

HOUSE BILL No. 1453

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-8; IC 21-7.

Synopsis: Anti-hazing policies. Requires school corporations and accredited nonpublic schools to establish anti-hazing disciplinary rules. Defines "hazing". Requires approved postsecondary educational institutions to establish an anti-hazing policy.

Effective: July 1, 2013.

Candelaria Reardon

January 22, 2013, read first time and referred to Committee on Education.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1453



A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-33-8-0.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 0.3. (a) As used in this chapter, "hazing" means any**
4 **intentional, knowing, or reckless act committed by a student,**
5 **whether individually or in concert with other persons, against**
6 **another student, in which the act:**
7 **(1) was committed in connection with an initiation into, an**
8 **affiliation with, or the maintenance of membership in any**
9 **athletic team, association, order, society, club, or similar**
10 **group that is affiliated with the school and whose membership**
11 **consists primarily of students enrolled at the school; and**
12 **(2) contributes to a substantial risk of potential physical**
13 **injury, mental harm, or personal degradation or causes**
14 **physical injury, mental harm, or personal degradation.**
15 **(b) The term does not include:**
16 **(1) customary athletic events, contests, or competitions that**
17 **are sponsored by the school; or**



1 **(2) any activity or conduct that furthers the goals of a**
 2 **legitimate school curriculum, school activity, or military**
 3 **training program.**

4 SECTION 2. IC 20-33-8-13.6 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2013]: **Sec. 13.6. (a) Discipline rules adopted**
 7 **by the governing body of a school corporation under section 12 of**
 8 **this chapter must:**

9 **(1) prohibit:**
 10 **(A) hazing;**
 11 **(B) the solicitation of hazing; and**
 12 **(C) the aiding and abetting of another person who is**
 13 **engaged in hazing;**

14 **(2) include a provision that it is not a defense to an action in**
 15 **response to a violation of the prohibition required by**
 16 **subdivision (1) that the victim consented or acquiesced to the**
 17 **hazing;**

18 **(3) include a description of the procedures for students and**
 19 **school employees to follow to report hazing violations;**

20 **(4) include procedures to investigate reports of hazing and a**
 21 **description of the circumstances in which hazing must be**
 22 **reported to a law enforcement agency; and**

23 **(5) include a description of appropriate penalties for**
 24 **violations of the prohibition required by subdivision (1).**

25 **(b) An accredited nonpublic school shall adopt a policy that**
 26 **includes the requirements described in subsection (a)(1) through**
 27 **(a)(5).**

28 **(c) This section may not be construed to give rise to a cause of**
 29 **action against a person, school corporation, or accredited**
 30 **nonpublic school based on an allegation of noncompliance with this**
 31 **section. Noncompliance with this section may not be used as**
 32 **evidence against a school corporation or an accredited nonpublic**
 33 **school in a cause of action.**

34 SECTION 3. IC 21-7-13-6, AS AMENDED BY P.L.107-2012,
 35 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2013]: Sec. 6. (a) "Approved postsecondary educational
 37 institution", for purposes of this title (except section 15 of this chapter,
 38 IC 21-12-6, ~~IC 21-12-7~~, and IC 21-13-1-4) means the following:

39 **(1) A postsecondary educational institution that operates in**
 40 **Indiana and:**

41 **(A) provides an organized two (2) year or longer program of**
 42 **collegiate grade directly creditable toward a baccalaureate**

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- 1 degree;
 2 (B) is either operated by the state or operated nonprofit; and
 3 (C) is accredited by a recognized regional accrediting agency,
 4 including:
 5 (i) Ancilla College;
 6 (ii) Anderson University;
 7 (iii) Bethel College;
 8 (iv) Butler University;
 9 (v) Calumet College of St. Joseph;
 10 (vi) DePauw University;
 11 (vii) Earlham College;
 12 (viii) Franklin College;
 13 (ix) Goshen College;
 14 (x) Grace College and Seminary;
 15 (xi) Hanover College;
 16 (xii) Holy Cross College;
 17 (xiii) Huntington University;
 18 (xiv) Indiana Institute of Technology;
 19 (xv) Indiana Wesleyan University;
 20 (xvi) Manchester College;
 21 (xvii) Marian University;
 22 (xviii) Martin University;
 23 (xix) Oakland City University;
 24 (xx) Rose-Hulman Institute of Technology;
 25 (xxi) Saint Joseph's College;
 26 (xxii) Saint Mary-of-the-Woods College;
 27 (xxiii) Saint Mary's College;
 28 (xxiv) Taylor University;
 29 (xxv) Trine University;
 30 (xxvi) University of Evansville;
 31 (xxvii) University of Indianapolis;
 32 (xxviii) University of Notre Dame;
 33 (xxix) University of Saint Francis;
 34 (xxx) Valparaiso University; and
 35 (xxxi) Wabash College;
 36 or is accredited by the board for proprietary education under
 37 IC 21-18.5-6 or an accrediting agency recognized by the
 38 United States Department of Education.
 39 (2) Ivy Tech Community College.
 40 (3) A hospital that operates a nursing diploma program that is
 41 accredited by the Indiana state board of nursing.
 42 (4) A postsecondary credit bearing proprietary educational

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1 institution that meets the following requirements:

2 (A) Is incorporated in Indiana, or is registered as a foreign
3 corporation doing business in Indiana.

4 (B) Is fully accredited by and is in good standing with the
5 board for proprietary education under IC 21-18.5-6.

6 (C) Is accredited by and is in good standing with a regional or
7 national accrediting agency.

8 (D) Offers a course of study that is at least eighteen (18)
9 consecutive months in duration (or an equivalent to be
10 determined by the board for proprietary education under
11 IC 21-18.5-6) and that leads to an associate or a baccalaureate
12 degree recognized by the board for proprietary education
13 under IC 21-18.5-6.

14 (E) Is certified by the board for proprietary education as
15 meeting the requirements of this subdivision.

16 (b) "Approved postsecondary educational institution" for purposes
17 of ~~section~~ **sections 15 and 18.5** of this chapter, **IC 21-7-16**, IC 21-12-6,
18 ~~IC 21-12-7~~, and IC 21-13-1-4, means the following:

19 (1) A state educational institution.

20 (2) A nonprofit college or university.

21 (3) A postsecondary credit bearing proprietary educational
22 institution that is accredited by an accrediting agency recognized
23 by the United States Department of Education.

24 SECTION 4. IC 21-7-13-18.5 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2013]: **Sec. 18.5. (a) "Hazing" means any**
27 **intentional, knowing, or reckless act committed by a student,**
28 **whether individually or in concert with other persons, against**
29 **another student, in which the act:**

30 **(1) was committed in connection with an initiation into, an**
31 **affiliation with, or the maintenance of membership in any**
32 **athletic team, association, order, society, club, or similar**
33 **group that is affiliated with the approved postsecondary**
34 **educational institution and whose membership consists**
35 **primarily of students enrolled at the approved postsecondary**
36 **educational institution; and**

37 **(2) contributes to a substantial risk of potential physical**
38 **injury, mental harm, or personal degradation or causes**
39 **physical injury, mental harm, or personal degradation.**

40 **(b) The term does not include:**

41 **(1) customary athletic events, contests, or competitions that**
42 **are sponsored by the approved postsecondary educational**

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- 1 institution; or
- 2 (2) any activity or conduct that furthers the goals of a
- 3 legitimate curriculum, activity, or military training program
- 4 of an approved postsecondary educational institution.

5 SECTION 5. IC 21-7-16 IS ADDED TO THE INDIANA CODE AS
 6 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2013]:

8 **Chapter 16. Hazing Policy Requirements**

9 **Sec. 1. This chapter applies to an approved postsecondary**
 10 **educational institution.**

11 **Sec. 2. Not later than January 1, 2014, an approved**
 12 **postsecondary educational institution must establish a policy that:**

- 13 (1) prohibits:
 - 14 (A) hazing;
 - 15 (B) the solicitation of hazing; and
 - 16 (C) the aiding and abetting of another person who is
 - 17 engaged in hazing;
- 18 (2) includes a provision that it is not a defense to an action in
- 19 response to a violation of the prohibition required by
- 20 subdivision (1) that the victim consented or acquiesced to the
- 21 hazing;
- 22 (3) includes a description of the procedures for students and
- 23 employees to follow to report hazing violations;
- 24 (4) includes procedures to investigate reports of hazing and a
- 25 description of the circumstances in which hazing must be
- 26 reported to a law enforcement agency; and
- 27 (5) includes a description of appropriate penalties for
- 28 violations of the prohibition required by subdivision (1).

29 **Sec. 3. This chapter may not be construed to give rise to a cause**
 30 **of action against a person or an approved postsecondary**
 31 **educational institution based on an allegation of noncompliance**
 32 **with this chapter. Noncompliance with this chapter may not be**
 33 **used as evidence against an approved postsecondary educational**
 34 **institution in a cause of action.**

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