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AB-2193 Hazing: educational institutions: prohibition and civil liability: reports and resources. (2023-2024)

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Date Published: 09/30/2024 02:00 PM

Assembly Bill No. 2193

CHAPTER 704

An act to add Section 32051 to, and to add Chapter 5.1 (commencing with Section 66305) to Part 40 of Division 5 of Title 3 of, the Education Code, relating to hazing.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2193, Holden. Hazing: educational institutions: prohibition and civil liability: reports and resources.

Existing law makes it unlawful to engage in hazing, which is defined as a method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, that is likely to cause serious bodily injury to a former, current, or prospective student of a school, community college, college, university, or other educational institution in the state. Existing law establishes civil liability for hazing participants or the organization if it is involved in the hazing.

This bill would expressly prohibit a person from being subjected to hazing in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid. The bill would define an educational institution as a public or private institution of higher education in the state. The bill would, beginning January 1, 2026, additionally authorize a former, current, or prospective student, against whom hazing is directed and who has suffered injury as a result, to commence a civil action against an educational institution if (1) the institution has direct involvement in the hazing practice of the organization, or knew or should have known of the hazing practice and failed to take reasonable steps to prevent the hazing practice, (2) the organization involved in the hazing is affiliated with the educational institution at the time of the alleged hazing incident, and (3) the alleged hazing incident occurred on or after January 1, 2026. For purposes of determining whether an educational institution "knew or should have known of the hazing practice and failed to take reasonable steps to prevent the hazing practice of the organization," the bill would establish a rebuttable presumption that an educational institution took reasonable steps to address hazing if the educational institution has specified antihazing measures. The bill would require the Trustees of the California State University, the Regents of the University of California, and certain independent institutions of higher education, on or before June 30, 2026, and annually thereafter, to report to the appropriate policy committees of the Legislature the number of hazing incidents that constituted a violation of the institution's policy prohibiting hazing and whether the violation was affiliated with a student organization, as specified.

This bill would also require the State Department of Education to make available on the department's internet website, on or before July 1, 2025, a model antihazing policy for local educational agencies and resources on hazing prevention for professional development purposes and to increase awareness among pupils, school staff, and community members of the dangers of hazing.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 32051 is added to the Education Code, to read:

32051. (a) For purposes of this section, the following definitions apply:

(1) "Hazing" means a method of initiation or preinitiation into a student organization or student body that is likely to cause serious bodily injury to a former, current, or prospective pupil of a school. "Hazing" does not include customary athletic events or school-sanctioned events.

(2) "School" means a public or private school in the state maintaining kindergarten or any of grades 1 to 12, inclusive.

(b) On or before July 1, 2025, the department shall make available on the department's internet website both of the following:

(1) A model antihazing policy for local educational agencies.

(2) Resources on hazing prevention for professional development purposes and for increasing awareness among pupils, school staff, and community members of the dangers of hazing.

(c) Schools are encouraged to use the resources made available by the department pursuant to paragraph (2) of subdivision (b) for professional development purposes and for increasing awareness among pupils, school staff, and community members of the dangers of hazing.

SEC. 2. Chapter 5.1 (commencing with Section 66305) is added to Part 40 of Division 5 of Title 3 of the Education Code, to read:

CHAPTER 5.1. Stop Campus Hazing Act

66305. This chapter shall be known, and may be cited, as the Stop Campus Hazing Act.

66306. Unless the context otherwise requires, for purposes of this chapter, the following definitions shall apply:

(a) "Affiliated" means currently recognized or sanctioned by the educational institution through its official student organization application process. For purposes of this chapter, an organization that had previously been recognized or sanctioned by the educational institution but has subsequently had that recognition or sanction withdrawn or revoked by the educational institution shall not be considered affiliated.

(b) "Educational institution" means a public or private institution of higher education in the state. The term includes the officers, employees, or governing bodies of the institution, when acting in their official capacity.

(c) "Hazing" means any method of initiation or preinitiation into an affiliated student organization or student body, which the initiator knows or should have known is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term "hazing" does not include customary athletic events or school-sanctioned events.

66307. No person shall be subjected to hazing in any program or activity conducted by any educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

66308. (a) Beginning January 1, 2026, a former, current, or prospective student, against whom hazing is directed and who has suffered injury as a result, may commence a civil action for damages. In addition to bringing an action against any participants in the hazing or the organization pursuant to subdivision (e) of Section 245.6 of the Penal Code, an action may be brought against any educational institution for the hazing practice of the organization involving one or more students if all of the following apply:

(1) The educational institution had direct involvement in the hazing practice of the organization, or knew or should have known of the hazing practice and failed to take reasonable steps to prevent the hazing practice of the organization.

(2) At the time of the alleged hazing incident, the organization involved in the hazing is affiliated with the educational institution.

(3) The alleged hazing incident occurred on or after January 1, 2026.

(b) For purposes of paragraph (1) of subdivision (a), there shall be a rebuttable presumption that an educational institution took reasonable steps to prevent the hazing practice of the organization if the educational institution has all of the following:

(1) (A) Rules and regulations governing student behavior that include a prohibition on hazing, anonymous reporting of hazing incidents, and disciplinary actions for the violation of the hazing prohibition.

(B) Procedures by which all students are informed of the rules and regulations, with applicable penalties, and any revisions to the rules and regulations.

(2) (A) Rules and regulations governing employee behavior that include a prohibition on hazing and disciplinary actions for the violation of the hazing prohibition.

(B) Procedures by which all employees are informed of the rules and regulations, with applicable penalties, and any revisions to the rules and regulations.

(3) (A) A comprehensive prevention and outreach program addressing hazing. The comprehensive prevention program shall include components on identifying hazing, hazing prevention, and bystander intervention strategies. An outreach program shall be provided to inform students of the educational institution's policy on the prohibition of hazing, and, at a minimum, include a process for contacting and informing the student body, athletic programs, and affiliated student organizations about the educational institution's overall prohibition on hazing policy. For purposes of this paragraph, "comprehensive prevention and outreach program" includes, but is not limited to, providing information to students about all of the following:

(i) Hazing awareness, prevention, and the educational institution's policy on the prohibition of hazing.

(ii) Campus policies and resources relating to hazing, including how to report hazing to the appropriate campus personnel, which includes anonymous reporting.

(iii) A focus on prevention and bystander intervention training as it relates to hazing.

(B) The comprehensive prevention and outreach program to address hazing shall be part of every incoming student's orientation and shall be offered annually to the following campus affiliated organizations:

(i) Athletic teams.

(ii) Affiliated sororities and fraternities.

(c) Notwithstanding the provisions of this section, nothing in this section affects existing rights, obligations, and remedies under Section 245.6 of the Penal Code.

(d) The duties and obligations imposed by this chapter are cumulative with any other duties or obligations imposed under other law and shall not be construed to relieve any party from any duties or obligations imposed under other law, and do not limit any rights or remedies under existing law.

66309. (a) On or before June 30, 2026, and on or before June 30 of each year thereafter, the Trustees of the California State University, the Regents of the University of California, and each independent institution of higher education that is a "qualifying institution," as defined in subdivision (l) of Section 69432.7, shall report to the appropriate policy committees of the Legislature the number of hazing incidents that constituted a violation of the institution of higher education's policy prohibiting hazing and whether the violation was affiliated with a student organization. The report shall be disaggregated by campus.

(b) Notwithstanding any other requirement of this section, a report required pursuant to this section shall comply with all applicable state and federal privacy laws, including, but not limited to, the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g).

(c) As used in this section, the following definitions apply:

(1) "Hazing" means any method of initiation or preinitiation into an affiliated student organization or student body, which the initiator knows or should have known is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. "Hazing" does not include customary athletic events or school-sanctioned events.

(2) "Student organization" means either of the following:

(A) A conference-based competitive program at the institution of higher education.

(B) A sorority or fraternity that has officially met the formal chartering and recognition requirements at the institution of higher education where it operates and remains in good standing at the time of the alleged hazing incident.