

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED AMENDED REGULATION**

DATE: September 3, 2019

REGULATION NUMBER AND TITLE: 6.021, Hazing Prohibited

SUMMARY:

Board of Governors Regulation 6.021 Hazing Prohibited is being amended to address Senate Bill 1080, which amends section 1006.63, Florida Statutes. The amendment expands the definition of hazing to include “the perpetuation or furtherance of a tradition or ritual of” any university student organization or group whether or not officially recognized by the university.

Additionally, section 6 has been added to require each university to provide an annual report to the Chancellor with the number of hazing incidents that resulted in a student or student organization being held responsible for a violation of the university’s anti-hazing policy. The report will be due to the Chancellor by October 1 of each year.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS’ OFFICIAL INITIATING THE PROPOSED REGULATION: Dr. Christy England, Vice Chancellor for Academic and Student Affairs

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines Street, Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu

6.021 Hazing Prohibited

- (1) Each university board of trustees shall establish an anti-hazing policy as part of the university's student code of conduct or as a separate regulation, that prohibits students or other persons associated with any university student organization or group from engaging in hazing.
- (2) Hazing means any action or situation, which occurs on or off university property, that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation, ~~or~~ admission into, ~~or~~ affiliation with, or the perpetuation or furtherance of a tradition or ritual of any university student organization or group whether or not officially recognized by the university. Hazing includes, but is not limited to, pressuring or coercing the student into violating state or federal law; any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance; or other forced physical activity that could adversely affect the physical health or safety of the student; or ~~and also includes~~ any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.
- (3) Each anti-hazing policy must state that the following circumstances do not constitute a defense to allegations of hazing:
 - (a) The consent of the victim had been obtained;
 - (b) The conduct or activity that resulted in the death or injury of a person was not part of any official organizational event or otherwise sanctioned or approved by the student organization or group; or
 - (c) The conduct or activity that resulted in the death or injury of a person was not done as a condition of membership into a student organization or group.
- (4) Each anti-hazing policy must provide a program for the enforcement of such regulations and must adopt appropriate penalties for violations of such regulations, to be administered by the person at the institution responsible for the sanctioning of such organizations or groups.
 - (a) Penalties may include the imposition of educational sanctions, fines, the withholding of diplomas or transcripts pending compliance with the

- policy or payment of fines, and the imposition of probation, suspension, dismissal, or expulsion, depending upon the severity of the violation.
- (b) In the case of an organization or group that authorizes, allows, permits or encourages hazing in blatant disregard of such regulations, penalties may also include rescission of permission for that organization or group to operate on university property or to otherwise operate under the sanction of the university.
 - (c) All penalties imposed by the university shall be in addition to any penalty imposed for a violation of section 1006.63, Florida Statutes, and any of the criminal laws of the state, or for a violation of any other regulation of the university to which the student or student organization or group may be found responsible.
- (5) All students must be provided with a copy of the anti-hazing policy and each university student organization or group must include the policy as part of the organization's or group's bylaws. Each university shall make training opportunities available for students and student organizations and groups that are designed to reinforce the policy and increase awareness of the dangers of hazing.
- (6) Each university shall provide an annual report to the Chancellor of the number of hazing incidents that resulted in a student or student organization or group being held responsible for a violation of the university's anti-hazing policy. The report shall be compliant with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and the federal regulations issued pursuant thereto, and shall be submitted to the Chancellor by October 1 of each year.

Authority: Section 7(d), Art. IX, Fla. Const.; Section 1006.63, Florida Statutes; History–New, 03-28-19, Amended _____.