

8859

I N A S S E M B L Y

February 25, 2014

Introduced by M. of A. WEPRIN -- 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 subdivision
3 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 licensees
16 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, rescission of
22 permission for that organization to operate on campus property. Such
23 penalties shall be in addition to any penalty pursuant to the penal law
24 or any other law to which a violator or organization may be subject.

25 7. FOR THE PURPOSES OF THIS ARTICLE, ORGANIZATIONS SHALL INCLUDE, BUT
26 NOT BE LIMITED TO, RECOGNIZED COLLEGE OR STUDENT GOVERNMENT ORGANIZATIONS
27 OR CLUBS, ALUMNI ORGANIZATIONS, ATHLETIC TEAMS AND CLUBS, FRATER-

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

LBD03784-03-4

1 NITIES AND SORORITIES OR ANY CAMPUS OR UNIVERSITY ORGANIZATION OR GROUP
2 THAT HAS ACCESS TO AND USE OF COLLEGE FACILITIES.

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

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

12 c. reporting sexual assaults, domestic violence, HAZING, BIAS RELATED
13 CRIME, and stalking incidents and assisting victims during investi-
14 gations;

15 S 3. The education law is amended by adding two new sections 6439 and
16 6440 to read as follows:

17 S 6439. HAZING INFORMATION AND PREVENTION. 1. EACH COLLEGE SHALL ADOPT
18 RULES THAT PROHIBIT CONDUCT WHICH INTENTIONALLY OR RECKLESSLY INVOLVES
19 THE FORCED CONSUMPTION OF ALCOHOL OR DRUGS, OR ANY OTHER BEHAVIOR THAT
20 MAY ENDANGER THE MENTAL OR PHYSICAL HEALTH AND SAFETY OF INDIVIDUALS.

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

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

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

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

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

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

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

49 S 6440. ALCOHOL AND DRUG ABUSE INFORMATION AND PREVENTION. 1. EACH
50 COLLEGE SHALL INFORM INCOMING STUDENTS ABOUT PROHIBITIONS ON UNDERAGE
51 DRINKING AND SUBSTANCE ABUSE THROUGH PROGRAMS WHICH MAY INCLUDE WORK-
52 SHOPS, SEMINARS, DISCUSSION GROUPS AND MEDIA PRESENTATIONS IN ORDER TO
53 DISSEMINATE INFORMATION ABOUT UNDERAGE DRINKING AND SUBSTANCE ABUSE,
54 PROMOTE DISCUSSION, AND FACILITATE PREVENTION OF SUCH INCIDENTS. SUCH
55 INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

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

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

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

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

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

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