S T A T E O F N E W Y O R K

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

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:

Section 1. Subdivision 1 of section 6430 of the education law, as amended by chapter 75 of the laws of 2004, is amended and a new subdivision 7 is added to read as follows:

1. The trustees or other governing board of every college chartered by the regents or incorporated by special act of the legislature and which maintains a campus, unless otherwise provided, shall adopt written rules for implementing all policies required pursuant to this article and for the maintenance of public order on college campuses and other college property used for educational purposes and provide a program for the enforcement thereof. Such rules shall prohibit, among other things, any action or situation which recklessly or intentionally endangers THE mental or physical health [or involves the forced consumption of liquor or drugs for the purpose of initiation into or affiliation with any organization] OF ANY INDIVIDUAL. Such rules shall govern the conduct of students, faculty and other staff as well as visitors and other licensees and invitees on such campuses and property. The penalties for violations of such rules shall be clearly set forth therein and shall include provisions for the ejection of a violator from such campus and property, in the case of a student or faculty violator his or her suspension, expulsion, or other appropriate disciplinary action, and in 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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permission for that organization to operate on campus property. Such penalties shall be in addition to any penalty pursuant to the penal law or any other law to which a violator or organization may be subject.

7. FOR THE PURPOSES OF THIS ARTICLE, ORGANIZATIONS SHALL INCLUDE, BUT NOT BE LIMITED TO, RECOGNIZED COLLEGE OR STUDENT GOVERNMENT ORGANIZATIONS OR CLUBS, ALUMNI ORGANIZATIONS, ATHLETIC TEAMS AND CLUBS, FRATERNITIES AND SORORITIES OR ANY CAMPUS OR UNIVERSITY ORGANIZATION OR GROUP THAT HAS ACCESS TO AND USE OF COLLEGE FACILITIES.

S 2. Paragraphs a and c of subdivision 3 of section 6431 of the education law, as amended by chapter 13 of the laws of 2009, are amended to read as follows:

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

c. reporting sexual assaults, domestic violence, HAZING, BIAS RELATED CRIME, and stalking incidents and assisting victims during investigations;

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

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

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

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

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

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

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

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

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

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

DRINKING AND SUBSTANCE ABUSE THROUGH PROGRAMS WHICH MAY INCLUDE WORKSHOPS, SEMINARS, DISCUSSION GROUPS AND MEDIA PRESENTATIONS IN ORDER TO DISSEMINATE INFORMATION ABOUT UNDERAGE DRINKING AND SUBSTANCE ABUSE, PROMOTE DISCUSSION, AND FACILITATE PREVENTION OF SUCH INCIDENTS. SUCH INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

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

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

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

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

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

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