

Federal Anti-Hazing Legislation and the REACH Act:

A Concept Paper

2021



At-A-Glance

- Hazing is a threat to campus safety and student well-being. Hazing contributes to abusive organization, team, and campus environments.
- Federal policy has played an important role in many campus violence prevention arenas, it should also be applied to hazing.
- The REACH Act is necessary to
 - Standardize the definition of hazing to support consistency in reporting and documenting hazing incidents.
 - Include hazing incident reporting within the existing infrastructure of the Annual Security Reports (ASRs) required by the Clery Act.
 - Ensure colleges and universities provide hazing prevention programming.
- REACH is strong because it is a clear, concise, evidence-informed bipartisan bill.
- Visit StopHazing.org/policy for updated information and links to the House and Senate bill text.

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Purpose of this Paper

The purpose of this concept paper is to provide information about hazing and why the proposed federal legislation, the **Report and Educate About Campus Hazing (REACH) Act**, is an important bipartisan initiative to promote college student safety.

Why Now?

Time is pressing. Student hazing deaths continue to be reported even amidst the pandemic. For many others, the abuse of hazing leaves physical scars and can diminish mental health and well-being. Hazing undermines the missions of colleges and universities by contributing to toxic group and campus environments where other forms of abuse are more likely to thrive.

About Hazing

Hazing is defined as any activity expected of someone joining or participating in a group that humiliates, degrades, abuses, or endangers them, regardless of a person's willingness to participate (Hoover, 1999).

The definition of hazing includes [three key components](#):

1. Group context
2. Humiliating, degrading, or endangering behavior
3. Regardless of consent - that is, hazing occurs regardless of a person's willingness to participate.

55%

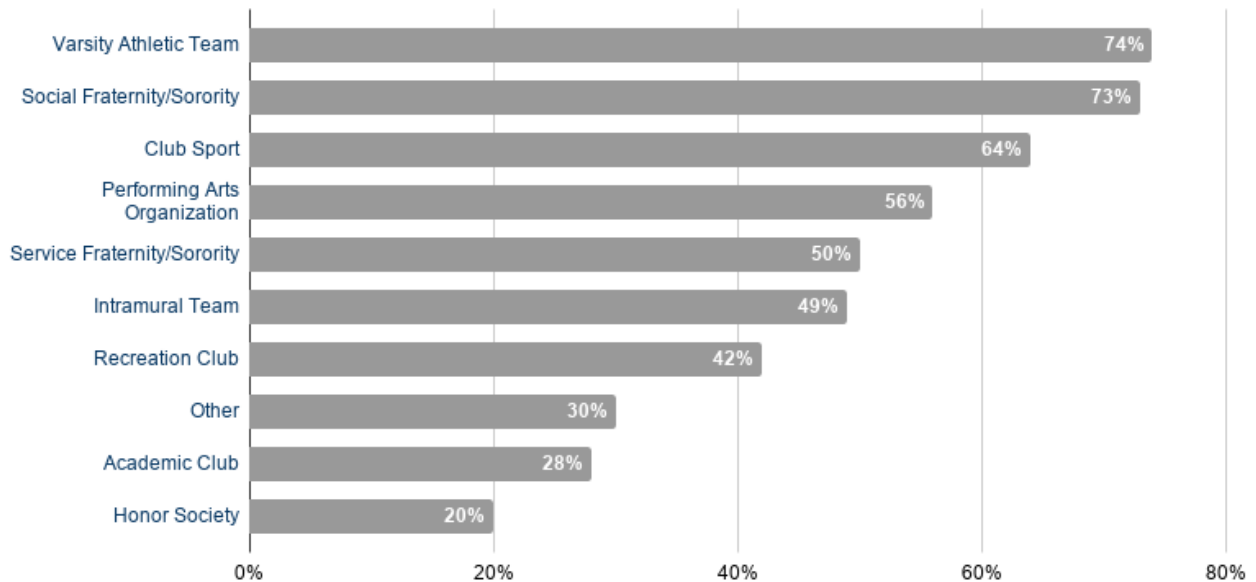
of college students
involved in clubs, teams,
and organizations
experience hazing.
(Allan & Madden, 2008)

While hazing occurs in the context of fraternity and sorority life (FSL), studies show it is more widespread including, athletics, marching bands and other performing arts groups, honor societies, club sport teams, student government organizations, and others (Allan & Madden, 2008; Allan et al., 2019, Campo et al., 2005). The groups in which hazing occurs are living-learning laboratories where students spend countless hours building relationships and developing leadership skills they will draw upon throughout their lives.

How Common is Hazing?

Types of Groups Experiencing Hazing

Allan & Madden, 2008



Nearly seven in ten (69%) college students said they were aware of hazing on their campus and nearly a quarter (24%) had directly witnessed it. These percentages suggest that hazing may be perceived as a typical part of campus culture (Allan & Madden, 2008). Further, 25 percent of students who experienced hazing said the coach or group advisor was aware of the activities and that same percentage indicated that alumni were present.

Hazing and Harm

Hazing is a threat to the health and safety of students due to its intimidating, harassing, and often violent nature (StopHazing, n.d.). At extremes, hazing is lethal. Nearly every year since 1959, hazing practices have resulted in lives lost (Nuwer, 2021).

The violent forms of hazing such as beating, paddling, branding, sexual assault, forced consumption of alcohol or other drugs, tend to be the most highly recognized forms of hazing, however, they are not the only forms of hazing. Humiliating and harassing hazing behaviors are often overlooked and unreported, yet they are frequently part of a pattern of behavior and an environment where student well-being is diminished and interpersonal violence is more likely to thrive (StopHazing, n.d.; Allan, 2015; Allan & Kerschner, 2020).

The Spectrum of Hazing provides a visual representation of hazing behaviors in various forms (intimidation, harassment, violence) depicting the inverse relationship between level of recognition and frequency of the harmful practices.



(Allan, 2015; Allan & Kerschner, 2020; adapted from Bringing in the Bystander®)

Attitudes and beliefs that support the spectrum of hazing behaviors are often embedded in group and campus culture. In this way, hazing can be understood as a systemic issue that can undermine college and university missions and place students in harm's way as they seek a sense of belonging.

Hazing Prevention

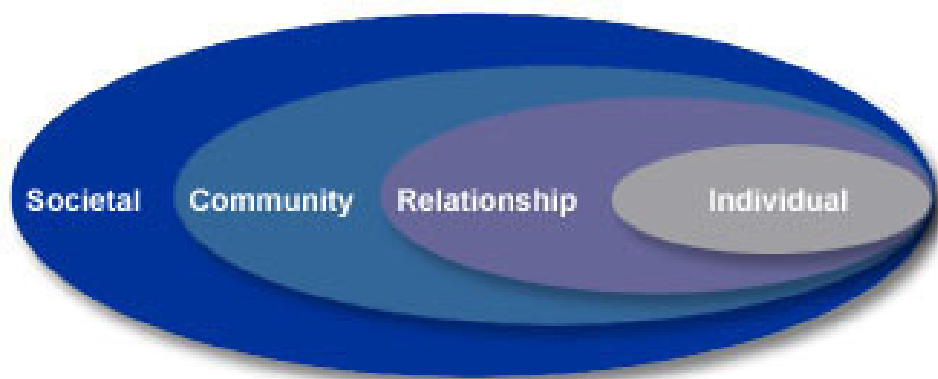
Awareness of common hazing behaviors and where they are likely to occur is important. However, awareness is not sufficient for the prevention. To move the needle on this seemingly intractable problem, a comprehensive, science-based approach is needed.

Enacting and upholding clear policies that prohibit hazing is a vital strategy for mitigating harm and even death. Importantly, anti-hazing policies not only prohibit harmful behavior, they can also shape healthy group behaviors that promote inclusive campus communities to support ethical student leadership, well-being, and belonging.

You can learn more about hazing, where it happens, how it happens, and how to confront it at StopHazing.org.

The Role of Policy in Comprehensive Hazing Prevention:

The Social Ecological Model (SEM), a four-level model, helps frame the myriad of factors contributing to, and protecting from, violence at multiple levels including: individual, relationship, community, and societal levels (Dahlberg & Krug, 2002).



(CDC, 2021)

According to the CDC and its utilization of the SEM in violence prevention efforts, broad societal factors that help create a climate in which violence is less likely to occur include health, economic, educational, and social policies that can shift the structures and environments where violence perpetuates (CDC, 2021; Dahlberg & Krug, 2002).

Federal anti-hazing legislation is connected to health and education priorities that include the provision of learning environments where student safety and well-being are prioritized. Federal legislation is a vital support for violence prevention because it helps shape expectations for safe and inclusive learning environments where abuse is not tolerated.

Past practice demonstrates that federal policies can improve higher education practices and create safer, more supportive campus communities. For example, The Americans with Disabilities Act of 1990 [ADA] prohibits discrimination against individuals with disabilities and Title IX of the Education Amendments of 1972 [Title IX], prohibits discrimination on the

basis of sex. These laws and resulting institutional policy requirements guide how an institution supports students who may be experiencing discrimination and help institutions build and sustain inclusive communities.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 [Clery Act] establishes reporting requirements for transparent information-sharing about crime within campus communities. Its policy requirements establish standards for the prevention of and response to campus crimes, so that all students and employees receive consistent information and support. Not only did it professionalize campus public safety by setting standards for emergency notification and response, but its most recent amendments addressing dating violence, domestic violence, sexual assault, and stalking, set policy requirements informed by research and best practices in prevention as well as provide rights, options, and resources for student and employee complainants and respondents.

Why Federal Anti-hazing Legislation?

While laws are not the panacea for interpersonal violence, they are a key component of primary prevention and integral to a comprehensive approach to prevention. In brief, anti-hazing legislation will help to:

- Shift societal norms and structures that contribute to campus environments where hazing is more likely to occur.
- Provide the public with more reliable information about hazing incidents and trends at an institution and nationwide.
- Support colleges and universities in taking an evidence-based approach to campus hazing prevention.
- Keep students safe.

Statutes are Uneven or Absent

History has a way of repeating itself. On average, a hazing-related death has occurred every year since the mid 1900s, nevertheless, state anti-hazing laws are uneven at best and sometimes non-existent. In fact, only 44 of the 50 states have a hazing-related statute. Of the 44 states with statutes, the definitions and penalties vary widely (StopHazing Research Lab, 2020).

In some states, California for example, hazing is considered a felony; whereas in other states, hazing may be a misdemeanor or not a criminal offense. These state laws, intended to keep students safe, often fall far short of that goal. The state in which a student chooses to attend college should not dictate the safety of students who may be at risk of experiencing hazing. A federal law would supplement extant statutes and support colleges and universities by providing a clear definition of hazing and a consistent and systematic approach to recording campus hazing incidents.

“The state in which a student chooses to attend college should not dictate the safety of students who may be at risk of experiencing hazing.”

Hazing is a form of interpersonal violence that isn't going away without strong and supportive preventative measures including federal policy to help communicate expectations for safe campus communities. Every year, student(s) are killed, harmed, abused, and endangered by hazing. Every year that passes without a federal anti-hazing law is a missed opportunity to prevent senseless harm.

Standardization at Federal Level

Federal anti-hazing legislation is a bi-partisan priority for student safety and well-being. Providing a clear definition of hazing and expectations for standardized and consistent tracking of incidents will strengthen transparency to benefit educators and consumers. Students and their families making financial sacrifices for a postsecondary education deserve to know the history of hazing incidents and trends. Access to this information will provide campus staff and the public with a more complete picture of campus safety. Tracking data in a standardized format can help reveal patterns of behavior over time and across institutions.

Support for Prevention

Additionally, a federal anti-hazing law will support colleges and universities in taking a proactive and comprehensive approach to hazing prevention. Currently, campus hazing prevention often takes the form of an annual event (such as an invited speaker, program, or workshop). While such events can be useful, they are not sufficient to effectively shift campus norms that support the maintenance of hazing.

Drawing from principles of prevention science, it is recommended that hazing prevention be comprehensive to include coordination across campus units, varied data-driven teaching, training, and messaging methods, sufficient dosage, and the inclusion of multiple stakeholder groups and cultural competence in the development, implementation, and regular evaluation of strategies (Allan et al., 2018; Langford, 2008; Nation et al., 2003).

About the Report and Educate About Campus Hazing Act (REACH)

The purpose of the REACH Act is to amend the Higher Education Act of 1965 to require institutions of higher education to disclose hazing incidents.

The bill:

- ➔ **Defines “hazing” - including the three key components of the definition**
- ➔ **Calls for the inclusion of hazing incidents as crime statistics in Annual Security Reports (ASR) under the Clery Act**
- ➔ **Mandates educational and comprehensive research-based programming on hazing**

Defining Hazing

By amending the Higher Education Act of 1965, and thus amending the Clery Act, with REACH, a universal definition of hazing will be in effect. Such a definition allows for standardization across postsecondary institutions which is vital for communicating consistent expectations for campus safety. It can also help educators and consumers to gain a more complete and accurate portrait of hazing incidents and trends at their college or university.

Inclusion in Annual Security Reports

The inclusion of hazing incidents as crime statistics in an institution’s Annual Security Report (ASR) makes hazing a Clery reportable crime and integrates reporting of hazing into an institution's extant infrastructure for tracking Clery crimes. The standardized definition of hazing and the statistics accounted for in ASRs can allow for trends to be identified and for hazing incident data to be tracked and analyzed across institutions.

Further, hazing incidents often intersect with other serious campus crimes such as sex offenses, aggravated assault, arson, or hate crimes that are also accounted for in ASRs as Clery reportable crimes. Prior to the Clery Amendments in 2013, there were incidents of dating and domestic violence within campus communities, however, readers of the ASR would not know when an aggravated assault or sexual assault reflected in the report was connected to issues of interpersonal violence within their communities. Including dating and domestic violence statistics in the report has allowed for students and campus staff: to see the prevalence of incidents at their institution; support a culture of reporting at the institution; and may encourage individuals to come forward if they recognize the institution is able to name and respond to the type(s) of violence they may be experiencing.

The inclusion of hazing in ASRs will require institutions to utilize the standardized definition of hazing while accounting for hazing incidents that occur at the institution as defined by the Clery Act, creating the opportunity for:

- a more clear understanding of hazing prevalence
- a culture of reporting
- a greater sense of accountability that the institution will name and respond to hazing incidents appropriately

The Clery Act provides an existing reporting structure that includes reporting to police or public safety and also to other officials with significant responsibility for student and campus activities. This ensures individuals can report to campus staff they trust, including those working closely with student organizations, and that the information will still be submitted for the ASR.

Learn more about the
Clery Act at
clerycenter.org

Educational Prevention Program

While many colleges and universities offer a program or training to educate students about hazing and its prevention, sadly, some do not make this a priority. As we've seen with federal requirements for sexual assault, federal mandates help practitioners garner the support they need from campus leaders to implement effective prevention programming.

A federal mandate will ensure that all institutions provide students and campus stakeholders with the opportunity to be educated about the risks of hazing, warning signs, institution policies, as well as the options they have for avoiding it and reporting it if it does occur. Effective programs help to equip students with skills to effectively intervene as bystanders and develop skills for ethical leadership. Additionally, as more data are collected via ASRs, programs can be tailored to align with institution-specific needs.

Why is the REACH Act a Strong Bill?

The language of the REACH Act is simple and straightforward. It calls for three clear items: a universal definition of hazing, hazing incidents identified as Clery Act crimes to be included in institutions' Annual Security Reports, and a research-informed hazing prevention educational program.

REACH will provide that hazing be added to the Clery Act which serves as the only mechanism for counting and classifying crimes on campus through compiling and publicly sharing Annual Security Reports (ASRs). Thus, REACH does not call for institutions to reinvent the wheel or require substantial funding or resource allocation. ASRs are already part of the college and university infrastructure through the Clery Act; mandating an additional report for hazing - a practice that can endanger, harm, and even kill students -

is not a significant ask for institutions. Including hazing incidents as a Clery Act crime, will be a giant leap forward in providing more accountability and transparency both at individual institutions, and nationally.

REACH includes a comprehensive hazing prevention programming component because while policy is important, it is not sufficient. Effective prevention of harmful behavior also includes education and skill-building strategies to help keep students safe. Educating students and institution stakeholders about harmful behaviors, warning signs, and how to intervene as a bystander, have proven effective in other arenas such as the prevention of sexual violence and alcohol and other drug misuse.

Summary

Overall, the REACH Act is a clear, concise, and evidence-informed bipartisan bill. It is legislation that will help strengthen campus safety and promote educational environments where students can participate in clubs, organizations, and teams without the mental, emotional, and physical abuse of hazing.

This federal policy is important for creating a shared and universal definition for hazing, providing transparency to consumers, helping educators track and intervene in harmful patterns, and educating students and campus stakeholders to be informed about hazing, know how to report it, and possess skills to help prevent it. The more time passes before legislation is enacted, the more likely it is that students will be emotionally and physically harmed and even killed by these senseless acts.

The problem of hazing is a persistent one. Current institutional policies and state laws are not enough to shift hazing culture. Passage of the REACH Act will help campus leaders send a strong and clear message that hazing is not tolerated and that student health, safety, and well-being are vital to achieving the goals of postsecondary education.

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