



September 17, 2021

## Hazing in Ohio: A Higher Education Update



**Bricker & Eckler**  
ATTORNEYS AT LAW

# Our Speakers

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**Joe Hall**

# Disclaimer

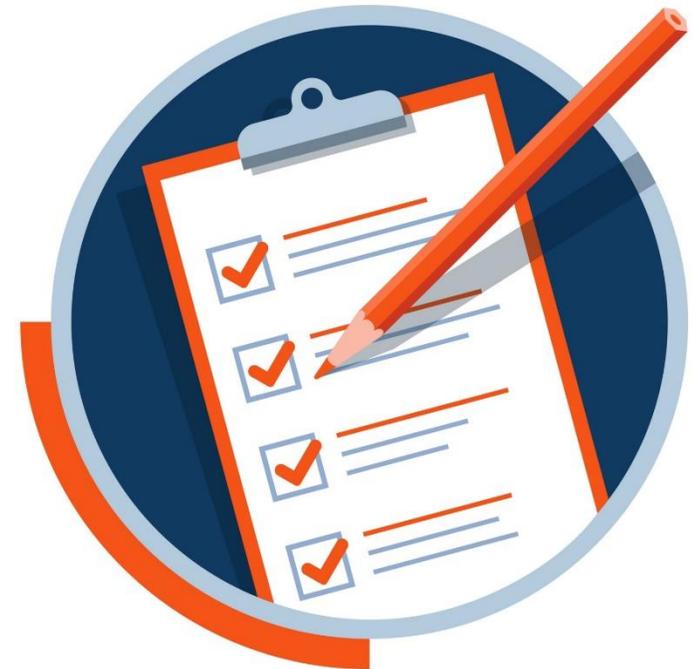
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- We are not giving you legal advice. Consult with your legal counsel regarding how best to address a specific situation.
- Use chat function to ask general questions and hypotheticals.
- We have a variety of stakeholders here, so keep that in mind!
- If you registered using your email, you will get a copy of the slides. Watch for “Thank You For Attending” email.

# Today's Agenda

- Background
- Components:
  - Definitions & Penalties
  - Anti-Hazing Policies
  - Training & Education
  - Mandatory Reporting Requirement
- Statewide Educational Plan
- Anti-Hazing Principles Adopted by the IUC
- Things to Do NOW for compliance
- Things to Do in the FUTURE for compliance



# Collin's Law (SB 126) Background

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- Named for Collin Wiant, a freshman student at Ohio University who died of asphyxiation in 2018 after inhaling nitrous oxide and collapsing at a fraternity house.
- Collin's parents worked with lawmakers to pass anti-hazing legislation, but those efforts failed.

# Background (cont.)

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- In March 2021, Stone Foltz, a sophomore student at Bowling Green State University, died of alcohol poisoning after he was allegedly required to drink a full bottle of alcohol in order to join a fraternity.
- Collin's Law eventually received unanimous approval from both the Ohio House and Senate.
- Signed into law by Governor DeWine on July 6, 2021.
- Effective date: Oct. 7, 2021

# Collin's Law: The Ohio Anti-Hazing Act



*Effective Date: October 7, 2021*

(134th General Assembly)  
(Amended Substitute Senate Bill Number 126)

## AN ACT

To amend section 2903.31 and to enact sections 2903.311, 3333.0417, and 3345.19 of the Revised Code to enact Collin's Law: The Ohio Anti-Hazing Act with regard to hazing policies at colleges and criminal prohibitions against hazing.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 2903.31 be amended and sections 2903.311, 3333.0417, and 3345.19 of the Revised Code be enacted to read as follows:

Sec. 2903.31. (A) As used in this section, "~~hazing~~";

(1) "Hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in section 3719.011 of the Revised Code

Full text of  
Senate Bill 126  
can be found  
[here.](#)

# Expanded Definition of Hazing



Old Anti-Hazing Statute	Collin's Law
"doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person."	<b>PLUS</b> acts of hazing intended to "continue or reinstate membership in or affiliation with any student or other organization," and will specify that hazing includes coercing others to consume alcohol or drugs
Ohio Revised Code, § 2903.31(A) and (D)	

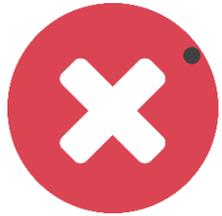
# Reckless Participation



Prohibits administrators, employees, faculty members, teachers, consultants, alumni or volunteers from recklessly permitting the hazing of any person associated with an institutional organization.

Old penalty	Collin's Law penalty
Second degree misdemeanor	<b>Fourth degree misdemeanor</b>
<i>30 days in jail and/or fine of \$250</i>	<b><i>90 days in jail and/or fine of \$750</i></b>

# New: Coerced Consumption



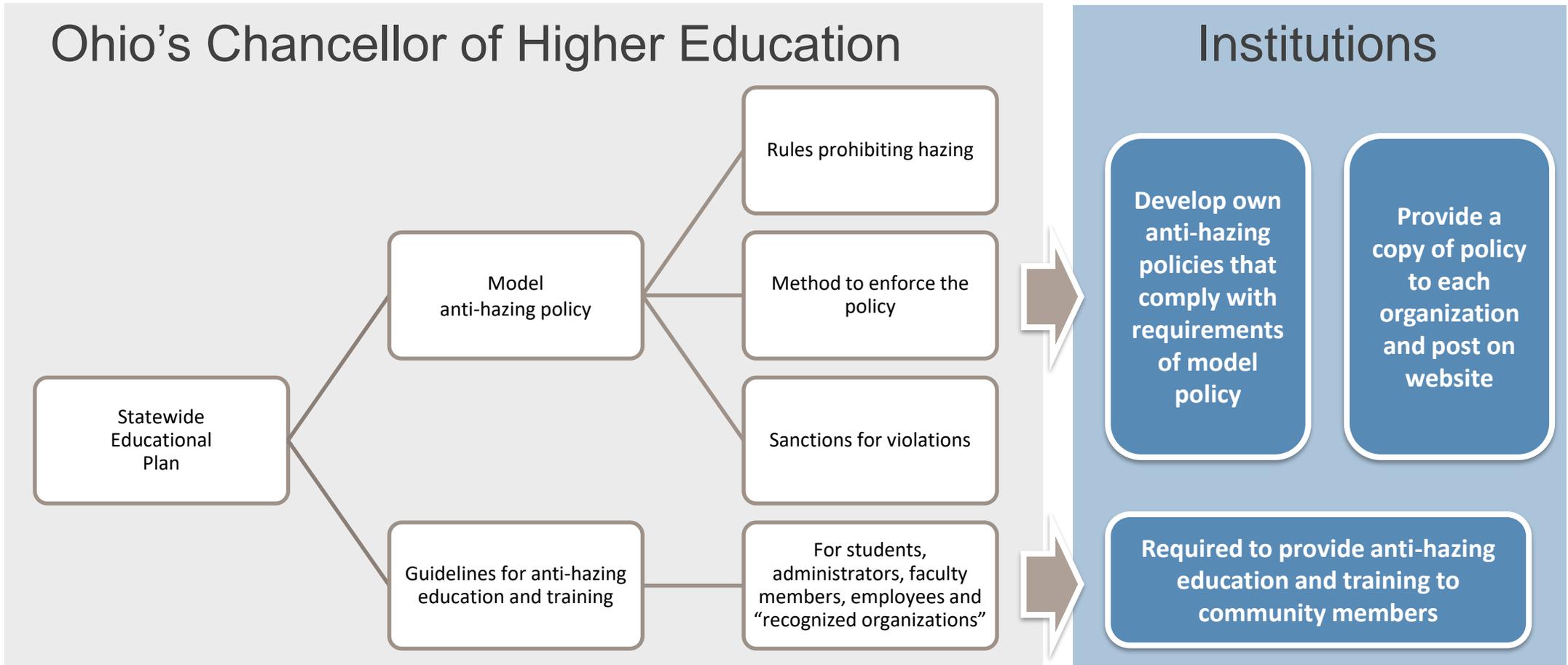
Prohibits hazing that involves “coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person.”

## **Collin’s Law penalty**

**Third degree felony (for hazing participants and those who recklessly permitted)**

***Prison sentence and/or fine of \$10,000***

# Statewide Educational Plan



# Ohio Department of Higher Education Model Policy and Guidelines



# Model Anti-Hazing Policy

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- Must include:
  - Rules Prohibiting Hazing
  - A Method to Enforce the Policy, and
  - Sanctions
- Must be shared:
  - Copies to each organization
  - Posted to publicly available website

# Guidelines for Training/Education

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- Audience (this may be broader than your current practice)
  - Students
  - Administrators
  - Faculty Members
  - Employees
  - Recognized organizations
    - “Recognized organizations” are defined as organizations recognized by or operating under the sanction of an institution

# Considerations for Training/Education

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- Students must be offered at least 1 opportunity to complete the program during new student orientation
- Attendance must be verified by the institution
- If a student does not complete this educational programming, they must be **prohibited** from participating in a recognized organization until the programming is completed

# Reporting Violations

Starting next year (2022-23 academic school year), institutions will be required to maintain a report of all violations.

## WHAT

- ✓ Name of subject
- ✓ Date of when subject was charged with violation
- ✓ Description, investigation & findings, penalties
- ✓ Date matter was resolved
- ✗ No PII, subject to FERPA

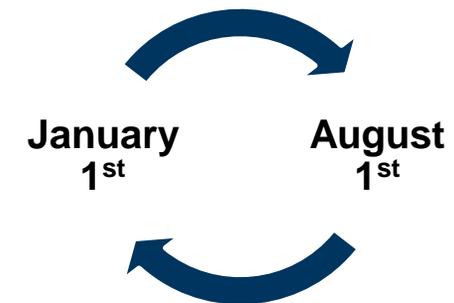
## WHERE

- Institution's website



## WHEN

- Initial report: **January 15, 2023** (*reports of past 5 years*)
- Subsequent reports:



# IUC Anti-Hazing Principles

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- Zero Tolerance Approach
- Automatic dismissal of any student convicted of criminal hazing
- Working with law enforcement
- Strengthening the role of advisers for student organizations to ensure oversight
- Educating families and alumni on hazing, including how and where to report it
- Improving the substance and delivery of anti-hazing education to students
- Being transparent and providing data on hazing violations to inform students' decisions about joining student organizations
- Designation of an office or person to whom hazing should be reported

# IUC Greek Life Principles

Provide measures that apply only to fraternities and sororities, including:

- Review of recruiting policies,
- Strengthening oversight of the organizations by parents and affiliates, and
- Requiring each chapter to demonstrate trustworthiness, on an annual basis, including the documentation of specific steps the organization will be taking to operate safely and without hazing



# Steps to Take Now

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- ☑ Review current policies regarding hazing
- ☑ After updating your policies and reviewing the model ODHE anti-hazing policy:
  - ☑ Disseminate the policy to each organization within your institution
  - ☑ Post the policy on your institution's website
- ☑ Identify the individual on your campus who will track reported incidents of hazing
- ☑ Identify the individual on your campus who will track student attendance for anti-hazing educational programming

# Future Steps: Campus Education (1)



- ☑ Determine whether student educational programming should be online or in-person
- ☑ Provide students with educational programming on hazing, including hazing awareness, prevention, intervention and the institution's hazing policy
- ☑ Determine your institutions "recognized organizations"
- ☑ Make it clear to your institution's recognized organizations that they cannot accept or initiate any person who has not completed the educational programming on hazing

# Future Steps: Campus Education (2)



- ☑ Adopt rules requiring that all recognized organizations conduct mandatory training on hazing for any volunteer who has contact with students
- ☑ Provide all staff and volunteers who advise or coach a recognized organization, and who have direct contact with students, with mandatory training on hazing, including hazing awareness, hazing prevention, and the institution's anti-hazing policy
- ☑ Ensure all administrators, faculty members, and employees receive anti-hazing education and training

# Future Steps: Campus Education (3)

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- ☑ Implement into your student/faculty orientation programs
- ☑ Provide ongoing training for returning students
- ☑ Identify and publish your active organizations and inactive organizations
- ☑ Identify active membership within organizations
- ☑ Publish your policy online and send to student organizations

# Future Steps: Campus Education (4)



☑ Develop a training rubric that can be launched across campus

*-Will your refresher trainings be annual or bi-annual?*

*-Timing is everything*

*-Who will conduct the training?*

*-Build awareness (speakers and conferences)*

*-Provide online training and programming options readily available when needed  
(COVID-19)*

# Future Steps: Campus Education (5)



- Design your training specific to your community-BUT

- Provide context to institutional history*
- Introduce your campus policy and ODHE guidance*
  - Allow students to be involved in the training*
- Consider interactive hypotheticals to provide participants with a realistic view of required response*

# Future Steps: Campus Education (6)

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- ☑ Provide opportunities for campus feedback and discussion
- ☑ Policy review committees
- ☑ Keep campus community and parent/guardians informed with progress
- ☑ Work with national or local organizations to share programming resources

# Future Steps: Reporting

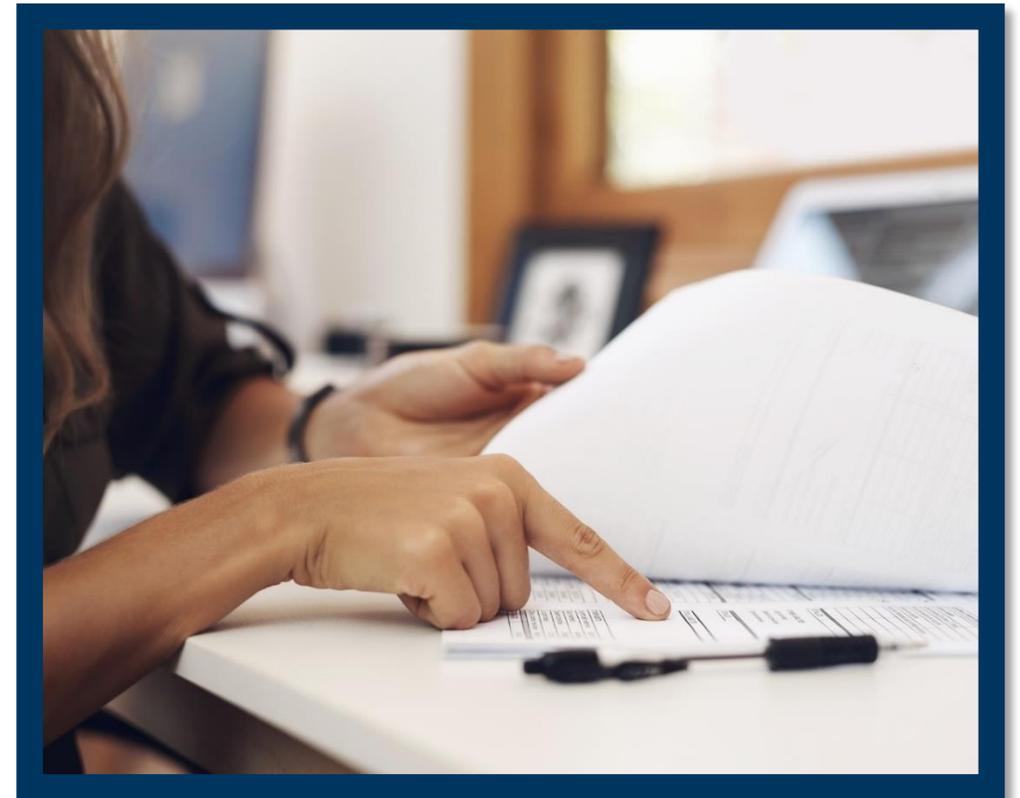
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- ☑ Starting in 2022-23: Maintain a report of hazing incidents reported to the institution
  - ☑ Initial report of violations must be posted on the institution's website no later than January 15, 2023
  - ☑ Report must be updated on January 1<sup>st</sup> and August 1<sup>st</sup> of each year
  - ☑ Retain reports for five consecutive years

# Future Steps: Reporting (2)

- ☑ Determine who will oversee information and process
- ☑ Integrate with your current reporting structures (Title IX & Clery)
- ☑ Schedule regular meetings to evaluate reports and documentation
- ☑ Provide education to Residence Life/Campus Safety staff on submitting reports for hazing
- ☑ Track as you go



# Upcoming Events

## Events

### Title IX Training – various dates and times

Level 1: November and February 2022

Level 2: November and February 2022

Level 3: November and March 2022



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[www.bricker.com/events](http://www.bricker.com/events)

[Twitter: @BrickerHigherEd](https://twitter.com/BrickerHigherEd)

### Upcoming Free Webinars – all at 12:00 p.m. EST

Oct. 14 – Title VI in Higher Education

Nov. 17 – Title IX Litigation Update

Dec. 7 – Deep Dive into Higher Ed Governance

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