

State of Arizona
House of Representatives
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 230

HOUSE BILL 2476

AN ACT

AMENDING TITLE 15, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 18; RELATING TO HAZING PREVENTION POLICIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, Arizona Revised Statutes, is amended by adding
3 chapter 18, to read:

4 CHAPTER 18

5 HAZING PREVENTION POLICIES

6 ARTICLE 1. GENERAL PROVISIONS

7 15-2301. Hazing prevention policies; definitions

8 A. EVERY PUBLIC EDUCATIONAL INSTITUTION IN THIS STATE SHALL ADOPT,
9 POST AND ENFORCE A HAZING PREVENTION POLICY. THE HAZING PREVENTION POLICY
10 SHALL BE PRINTED IN EVERY STUDENT HANDBOOK FOR DISTRIBUTION TO PARENTS AND
11 STUDENTS. EACH HAZING PREVENTION POLICY SHALL INCLUDE:

12 1. A STATEMENT THAT HAZING IS PROHIBITED.

13 2. A DEFINITION OF HAZING PURSUANT TO SUBSECTION C, PARAGRAPH 2 OF
14 THIS SECTION.

15 3. A STATEMENT THAT ANY SOLICITATION TO ENGAGE IN HAZING IS
16 PROHIBITED.

17 4. A STATEMENT THAT AIDING AND ABETTING ANOTHER PERSON WHO IS ENGAGED
18 IN HAZING IS PROHIBITED.

19 5. A STATEMENT THAT IT IS NOT A DEFENSE TO A VIOLATION OF THE HAZING
20 PREVENTION POLICY IF THE HAZING VICTIM CONSENTED TO OR ACQUIESCED IN THE
21 HAZING ACTIVITY.

22 6. A STATEMENT THAT ALL STUDENTS, TEACHERS AND STAFF SHALL TAKE
23 REASONABLE MEASURES WITHIN THE SCOPE OF THEIR INDIVIDUAL AUTHORITY TO PREVENT
24 VIOLATIONS OF THE HAZING PREVENTION POLICY.

25 7. A DESCRIPTION OF THE PROCEDURES FOR STUDENTS, TEACHERS AND STAFF
26 TO REPORT VIOLATIONS OF THE HAZING PREVENTION POLICY AND THE PROCEDURES TO
27 FILE A COMPLAINT FOR A VIOLATION OF THE HAZING PREVENTION POLICY.

28 8. PROCEDURES TO INVESTIGATE REPORTS OF VIOLATIONS OF THE HAZING
29 PREVENTION POLICY AND TO INVESTIGATE COMPLAINTS FOR A VIOLATION OF THE HAZING
30 PREVENTION POLICY.

31 9. A DESCRIPTION OF THE CIRCUMSTANCES UNDER WHICH A VIOLATION OF THE
32 HAZING PREVENTION POLICY SHALL BE REPORTED TO THE APPROPRIATE LAW ENFORCEMENT
33 AGENCY.

34 10. A DESCRIPTION OF APPROPRIATE PENALTIES, SANCTIONS AND APPEALS
35 MECHANISMS FOR PERSONS AND ORGANIZATIONS THAT VIOLATE THE HAZING PREVENTION
36 POLICY. THE SANCTIONS SHALL INCLUDE THE REVOCATION OR SUSPENSION OF AN
37 ORGANIZATION'S PERMISSION TO CONDUCT OPERATIONS AT THE EDUCATIONAL
38 INSTITUTION IF THE ORGANIZATION KNOWINGLY PERMITTED, AUTHORIZED OR CONDONED
39 THE HAZING ACTIVITY. ANY TEACHER OR STAFF WHO KNOWINGLY PERMITTED,
40 AUTHORIZED OR CONDONED THE HAZING ACTIVITY IS SUBJECT TO DISCIPLINARY ACTION
41 BY THE EDUCATIONAL INSTITUTION.

42 B. VIOLATIONS OF HAZING PREVENTION POLICIES ADOPTED PURSUANT TO THIS
43 SECTION DO NOT INCLUDE EITHER OF THE FOLLOWING:

1 1. CUSTOMARY ATHLETIC EVENTS, CONTESTS OR COMPETITIONS THAT ARE
2 SPONSORED BY AN EDUCATIONAL INSTITUTION.

3 2. ANY ACTIVITY OR CONDUCT THAT FURTHERS THE GOALS OF A LEGITIMATE
4 EDUCATIONAL CURRICULUM, A LEGITIMATE EXTRACURRICULAR PROGRAM OR A LEGITIMATE
5 MILITARY TRAINING PROGRAM.

6 C. FOR PURPOSES OF THIS SECTION:

7 1. "EDUCATIONAL INSTITUTION" MEANS ANY OF THE FOLLOWING:

8 (a) A PUBLIC SCHOOL THAT PROVIDES INSTRUCTION TO PUPILS IN ANY
9 COMBINATION OF KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE.

10 (b) A PUBLIC COMMUNITY COLLEGE OR A VOCATIONAL EDUCATION PROGRAM THAT
11 PROVIDES ACADEMIC INSTRUCTION OR TRAINING NOT EXCEEDING TWO YEARS' DURATION
12 IN THE ARTS, SCIENCES AND HUMANITIES BEYOND THE TWELFTH GRADE OF THE PUBLIC
13 OR PRIVATE HIGH SCHOOL COURSE OF STUDY.

14 (c) ANY PUBLIC COLLEGE OR UNIVERSITY THAT PROVIDES ACADEMIC
15 INSTRUCTION BEYOND THE TWELFTH GRADE OF THE PUBLIC OR PRIVATE HIGH SCHOOL
16 COURSE OF STUDY AND THAT OFFERS ANY COMBINATION OF BACCALAUREATE, MASTER'S
17 OR DOCTORAL DEGREES TO STUDENTS THAT COMPLETE SPECIFIED ACADEMIC
18 REQUIREMENTS.

19 2. "HAZING" MEANS ANY INTENTIONAL, KNOWING OR RECKLESS ACT COMMITTED
20 BY A STUDENT, WHETHER INDIVIDUALLY OR IN CONCERT WITH OTHER PERSONS, AGAINST
21 ANOTHER STUDENT, AND IN WHICH BOTH OF THE FOLLOWING APPLY:

22 (a) THE ACT WAS COMMITTED IN CONNECTION WITH AN INITIATION INTO, AN
23 AFFILIATION WITH OR THE MAINTENANCE OF MEMBERSHIP IN ANY ORGANIZATION THAT
24 IS AFFILIATED WITH AN EDUCATIONAL INSTITUTION.

25 (b) THE ACT CONTRIBUTES TO A SUBSTANTIAL RISK OF POTENTIAL PHYSICAL
26 INJURY, MENTAL HARM OR DEGRADATION OR CAUSES PHYSICAL INJURY, MENTAL HARM OR
27 PERSONAL DEGRADATION.

28 3. "ORGANIZATION" MEANS AN ATHLETIC TEAM, ASSOCIATION, ORDER, SOCIETY,
29 CORPS, COOPERATIVE, CLUB OR OTHER SIMILAR GROUP THAT IS AFFILIATED WITH AN
30 EDUCATIONAL INSTITUTION AND WHOSE MEMBERSHIP CONSISTS PRIMARILY OF STUDENTS
31 ENROLLED AT THAT EDUCATIONAL INSTITUTION.

32 4. "STUDENT" MEANS ANY PERSON WHO IS ENROLLED AT AN EDUCATIONAL
33 INSTITUTION, ANY PERSON WHO HAS BEEN PROMOTED OR ACCEPTED FOR ENROLLMENT AT
34 AN EDUCATIONAL INSTITUTION OR ANY PERSON WHO INTENDS TO ENROLL AT OR BE
35 PROMOTED TO AN EDUCATIONAL INSTITUTION WITHIN THE NEXT TWELVE CALENDAR
36 MONTHS. THE HAZING PREVENTION POLICY OF THE EDUCATIONAL INSTITUTION WHERE
37 A PERSON HAS BEEN ACCEPTED FOR OR PROMOTED TO ENROLLMENT, OR WHERE A PERSON
38 INTENDS TO ENROLL OR BE PROMOTED TO WITHIN THE NEXT TWELVE CALENDAR MONTHS,
39 SHALL BE THE EFFECTIVE POLICY. A PERSON WHO MEETS THE DEFINITION OF A
40 STUDENT FOR PURPOSES OF THIS PARAGRAPH SHALL CONTINUE TO BE DEFINED AS A
41 STUDENT FOR PURPOSES OF THIS SECTION UNTIL THE PERSON GRADUATES, TRANSFERS,
42 IS PROMOTED OR WITHDRAWS FROM THE EDUCATIONAL INSTITUTION.

1 Sec. 2. Intent

2 It is the intent of the legislature and the policy of this state that
3 all educational institutions in this state provide students with safe,
4 orderly, civil and positive learning environments. The legislature believes
5 that no student in this state shall feel threatened while enrolled in a
6 school in this state. The legislature hereby declares that hazing activities
7 are not permissible and will not be tolerated in the schools of this state.

APPROVED BY THE GOVERNOR APRIL 23, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2001.

Passed the House March 21, 2001,

Passed the Senate April 11, 2001,

by the following vote: 36 Ayes,
20 Nays, 4 Not Voting

by the following vote: 27 Ayes,
3 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of _____,
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State

H.B. 2476

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 17, 2001,

by the following vote: 33 Ayes,

21 Nays, 6 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

17 day of April, 2001,

at 11:06 o'clock A M.

[Signature]
Secretary to the Governor

Approved this 23 day of

April, 2001,

at 6:47 o'clock P M.

[Signature]
Governor of Arizona

H.B. 2476

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

[Signature]
Secretary of State