

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 2193 (Holden)
Version: May 16, 2024
Hearing Date: June 18, 2024
Fiscal: Yes
Urgency: No
ID

SUBJECT

Hazing: educational institutions: prohibition and civil liability: reports and resources

DIGEST

This bill creates civil liability for a public or private institution of higher education by a person harmed by hazing from an organization affiliated with the educational institution under specified circumstances, with a rebuttable presumption that the institution took reasonable steps to stop the hazing if the institution has taken specified actions to prevent hazing, and also mandates the creation and availability of antihazing resources for K-12 schools, requires specified universities to report to the Legislature annually about hazing incidents on their campuses, and prohibits any person from being subjected to hazing in any program by an educational institution that receives, or benefits from, state financial assistance, as specified.

EXECUTIVE SUMMARY

Hazing is a major issue on many college campuses that often results in injury and even death for the students being hazed. Despite attempts to reduce hazing and push universities to respond, hazing continues to be an issue on many California campuses. This bill creates a civil cause of action against a public or private institution of higher education by a person who was subject to hazing at an organization affiliated with the higher education institution, if the educational institution was involved in, or knew or should have known of the hazing and failed to take reasonable steps to stop it. This civil liability allows for recovery for injury or damages, including emotional injuries and bodily injury or harm. The bill includes a rebuttable presumption that the institution took reasonable steps to stop the hazing if the institution has taken specified actions to prevent hazing. This bill also mandates that the Department of Education create and make available a model anti-hazing policy and resources for K-12 schools, requires specified universities to report to the Legislature annually about hazing incidents on their campuses, and prohibits any person from being subjected to hazing in any program by an educational institution that receives, or benefits from, state financial

assistance, as specified. AB 2193 is supported by Consumer Attorneys of California and a number of teacher and faculty associations, and is opposed by the California Chamber of Commerce and a number of universities and university organizations. If it passes this Committee, AB 2193 will next be heard by the Senate Education Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Makes it unlawful to engage in hazing, as defined. Makes any violation that does not result in death or serious bodily injury punishable as a misdemeanor, and makes any violation that results in death or serious bodily injury punishable as a misdemeanor or a felony. (Pen. Code § 245.6.)
 - a. Defines “hazing” for purposes of the above to mean any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. Specifies that “hazing” does not include customary athletic events or school-sanctioned events. (Pen. Code § 245.6 (b).)
 - b. In addition to imposing criminal penalties, authorizes a victim of hazing to bring a civil action against any person who participates in the hazing, or any organization to which the student is seeking membership whose agents or officers authorized, requested, commanded, participated in, or ratified the hazing. (Pen. Code § 245.6 (e).)
- 2) Makes hazing, as defined in Penal Code Section 245.6, grounds for suspension or expulsion from school. (Education Code Section 48900.)
- 3) Requires colleges and universities to adopt a policy that requires fraternities and sororities seeking campus recognition to submit annual reports to the college or university that contain specified information on the sorority’s or fraternity’s members and their conduct. Requires the college or university to (a) suspend campus recognition of any sorority or fraternity that does not comply with the reporting requirements, and (b) compile, maintain, and post the collected information into a publicly accessible report, as specified. (Edu. Code § 66310 et seq.)
- 4) Requires the governing board of each community college district, the Trustees of the California State University (CSU), the Regents of the University of California (UC), and the governing boards of independent postsecondary education institutions receiving public funds for student financial assistance to require the appropriate officials at each campus to compile records of all occurrences reported to the campus of, and arrests for, crimes that are committed on campus that involve violence, hate

violence, theft, destruction of property, illegal drugs, or alcohol intoxication. (Edu. Code § 67380.)

- 5) Requests the Trustees of the CSU, the Regents of the UC, and the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior and, if the institution expends funds to support activities related to campus climate, as defined, to adopt and publish the above-described policies. (Edu. Code § 66302.)

This bill:

- 1) Requires that, on or before July 1, 2025, the California Department of Education (Department) make available on the department's website both:
 - a) A model anti-hazing policy for local educational agencies;
 - b) Resources on hazing prevention for professional development purposes and for increasing awareness among pupils, school staff, and community members of the dangers of hazing.
- 2) Encourages schools to use the resources made available by the Department pursuant to (1), above, for professional development purposes and for increasing awareness among pupils, school staff, and community members of the dangers of hazing.
- 3) Defines the following terms, for the purposes of (1) and (2), above:
 - a) "hazing" to mean a method of initiation or pre-initiation into a student organization or student body that is likely to causes serious bodily injury to a former, current, or prospective pupil of a school. Specifies that hazing does not include customary athletic events or school-sanctioned events.
 - b) "school" to mean a public or private school in the state maintaining kindergarten or any of grades 1 to 12.
- 4) Establishes the Stop Campus Hazing Act, which specifies, along with the below-described provisions, that no person shall be subjected to hazing in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or that enrolls students who receive state student financial aid.
- 5) Provides, for the purposes of the Stop Campus Hazing Act, the following definitions:
 - a) "affiliated" to mean currently recognized or sanctioned by the educational institution. An organization that had previously been recognized or sanctioned but subsequently had their recognition or sanction withdrawn shall not be considered affiliated.

- b) “educational institution” to mean a public or private institution of higher education in the state, and the officers, employees, or governing bodies of that institution.
 - c) “hazing” to mean any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by the educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in the state. Hazing does not include customary athletic events or school-sanctioned events.
- 6) Allows, beginning January 1, 2026, a person against whom hazing is committed to commence a civil action for injury or damages from the hazing against an institution of higher education for the hazing practice involving one or more students of the organization, if both of the following apply:
- a) the educational institution had direct involvement in, or knew or should have known of, the dangerous hazing practice of the organization and failed to take reasonable steps to stop the hazing practice of the organization; and
 - b) the organization involved in the hazing was affiliated with the educational institution at the time of the alleged hazing incident.
- 7) Provides for a rebuttable presumption that an educational institution took reasonable steps to stop the hazing practice, pursuant to (a) of (6), above, if the educational institution has done all of the following:
- a) Updated and maintained existing rules and regulations governing student behavior to include a prohibition on hazing, anonymous reporting of hazing incidents, and applicable penalties for the violation of the hazing prohibition.
 - b) Adopted procedures by which all students are informed of the updated rules and regulations, with applicable penalties, and any revisions to the rules and regulations;
 - c) Updated and maintained existing rules and regulations governing employee behavior to include a prohibition on hazing, and applicable penalties for the violation of the hazing prohibition;
 - d) Adopted procedures by which all employees are informed of the updated rules and regulations, with applicable penalties, and any revisions to the rules and regulations;
 - e) Developed and implemented a comprehensive prevention and outreach program addressing hazing that includes a range of prevention strategies, including empowerment programming for victim prevention, awareness-raising campaigns, primary prevention, bystander intervention, and risk reduction. Such outreach program must be provided to inform students of the educational institution’s policy prohibiting hazing, and at least include a process for contacting and informing the student body, campus

organizations, athletic programs, and student groups about the educational institution's prohibition on hazing policy. This program includes, but is not limited to providing students with information on all of the following:

- i. Hazing awareness, and prevention and the educational institution's policy on the prohibition of hazing;
- ii. Campus policies and resources relating to hazing, including how to report, including anonymously, hazing to the appropriate campus personnel;
- iii. A focus on prevention and bystander intervention training.

Specifies that this comprehensive prevention and outreach program be a part of every incoming student's orientation and shall be offered annually to athletic teams and campus-recognized sororities and fraternities.

- 8) Provides that a civil action brought under this bill, or under Section 245.6 of the Penal Code, may seek damages for emotional injuries as a component of actual damages, in addition to any other remedies available under law, including, but not limited to, damages for bodily injury or harm.
- 9) Specifies that the duties and obligations imposed by the Act are cumulative with any other duties or obligations imposed under other law, and shall not be construed to relieve any party from any duties or obligations imposed under other law, and do not limit any rights or remedies under existing law.
- 10) Specifies that, notwithstanding the provisions of this section, nothing in (4) through (7), above, affects existing rights, obligations, and remedies under Section 245.6 of the Penal Code.
- 11) Requires that, on or before June 30, 2026 and by June 30 of every year thereafter, the Trustees of the CSU, the Regents of the UC, and the appropriate governing bodies of each independent institution of higher education that is a "qualifying institution" as defined in subdivision (l) of Section 69432.7, report to the appropriate policy committees of the Legislature the number of hazing incidents that constituted a violation of the institution's policy prohibiting hazing, and whether the violation was affiliated with a student organization. Requires that these reports be disaggregated by campus.
- 12) Specifies that this report must comply with all applicable state and federal privacy laws, including but not limited to, the federal Family Educational Rights and Privacy Act.
- 13) For the purposes of (9), provides the following definitions:

- a) "hazing" to mean an intentional, knowing, or reckless act committed by a student or an employee of the institution of higher education, whether individually or in concert with other person against another student, regardless of that student's willingness to participate, that was committed in connection with initiation into, or maintaining membership in, an affiliated organization that is recognized or sanctioned by the institution of higher education, including any clubs, associations, fraternities, sororities, or athletic teams recognized or sanctioned by the institution, and that is likely to cause or causes serious bodily injury or serious mental harm, or death to a current student. Specifies that hazing does not include customary athletic events or school-sanctioned events.
- b) "student organization" to mean any of the following:
 - i. An intercollegiate athletic program at the institution of higher education;
 - ii. A sorority or fraternity that has officially met the formal chartering and recognition requirements at the institution of higher education where it operates; or
 - iii. An organization recognized or sanctioned by the institution of higher education whose membership includes more than 100 students.

COMMENTS

1. Author's statement

According to the author:

Hazing is a clearly detrimental practice that California has characteristically taken seriously through legislation. Despite this, we have seen an influx of dangerous hazing practices within these organizations, and a lackluster effort on the part of many institutions to address it in a preventative manner. In its most tragic cases, hazing is often directly responsible for the death or serious injury of a young student. However, the ramifications of this practice extend far beyond for its survivors, undermining their self-esteem and impacting their psychological wellbeing.

This bill allows for a civil action to be brought against an educational institution for an instance of hazing in which one or more students were involved if that educational institution knew or should have known of the dangerous hazing practices of an affiliated organization. In doing so, we hold the educational institutions who promote participation in and benefit from these organizations responsible for the consequences they may bring to students. This responsibility will incentivize institutions to bolster their oversight and preventative measures as they pertain to hazing. It keeps California on its path of addressing hazing

practices in our state, and allows us to work with educational institutions and organizations to prioritize students' safety.

2. The problem of hazing at California educational institutions

Involvement in student sports and extracurricular activities is an essential part of the student experience. However, while such involvement can usually be enriching and formative for students, too often is it marred by the harmful practices of hazing.

Hazing, an activity of initiation or pre-initiation into a group, has long occurred on university campuses throughout California. Hazing often includes requiring new initiates or recruits to do an act which may be degrading, inappropriate, harmful, and dangerous, in order to join the group or as part of joining. One report has estimated that 55 percent of all college students involved in clubs, teams, and organizations experience hazing.¹ That report found that alcohol consumption, humiliation, isolation, sleep-deprivation, and sexual acts are common hazing practices. Hazing has resulted in physical harm and even the death of numerous students subjected to it. Data shows that there was at least one hazing-related death a year between 1961 and 2017.² Incidents of hazing have made headline news in recent years, and investigative reporting has found that hazing is rampant on some university campuses.³ While hazing usually occurs at a student organization, the organization responsible is often recognized by the educational institution as an official, school-affiliated student group.

3. Existing law relating to hazing

In response to tragic incidents of hazing, various laws have been passed and campaigns launched to prevent and reduce hazing on college campuses. Particularly, in 2006, the California Legislature passed AB 1454 (Torlakson, Ch. 601, Stats. 2006). Under AB 1454, a private right of action currently exists for someone against whom hazing is directed, which can be brought against "any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing." (Cal. Pen. Code § 245.6(e).) By these terms, the civil liability created by AB 1454 did not

¹ Elizabeth Allen et al, "Hazing in View: College Students at Risk," National Study of Student Hazing (Mar. 11, 2008).

² Hank Nuwer, *Hazing: Destroying Young Lives* (2018 Indiana University Press)

³ David Gotfredson, "Protests at Vista High School over student hazing video; Friday football game forfeited, CBS 8 (Sept. 14, 2022), available at <https://www.cbs8.com/article/news/investigations/protests-at-vista-high-school-student-hazing-video/509-2b335be4-a61b-49e6-bc0f-7ec410b551bd>; Jack Molmud & Anthony Cave, "Hazing, drug abuse and harassment allegations plagued San Diego State fraternities for years, documents show," CBS 8 (Jul. 28, 2021), available at <https://www.cbs8.com/article/news/investigations/hazing-drug-abuse-and-harassment-allegations-plagued-san-diego-state-fraternities-for-years-documents-show/509-f06a1982-e9b9-4044-8449-3ff6c41c3609>.

create any liability or ability for a student subjected to hazing on the educational institution.

Common law torts currently subjects educational institutions to some liability if they cause or unreasonably fail to protect their students. However, liability under such torts may be very limited. For negligence, for example, a plaintiff must show that the defendant owed a duty of care to the plaintiff, that the defendant breached this duty of care, and that the break was the proximate cause of plaintiff's injury. The duty required under negligence only applies to a defendant's own actions and not those of a third party, unless there is a "special relationship" between the defendant and the plaintiff. (*Regents of University of California v. Superior Court*, (2018) 4 Cal.5th 607.) Typical special relationships include those between common carriers and their passengers, landlords and their tenants, and colleges and students engaged in curricular activities.

California courts have found a "special relationship" between a university and its students, but only if the students are "engaged in activities that are part of the school's curriculum or closely related to its delivery of educational services." (*Regents*, 4 Cal.5th at pp. 624-625.) Under this test, a California court found in 2018 that the university did not have a duty to the injured student in a case relating to harm during an off-campus party at an affiliated fraternity. (*University of Southern California v. Superior Court*, (2018) 30 Cal. App. 5th 429.)

Under these cases and legal standards, it is only under narrow circumstances where a university may be liable for the hazing activities of a sorority or fraternity or other student organization, even if affiliated with the university. Such hazing would have to be found to be part of the school's curriculum or closely related to the delivery of educational services. While sororities and fraternities may be an important part of college life or a university's social scene and community, making the connection to the university's curriculum or education may be attenuated. There may be more nuance when the sorority or fraternity is considered, as some are, to be a "professional" or "business" sorority or fraternity, as the organization's purpose may then be more closely tied to the university's educational mission. Nonetheless, under the current case law, universities are generally not at risk of liability for hazing committed by a sorority or fraternity affiliated with the university.

Regardless of the state of negligence caselaw, the Legislature is free to define liability and civil causes of action as a matter of public policy. The California Supreme Court has indeed noted that, "whether a new duty should be imposed in any particular context is essentially a question of public policy." (*Regents*, 4 Cal. 5th at p. 627.) Also of relevance to public policy considerations is the fact that, as the California Supreme Court has also noted in the *Regents* case, the California Constitution includes provisions noting students' rights to attend campuses which are safe and to be safe and secure at California schools. (*Regents*, 4 Cal. 5th at 628 (referencing Cal. Const., art. I, § 28, subd.

(a)(7).) This provision of the California Constitution evidences a public policy favoring measures to ensure the safety of California's public school students.

4. AB 2193 addresses the issue of hazing through education and resources, a requirement that certain educational institutions report to the Legislature annually, and creates a cause of action for those injured by hazing

The consideration of these public policy decisions underlie AB 2193. AB 2193 attempts to address the ongoing issue of hazing at California's educational institutions through four main components: the provision of education and resources for primary schools; a requirement that educational institutions of higher education provide annual reports on hazing on their campuses to the Legislature; and the creation of a cause of action for an individual injured by hazing against the educational institution under certain circumstances. AB 2193 also states that no person shall be subjected to hazing in any program or activity conducted by an educational institution that receives or benefits from state financial assistance, or that enrolls students who receive student financial aid. AB 2193 is similar in many respects to a bill authored by Assemblymember Holden last year, AB 299. AB 299 passed this committee on a vote of 8 to 1, and ultimately passed the Legislature. However, it was vetoed by the Governor. AB 299 did not include the requirement that universities report hazing incidents to the Legislature, and it also did not include the rebuttable presumption present in AB 2193's cause of action. The Governor's concerns with AB 299 and how this bill addresses them is discussed below.

- a. *AB 2193 requires education and resources for Kindergarten through 12th grade schools*

AB 2193 aims one aspect of its provisions toward preventing hazing at primary educational institutions in the state. This component of the bill requires the Department of Education (Department) to develop and make available for kindergarten through 12th grade schools a model anti-hazing policy and resources on hazing prevention. These materials must be made available to schools on the Department's website, and AB 2193 states that schools are encouraged to use the resources for professional development purposes and for increasing awareness among pupils, staff, and community members. AB 2193 provides the Department until July 1, 2025 to make these documents available.

- b. *AB 2193 requires public universities to provide annual reports on hazing to the Legislature*

AB 2193 also requires the state's public universities to report to the appropriate policy committees of the Legislature the number of hazing incidents violating the institution's policies from the year, and whether the violation was affiliated with a student organization. AB 2193 requires these reports from the Trustees of the CSU system, the Regents of the UC, and from the governing bodies of independent higher education

institutions in the state. The reports must be disaggregated by campus, and must be delivered annually, beginning on or before June 30, 2026.

- c. *AB 2193 creates a cause of action for injured students, with a rebuttable presumption for when universities take certain actions*

In addition, AB 2193 seeks to address the issue of hazing by extending a duty to universities to prevent hazing at their campuses by affiliated organizations. Specifically, AB 2193 provides that an individual injured by an incident of hazing may commence a civil action against the educational institution for injury or damages, if: the educational institution had direct involvement in the hazing, or knew or should have known of the hazing practice and failed to take reasonable steps to stop the practices; and the organization involved in the hazing was affiliated with the educational institution at the time the hazing incident took place. The author reasons that this duty should be public policy because universities offer official recognition to sororities and fraternities and benefit from their presence on campus, because universities have had a lackluster response to hazing, and because doing so will bolster universities' oversight and hazing prevention activities. If a university elects to recognize a student organization, AB 2193 requires the university to accept some responsibility for any hazing that is conducted by the organization.

However, AB 2193 does not provide responsibility for all hazing, just that hazing which the university had direct involvement in (for example, if it was committed by or at the direction of the university's athletic staff), or which the university was aware of or should have been aware of and failed to take reasonable steps to stop. If a university receives reports of hazing taking place, and elects to do nothing, the university could potentially be liable. If the university did not know of the hazing practices, but should have known, for example, because news reports reported on the practices or because they were particularly rampant, and the university does not have processes to identify and stop hazing, the university could also potentially be liable. However, if an incident happened without the university's knowledge and when the university otherwise takes reasonable steps to identify and prevent hazing, the university would not be liable.

Moreover, AB 2193 includes a rebuttable presumption that a university did take reasonable steps to stop the hazing, if the university has taken certain steps to prevent hazing. This rebuttable presumption applies if the educational institution has rules governing student and employee behavior that prohibit hazing, provide for anonymous reporting of hazing incidents, and that adopt applicable penalties for hazing. The institution must also have procedures for informing students and employees of these rules and the penalties for hazing. In addition, the educational institution must develop and implement a prevention and outreach program that includes a range of prevention strategies, including empowering programming for victim prevention, bystander intervention, and risk reduction, and awareness campaigns, and which must be part of incoming students' orientation and offered annually to sororities and fraternities and

athletic teams. If a university implements these requirements or rules governing student and employee behavior, procedures for informing students and employees of these rules, and a prevention and outreach program, it will enjoy a rebuttable presumption that it is not liable for a student's injury from an incident of hazing.

Last year, concerns were raised with AB 299 that universities needed a "safe harbor" provision so that they could reasonably know when they were protected from liability. A safe harbor provision was not ultimately included in the version that passed this committee and the Legislature. In the Governor's veto measure, Governor Newsom stated as the reason for his veto that the bill did not provide sufficient clarity for when liability would arise for an educational institution and when it would be protected from liability. AB 2193's rebuttable presumption arguably addresses these concerns by balancing the need for the consideration of particular circumstances in a case with the need to provide universities clarity regarding their liability. If the institution proves that they have taken the listed steps for the presumption, it would be presumed to have acted reasonably and not liable when it did not know of the hazing but should have known. Yet if facts show extenuating circumstances or ways in which the university did not actually act reasonably, the presumption may be able to be overcome by the plaintiff. This allows for particularly egregious cases to still proceed and victims to seek justice, while otherwise providing universities with protection if they comply with the bill's requirements for the presumption.

Through this cause of action and its rebuttable presumption, AB 2193 ensures both that students harmed by hazing may have an avenue for redress for their injuries, and that universities adopt policies that prevent and combat hazing on campus. Because the bill sets out specific university actions that must be taken for the rebuttable presumption and (therefore protection from liability to apply), AB 2193 will likely result in many or most California universities adopting the actions listed in the bill so as to limit their liability. AB 2193 would thus work to bolster universities' anti-hazing programs and policies, and likely accordingly reduce the incidence of hazing on their campuses. Some universities also may simply decide to rescind the recognition of sororities or fraternities at their university altogether. This would shield the university from liability under AB 2193 outright because the bill requires that the organization committing the hazing be affiliated with the university at the time of the hazing incident. Yet the decision whether to recognize an organization is one a university faces every time an organization or sorority or fraternity forms on their campus, and one may wonder why some universities have not already considered disaffiliating with the organizations that have long track records of hazing incidents. AB 2193 simply makes clear that, when a university has recognized an organization and so benefits from the organization's presence on campus, it should be liable if it fails to do its part to make sure that organization does not engage in hazing.

AB 2193 sets out a clear path for universities with affiliated sororities and fraternities on their campuses to shield themselves from liability: the implementation of robust anti-

hazing policies and programs aimed at prohibiting, investigating, preventing, and educating students and employees on hazing. AB 2193 will help ensure that many of California's universities implement these policies and build strong hazing prevention programs, and it will provide those harmed by hazing with a right to be made whole when a university fails to take steps to prevent hazing on their campus.

5. Arguments in support

According to the Faculty Association of California Community Colleges, which supports AB 2193:

FACCC strongly supports AB 2193 as an important step toward combating hazing and protecting the safety and well-being of students in our state's higher education institutions. Hazing is a serious issue that can cause severe physical and emotional trauma, and in some cases, death. As educators, it is our responsibility to create a safe and inclusive learning environment for all students, free of the dangers of hazing.

AB 2193 sends a clear message that hazing will not be tolerated in California's community colleges by establishing civil liability for educational institutions that are directly involved in hazing, fail to take reasonable steps to stop known hazing practices, or unreasonably fail to prevent or discover hazing practices by affiliated organizations. This bill encourages institutions to take proactive steps to prevent hazing, such as implementing comprehensive anti-hazing policies, conducting thorough investigations, and providing education and training to students, faculty, and staff.

Furthermore, requiring the State Department of Education to provide model anti hazing policies and resources ensures that all educational institutions have access to the tools and guidance needed to effectively address and prevent hazing. This provision will help to establish a statewide approach to combating hazing and promoting student safety.

6. Arguments in opposition

According to the Association of Independent California Colleges and Universities, which is opposed to AB 2193:

AICCU and our institutions agree with the author that hazing is a deplorable act that endangers the well-being of students. We share the goal of preventing as many instances of hazing as possible through training, policies, and methods to report suspected instances. In the 2021-22 legislative session, we worked in close collaboration with Assemblymember Freddie Rodriguez on Assembly Bill 524, the Campus-Recognized Fraternity and Sorority Transparency Act, which

implemented mandatory data reporting by Greek organizations to bring transparency on the academic achievement, philanthropic work, and misconduct of members. Identifying the appropriate set of policies, training, and reporting for colleges and universities is a worthy discussion, and one that we and our member institutions welcome.

We greatly appreciate the engagement with the author's office to date and believe that the current bill language is significantly better than it was at the time it was introduced. We are especially thankful that the current bill text includes a rebuttable presumption in Section 66308(b). Our remaining concerns are focused on technical clarifications to definitions and greater consistency in terminology that we believe will improve the bill without modifying the foundational goals of the author and sponsors.

Again, we share the perspective that one instance of hazing is too many and the goal to minimize those to the greatest extent possible. Our institutional staff do and will continue to work to ensure students are safe and free from harmful hazing practices, and believe that with some additional fixes we would be comfortable with the language.

SUPPORT

CFT

Consumer Attorneys of California

Faculty Association of California Community Colleges

OPPOSITION

Association of Independent California Colleges and Universities

California Chamber of Commerce

California State University

Community College League of California

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 1327 (Weber, Ch. 366, Stats. 2023) required the California Interscholastic Federation to, during years in which it is not required to submit a required report to the Legislature, and at the request of the Legislature, make itself available for hearings regarding the report, and required the Department of Education to develop a

standardized incident form to track racial discrimination, harassment, or hazing, as specified.

AB 299 (Holden, 2023) would have required the Department of Education to make available on the department's website a model anti-hazing policy for local educational agencies and resources on hazing prevention, and would have created a civil cause of action for an individual injured by hazing against an educational institution, if the institution had direct involvement in, knew of, or in the exercise of ordinary care reasonably should have known of the hazing practices and unreasonably failed to prevent, discover, or stop the hazing practices. The bill would have required the consideration of whether the institution took specified anti-hazing measures in determining if the institution unreasonably failed to prevent, discover, or stop the hazing. AB 299 was vetoed by the Governor on the reason that it created expansive financial exposure for covered educational institutions.

AB 524 (Rodriguez, Ch. 268, Stats. 2022) established the Campus-Recognized Sorority and Fraternity Transparency Act, which requires each institution of higher education to include in the institution's requirements for campus recognition of a campus-recognized sorority or fraternity a requirement that the sorority or fraternity submit to the institution on or before July 1, 2023, and annually thereafter, specified information concerning the sorority's or fraternity's members and their conduct or face suspension. Additionally each institution with sororities or fraternities is required to compile and maintain the collected information into a publicly accessible report posted, and archived, on each respective campus' Greek Life internet homepage or its equivalent for a minimum of 10 years and sent through a campus wide email to all enrolled students on or before October 1, 2023, and annually thereafter.

SB 1454 (Torlakson, Ch.601, Stats. 2006) repealed the Education Code hazing provisions and instead codified within the Penal Code a new definition of hazing and prescribed misdemeanor and felony penalties, as well as allowing a person to bring a civil action for injury or damages against individuals who participate in the hazing or the organizations that authorize, request, command, participate in, or ratify the hazing.

PRIOR VOTES:

Assembly Floor (Ayes 55, Noes 1)

Assembly Appropriations Committee (Ayes 12, Noes 1)

Assembly Higher Education Committee (Ayes 7, Noes 0)

Assembly Judiciary Committee (Ayes 10, Noes 0)
