

Union Calendar No.

118TH CONGRESS
2^D SESSION

H. R. 5646

[Report No. 118-]

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2023

Mrs. McBATH (for herself and Mr. DUNCAN) introduced the following bill;
which was referred to the Committee on Education and the Workforce

SEPTEMBER --, 2024

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 21, 2023]

A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Stop Campus Hazing*
5 *Act”.*

6 **SEC. 2. INCLUSION OF HAZING INCIDENTS IN ANNUAL SE-**
7 **CURITY REPORTS.**

8 *(a) STATISTICS ON HAZING INCIDENTS.—*

9 *(1) IN GENERAL.—Section 485(f)(1)(F) of the*
10 *Higher Education Act of 1965 (20 U.S.C.*
11 *1092(f)(1)(F)) is amended—*

12 *(A) in clause (i)(IX), by striking “and”*
13 *after the semicolon;*

14 *(B) in clause (ii), by striking “and” after*
15 *the semicolon;*

16 *(C) in clause (iii), by striking the period at*
17 *the end and inserting “; and”; and*

18 *(D) by adding at the end the following:*

19 *“(iv) of hazing incidents that were re-*
20 *ported to campus security authorities or*
21 *local police agencies.”.*

22 *(2) COMPILATION OF HAZING INCIDENTS.—Sec-*
23 *tion 485(f)(7) of the Higher Education Act of 1965*
24 *(20 U.S.C. 1092(f)(7)) is amended by inserting after*
25 *the second sentence the following: “For hazing inci-*

1 *dents referred to in clause (iv) of paragraph (1)(F),*
2 *such statistics shall be compiled per each single haz-*
3 *ing incident and in accordance with the definition of*
4 *the term ‘hazing’ in paragraph (6)(A)(vi), and if the*
5 *same person or persons commit more than one hazing*
6 *act, and the time and place intervals separating each*
7 *such act are insignificant, such acts shall be reported*
8 *as a single hazing incident.”.*

9 (3) *BEGINNING OF COMPILATION OF HAZING STA-*
10 *TISTICS.—Not later than January 1 of the first year*
11 *after the date of enactment of this Act, each eligible*
12 *institution participating in any program under title*
13 *IV of the Higher Education Act of 1965 (20 U.S.C.*
14 *1070 et seq.), other than a foreign institution of high-*
15 *er education, shall begin to collect statistics on hazing*
16 *incidents for the purpose of complying with clause*
17 *(iv) of section 485(f)(1)(F) of such Act, as added by*
18 *paragraph (1) of this subsection.*

19 (4) *DEFINITION OF HAZING.—Section*
20 *485(f)(6)(A) of the Higher Education Act of 1965 (20*
21 *U.S.C. 1092(f)(6)(A)) is amended by adding at the*
22 *end the following:*

23 “(vi) *The term ‘hazing’, for purposes of reporting*
24 *statistics on hazing incidents under paragraph*
25 *(1)(F)(iv), means any intentional, knowing, or reck-*

1 *less act committed by a person (whether individually*
2 *or in concert with other persons) against another per-*
3 *son or persons regardless of the willingness of such*
4 *other person or persons to participate, that—*

5 *“(I) is committed in the course of an initi-*
6 *ation into, an affiliation with, or the mainte-*
7 *nance of membership in, a student organization;*
8 *and*

9 *“(II) causes or creates a risk, above the rea-*
10 *sonable risk encountered in the course of partici-*
11 *pation in the institution of higher education or*
12 *the organization (such as the physical prepara-*
13 *tion necessary for participation in an athletic*
14 *team), of physical or psychological injury in-*
15 *cluding—*

16 *“(aa) whipping, beating, striking, elec-*
17 *tronic shocking, placing of a harmful sub-*
18 *stance on someone’s body, or similar activ-*
19 *ity;*

20 *“(bb) causing, coercing, or otherwise*
21 *inducing sleep deprivation, exposure to the*
22 *elements, confinement in a small space, ex-*
23 *treme calisthenics, or other similar activity;*

1 “(cc) causing, coercing, or otherwise
2 inducing another person to consume food,
3 liquid, alcohol, drugs, or other substances;

4 “(dd) causing, coercing, or otherwise
5 inducing another person to perform sexual
6 acts;

7 “(ee) any activity that places another
8 person in reasonable fear of bodily harm
9 through the use of threatening words or con-
10 duct;

11 “(ff) any activity against another per-
12 son that includes a criminal violation of
13 local, State, Tribal, or Federal law; and

14 “(gg) any activity that induces, causes,
15 or requires another person to perform a
16 duty or task that involves a criminal viola-
17 tion of local, State, Tribal, or Federal
18 law.”.

19 (5) *DEFINITION OF STUDENT ORGANIZATION.*—
20 *Section 485(f)(6)(A) of the Higher Education Act of*
21 *1965 (20 U.S.C. 1092(f)(6)(A)) is further amended by*
22 *adding at the end the following:*

23 “(vii) The term ‘student organization’, for pur-
24 poses of reporting under paragraph (1)(F)(iv) and
25 paragraph (9)(A), means an organization at an insti-

1 *tution of higher education (such as a club, society, as-*
2 *sociation, varsity or junior varsity athletic team, club*
3 *sports team, fraternity, sorority, band, or student gov-*
4 *ernment) in which two or more of the members are*
5 *students enrolled at the institution of higher edu-*
6 *cation, whether or not the organization is established*
7 *or recognized by the institution.”.*

8 *(b) STATEMENT OF POLICY AND PREVENTION PRO-*
9 *GRAM ON HAZING.—Section 485(f)(1) of the Higher Edu-*
10 *cation Act of 1965 (20 U.S.C. 1092(f)(1)) is amended by*
11 *inserting after subparagraph (J) the following:*

12 *“(K) A statement of current policies relating to*
13 *hazing (as defined by the institution), how to report*
14 *incidents of such hazing, and the process used to in-*
15 *vestigate such incidents of hazing, and information*
16 *on applicable local, State, and Tribal laws on hazing*
17 *(as defined by such local, State, and Tribal laws).*

18 *“(L) A statement of policy regarding prevention*
19 *and awareness programs related to hazing (as defined*
20 *by the institution) that includes a description of re-*
21 *search-informed campus-wide prevention programs*
22 *designed to reach students, staff, and faculty, which*
23 *includes—*

24 *“(i) the information referred to in subpara-*
25 *graph (K); and*

1 “(i) primary prevention strategies intended
2 to stop hazing before hazing occurs, which may
3 include skill building for bystander intervention,
4 information about ethical leadership, and the
5 promotion of strategies for building group cohe-
6 sion without hazing.”.

7 (c) *EFFECTIVE DATE; APPLICATION.*—The amend-
8 ments made by this section shall—

9 (1) take effect on the date that is 6 months after
10 the date of enactment of this Act; and

11 (2) apply with respect to the annual security re-
12 port required under section 485(f)(1) of the Higher
13 Education Act of 1965 (20 U.S.C. 1092(f)(1)) for the
14 calendar year that is 2 years after such date of enact-
15 ment, including any data collected on or after such
16 effective date, and any subsequent report required
17 under such section.

18 **SEC. 3. CAMPUS HAZING TRANSPARENCY REPORT.**

19 Section 485(f) of the Higher Education Act of 1965
20 (20 U.S.C. 1092(f)) is further amended—

21 (1) by redesignating paragraphs (9) through (18)
22 as paragraphs (10) through (19), respectively; and

23 (2) by inserting after paragraph (8) the fol-
24 lowing:

1 “(9)(A) *Each institution participating in any pro-*
2 *gram under this title, other than a foreign institution of*
3 *higher education, shall develop, in accordance with the in-*
4 *stitution’s statement of policy relating to hazing under*
5 *paragraph (1)(K), a report (which shall be referred to as*
6 *the ‘Campus Hazing Transparency Report’) summarizing*
7 *findings concerning any student organization (except that*
8 *this shall only apply to student organizations that are es-*
9 *tablished or recognized by the institution) found to be in*
10 *violation of an institution’s standards of conduct relating*
11 *to hazing, as defined by the institution, (hereinafter referred*
12 *to in this paragraph as a ‘hazing violation’) that requires*
13 *the institution to—*

14 “(i) *beginning July 1, 2025, collect information*
15 *with respect to hazing incidents at the institution;*

16 “(ii) *not later than 12 months after the date of*
17 *the enactment of the Stop Campus Hazing Act, make*
18 *the Campus Hazing Transparency Report publicly*
19 *available on the public website of the institution; and*

20 “(iii) *not less frequently than 2 times each year,*
21 *update the Campus Hazing Transparency Report to*
22 *include, for the period beginning on the date on which*
23 *the Report was last published and ending on the date*
24 *on which such update is submitted, each incident in-*
25 *volving a student organization for which a finding of*

1 *responsibility is issued relating to a hazing violation,*
2 *including—*

3 *“(I) the name of such student organization;*

4 *“(II) a general description of the violation*
5 *that resulted in a finding of responsibility, in-*
6 *cluding whether the violation involved the abuse*
7 *or illegal use of alcohol or drugs, the findings of*
8 *the institution, and any sanctions placed on the*
9 *student organization by the institution, as appli-*
10 *cable; and*

11 *“(III) the dates on which—*

12 *“(aa) the incident was alleged to have*
13 *occurred;*

14 *“(bb) the investigation into the inci-*
15 *dent was initiated;*

16 *“(cc) the investigation ended with a*
17 *finding that a hazing violation occurred;*
18 *and*

19 *“(dd) the institution provided notice to*
20 *the student organization that the incident*
21 *resulted in a hazing violation.*

22 *“(B) The Campus Hazing Transparency Report may*
23 *include—*

24 *“(i) to satisfy the requirements of this para-*
25 *graph, information that—*

1 “(I) is included as part of a report pub-
2 lished by the institution; and

3 “(II) meets the requirements of the Campus
4 Hazing Transparency Report; and

5 “(ii) any additional information—

6 “(I) determined by the institution to be nec-
7 essary; or

8 “(II) reported as required by State law.

9 “(C) The Campus Hazing Transparency Report shall
10 not include any personally identifiable information, includ-
11 ing any information that would reveal personally identifi-
12 able information, about any individual student in accord-
13 ance with section 444 of the General Education Provisions
14 Act (commonly known as the ‘Family Educational Rights
15 and Privacy Act of 1974’).

16 “(D) The institution shall publish, in a prominent lo-
17 cation on the public website of the institution, the Campus
18 Hazing Transparency Report, including—

19 “(i) a statement notifying the public of the an-
20 nual availability of statistics on hazing pursuant to
21 the report required under paragraph (1)(F), includ-
22 ing a link to such report;

23 “(ii) information about the institution’s policies
24 relating to hazing under paragraph (1)(K) and appli-
25 cable local, State, and Tribal laws on hazing; and

1 “(iii) the information included in each update
2 required under subparagraph (A)(iii), which shall be
3 maintained for a period of 5 calendar years from the
4 date of publication of such update.

5 “(E) The institution may include, as part of the publi-
6 cation of the Campus Hazing Transparency Report under
7 subparagraph (D), a description of the purposes of, and dif-
8 ferences between—

9 “(i) the report required under paragraph (1)(F);
10 and

11 “(ii) the Campus Hazing Transparency Report
12 required under this paragraph.

13 “(F) For purposes of this paragraph, the definition of
14 ‘campus’ under paragraph (6)(A)(ii) shall not apply.

15 “(G) An institution described in subparagraph (A) is
16 not required to—

17 “(i) develop the Campus Hazing Transparency
18 Report under this subsection until such institution
19 has a finding of a hazing violation; or

20 “(ii) update the Campus Hazing Transparency
21 Report in accordance with clause (iii) of subpara-
22 graph (A) for a period described in such clause if
23 such institution does not have a finding of a hazing
24 violation for such period.”.

1 **SEC. 4. JEANNE CLERY CAMPUS SAFETY ACT.**

2 *Paragraph (19) of section 485(f) of the Higher Edu-*
3 *cation Act of 1965 (20 U.S.C. 1092(f)(19)), as so redesi-*
4 *gnated, is amended by striking “Jeanne Clery Disclosure of*
5 *Campus Security Policy and Campus Crime Statistics Act”*
6 *and inserting “Jeanne Clery Campus Safety Act”.*

7 **SEC. 5. RULE OF CONSTRUCTION.**

8 *Nothing in this Act, or an amendment made by this*
9 *Act, shall be construed to affect the rights (including rem-*
10 *edies and procedures) available to persons under the First*
11 *Amendment of the Constitution of the United States or*
12 *rights to due process.*