



# Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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## Ohio Anti-Hazing Law

On July 6, 2021, the Governor signed S.B. 126, better known as “Collin’s Law: The Ohio Anti-Hazing Act.” While Ohio already had an anti-hazing statute, Collin’s Law significantly altered that statute by expanding the scope of the anti-hazing requirements in both definition and application and introducing new hazing-related provisions that did not previously exist. This law applies to primary, secondary, and postsecondary schools and any other public or private educational institutions.

In Ohio, recklessly hazing any other person or recklessly permitting hazing of a person affiliated with an organization is a second degree misdemeanor. A hazing incident involving the forced consumption of alcohol or a drug of abuse is a third degree felony. Furthermore, organizations must immediately report to law enforcement any known instances of hazing. Failure to do so is a fourth degree misdemeanor.

The Chancellor of Higher Education must develop a statewide educational plan for preventing hazing at institutions of higher education. Similarly, each public and private institution of higher education must develop an anti-hazing policy that includes rules prohibiting hazing, a method to enforce the policy, and appropriate penalties for violations. Each institution must provide students with an online or in-person educational program on hazing and mandatory training on hazing to all staff and volunteers who advise or coach an organization and who have direct contact with students.

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## Criminal offense of “hazing”

“Collin’s Law: The Ohio Anti-Hazing Act” became effective on October 7, 2021. Named for Collin Wiant, a college student who died as a result of hazing at Ohio University, the act expanded the criminal definition of “hazing” and expressly specified that hazing can include coercing another to consume alcohol or a drug of abuse.

Specifically, in Ohio law, “hazing” means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization (such as a fraternity), or any act to continue or reinstate membership or affiliation with any student or other organization, that causes or creates a substantial risk of causing mental or physical harm to any person. This includes coercing another person to consume alcohol or a drug of abuse.<sup>1</sup>

### Application

For purposes of determining which entities and individuals are subject to the hazing law, an “organization” includes a national or international organization with which a fraternity, sorority, or other organization is affiliated.<sup>2</sup>

Moreover, hazing law applies to both public and private educational institutions.<sup>3</sup>

## Prohibitions against and penalties for “hazing”

The following table summarizes the prohibitions related to hazing and the corresponding criminal penalties.<sup>4</sup>

Actor	Prohibition	Penalty
Any person	Recklessly participating in the hazing of another	Second degree misdemeanor
An administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including primary, secondary, or postsecondary schools or any other public or private educational institutions	Recklessly permitting the hazing of any person associated with the organization	Second degree misdemeanor
Any person	Recklessly participating in the hazing of another when the hazing includes coerced	Third degree felony

<sup>1</sup> R.C. 2903.31(A)(1).

<sup>2</sup> R.C. 2903.31(A)(2).

<sup>3</sup> R.C. 2903.31(B).

<sup>4</sup> R.C. 2903.31(D) and 2903.311(C).

Actor	Prohibition	Penalty
	consumption of alcohol or drugs of abuse resulting in serious physical harm to the other person	
An administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including primary, secondary, or postsecondary schools or any other public or private educational institutions	Recklessly permitting the hazing of any person associated with the organization when the hazing includes coerced consumption of alcohol or drugs of abuse resulting in serious physical harm to that person	Third degree felony
An administrator, employee, faculty member, teacher, consultant, alumnus, or volunteer of any organization, including a primary, secondary, or postsecondary school or any other public or private educational institution, who is acting in an official and professional capacity	Recklessly failing to immediately report the knowledge of hazing to a law enforcement agency in the county in which the victim of hazing resides or in which the hazing is occurring or has occurred	Fourth degree misdemeanor or a first degree misdemeanor if the violation causes serious physical harm

Under Ohio law, “reckless” means that, with heedless indifference to the consequences, a person disregards a substantial and unjustifiable risk that the person’s conduct is likely to cause a certain result or is likely to be of a certain nature.<sup>5</sup>

## Statewide hazing prevention plan

The Chancellor of Higher Education must develop a statewide educational plan for preventing hazing at institutions of higher education. The plan must include (1) a model anti-hazing policy and (2) guidelines regarding anti-hazing education and training. The model policy must prohibit students and other individuals associated with an organization from engaging in any of the hazing offenses and must include provisions that mirror the requirements for institutional anti-hazing policies described below.<sup>6</sup> The Chancellor’s guidelines must provide anti-hazing education and training for all of the following:

1. Students;
2. Administrators, faculty, and individuals employed by an institution; and

<sup>5</sup> R.C. 2901.22(C).

<sup>6</sup> R.C. 3333.0417(B)(1) and 3345.19(B).

3. Organizations recognized by, or operating under the sanction of, an institution.<sup>7</sup>

The plan and model policy are available on the Department of Higher Education's [Hazing Prevention web page](#), available at [highered.ohio.gov](http://highered.ohio.gov), clicking on "Initiatives," and then "Hazing Prevention" under "On-Campus Initiatives."

## **Institutional anti-hazing requirements**

### **Anti-hazing policy**

Ohio law requires each public and private institution of higher education to develop an anti-hazing policy that includes rules prohibiting hazing, a method to enforce the policy, and appropriate penalties for violations. The policy's penalties, if imposed, are in addition to criminal penalties and may include fines, withholding of diplomas or transcripts, revoking permission to operate an organization on campus, or probation, suspension, dismissal, or expulsion. Each policy applies to any act of hazing or violation of the other criminal provisions on or off campus that takes place between two or more people who are affiliated with the institution.

Each institution must post the policy on the institution's publicly accessible website and provide copies to all its organizations.<sup>8</sup>

### **Reports of hazing violations**

Each institution must maintain and post a report of hazing violations. To the extent permitted by the federal Family Educational Rights and Privacy Act, each report must include the name of the offender, the date the offender was charged with a violation and the date of resolution, a general description of the violation, investigation and findings, and penalties imposed.

The initial report, which must have been posted by January 15, 2023, must include all hazing violations reported to the institution for the five previous consecutive years, to the extent the institution has retained that information. An institution must update and re-post the information twice a year.<sup>9</sup>

### **Student anti-hazing education**

Each institution must provide students with an online or in-person educational program on hazing, hazing awareness, prevention, intervention, and the anti-hazing policy that complies with the Chancellor's guidelines. Each institution must (1) offer an opportunity for students to complete the program during new student orientation, (2) certify each student's attendance, and (3) prohibit a student who does not attend the program from participating in any institutional organization. Likewise, each organization within an institution is prohibited from accepting or initiating a student who has not completed the program.<sup>10</sup>

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<sup>7</sup> R.C. 3333.0417(B)(2).

<sup>8</sup> R.C. 3345.19(B) and (C).

<sup>9</sup> R.C. 3345.19(D).

<sup>10</sup> R.C. 3345.19(E)(1) and (4).

## **Staff and volunteer training**

The institution must also provide mandatory training on hazing to all staff and volunteers that advise or coach an organization and who have direct contact with students. The training must include information on hazing awareness, hazing prevention, and the institution's anti-hazing policy. Each institution also must adopt rules requiring organizations to conduct mandatory anti-hazing training that complies with the Chancellor's guidelines for any volunteers who have contact with students.<sup>11</sup>

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<sup>11</sup> R.C. 3345.19(E)(2), (3), and (4).