

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

DATE: February 5, 2019

REGULATION NUMBER AND TITLE: 6.021 Hazing Prohibited

SUMMARY:

Currently, hazing activities are prohibited by law as set forth in section 1006.63, Florida Statutes, but the Board of Governors does not have a corresponding system-wide regulation that prohibits students and other persons associated with university student organizations from engaging in hazing. New proposed Regulation 6.021 titled "Hazing Prohibited" has been reviewed by members of the Council of Student Affairs and university general counsels or their designated representatives. A summary of the new proposed regulation is as follows:

Subsection (1) requires each university board of trustees to establish an anti-hazing policy as part of the university's student code of conduct or as a separate regulation.

Subsection (2) defines "hazing" consistent with the definition in section 1006.63, Florida Statutes.

Subsection (3) sets forth the circumstances that do not constitute a defense to allegations of hazing.

Subsection (4) requires each university policy to provide a program for the enforcement of university anti-hazing regulations and the adoption of appropriate penalties that may range from the imposition of fines to expulsion, depending upon the severity of the violation, for both individuals and organizations.

Subsection (5) requires the university to provide a copy of the anti-hazing policy to students and for each organization to include the policy as part of the student organization's bylaws. It also requires each university to make training opportunities available to students and student organizations that are designed to reinforce the policy and increase awareness of the dangers of hazing.

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 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 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; 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
 - (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.

- (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.
 - (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 that authorizes, allows, permits or encourages hazing in blatant disregard of such regulations, penalties may also include rescission of permission for that organization 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 may be found responsible.
- (5) All students must be provided with a copy of the anti-hazing policy and each university student organization must include the policy as part of the organization's bylaws. Each university shall make training opportunities available for students and student organizations that are designed to reinforce the policy and increase awareness of the dangers of hazing.

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