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I N   A S S E M B L Y

February 25, 2014

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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.

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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.