIES MAY INCLUDE, BUT NOT BE  
46 LIMITED TO, THE REVOCATION OF SUCH ORGANIZATION'S RIGHT TO OPERATE ON  
47 SUCH CAMPUS, USE CAMPUS FACILITIES OR BE RECOGNIZED BY THE COLLEGE OR  
48 UNIVERSITY. WHERE SUCH ORGANIZATION IS A FRATERNITY OR SORORITY,  
49 COMMONLY IDENTIFIED AS A GREEK LETTER ORGANIZATION, SUCH PENALTIES MAY  
50 INCLUDE, BUT NOT BE LIMITED TO, THE WITHDRAWAL OF THE RECOGNITION OF  
51 SUCH ORGANIZATION FROM SUCH CAMPUS.

52 5. COLLEGE RULES MAY INCLUDE PROVISIONS FOR THE DISCIPLINARY ACTION OF  
53 STUDENTS WHO FAIL TO REPORT KNOWN INSTANCES OF HAZING AND IMMUNITY FROM  
54 COLLEGE DISCIPLINARY ACTION FOR GOOD FAITH REPORTING OF HAZING.

55 S 6439. ALCOHOL AND DRUG ABUSE INFORMATION AND PREVENTION. 1. EACH  
56 COLLEGE SHALL INFORM INCOMING STUDENTS ABOUT PROHIBITIONS ON UNDERAGE

1 DRINKING AND SUBSTANCE ABUSE THROUGH PROGRAMS WHICH MAY INCLUDE WORK-  
2 SHOPS, SEMINARS, DISCUSSION GROUPS AND MEDIA PRESENTATIONS IN ORDER TO  
3 DISSEMINATE INFORMATION ABOUT UNDERAGE DRINKING AND SUBSTANCE ABUSE,  
4 PROMOTE DISCUSSION, AND FACILITATE PREVENTION OF SUCH INCIDENTS. SUCH  
5 INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

6 A. THE APPLICABLE LAWS, ORDINANCES AND REGULATIONS REGARDING UNDERAGE  
7 DRINKING AND ILLEGAL DRUG USE, INCLUDING THE PENALTIES FOR VIOLATION  
8 UNDER LAW;

9 B. THE PROCEDURES AND PENALTIES IN EFFECT AT THE COLLEGE FOR DEALING  
10 WITH UNDERAGE DRINKING AND DRUG USE; AND

11 C. THE AVAILABILITY OF COUNSELING AND OTHER SUPPORT SERVICES FOR  
12 SUBSTANCE ABUSERS.

13 2. EACH COLLEGE SHALL DEVELOP POLICIES FOR THE TRAINING OF APPROPRIATE  
14 STAFF, INCLUDING, BUT NOT LIMITED TO, RESIDENT LIFE STAFF, COACHES AND  
15 OTHER PERSONNEL REGARDING UNDERAGE DRINKING AND DRUG AND ALCOHOL ABUSE  
16 AND THE PROCEDURES FOR ENFORCING AND REPORTING SUCH INCIDENTS TO THE  
17 PROPER COLLEGE OFFICIALS.

18 3. EACH COLLEGE SHALL REVIEW CURRENT DISCIPLINARY PROCEDURES PERTAIN-  
19 ING TO ALL ORGANIZATIONS AS DEFINED BY SUBDIVISION SEVEN OF SECTION  
20 SIXTY-FOUR HUNDRED THIRTY OF THIS ARTICLE AND MAY PROVIDE ADDITIONAL  
21 PENALTIES REGARDING ILLEGAL DRUG USE AND UNDERAGE DRINKING.

22 S 4. This act shall take effect on the first of July next succeeding  
23 the date on which it shall have become a law.