

SENATE BILL No. 1008

January 29, 2002, Introduced by Senators HART, NORTH, CHERRY, SMITH, YOUNG, DINGELL, SCOTT, MURPHY and LELAND and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1315.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1315. (1) THE BOARD OF A SCHOOL DISTRICT, LOCAL ACT
2 SCHOOL DISTRICT, OR INTERMEDIATE SCHOOL DISTRICT, THE BOARD OF
3 DIRECTORS OF A PUBLIC SCHOOL ACADEMY, OR THE GOVERNING BOARD OF A
4 NONPUBLIC SCHOOL SHALL DO ALL OF THE FOLLOWING CONCERNING

5 HAZING:

6 (A) DEVELOP, ADOPT, AND IMPLEMENT A POLICY PROHIBITING
7 HAZING.

8 (B) PROVIDE EACH STUDENT WITH A COPY OR SUMMARY OF THE
9 POLICY UNDER THIS SECTION DURING THE FIRST 3 WEEKS OF EACH SCHOOL
10 YEAR. THIS REQUIREMENT MAY BE MET BY INCLUDING THE POLICY OR

1 SUMMARY IN A STUDENT HANDBOOK THAT IS DISTRIBUTED TO STUDENTS AT
2 LEAST ANNUALLY.

3 (2) THIS SECTION DOES NOT PERMIT OR AUTHORIZE A PUBLIC
4 SCHOOL FRATERNITY, SORORITY, OR SECRET SOCIETY PROHIBITED UNDER
5 SECTION 1316.

6 (3) AS USED IN THIS SECTION:

7 (A) "HAZING" MEANS ANY INTENTIONAL, KNOWING, OR RECKLESS ACT
8 BY A PERSON ACTING ALONE OR ACTING WITH OTHERS THAT IS DIRECTED
9 AGAINST A STUDENT AND ENDANGERS THE MENTAL OR PHYSICAL HEALTH OR
10 SAFETY OF A STUDENT, AND THAT IS DONE FOR THE PURPOSE OF PLEDG-
11 ING, BEING INITIATED INTO, AFFILIATING WITH, HOLDING OFFICE IN,
12 OR MAINTAINING MEMBERSHIP IN ANY ORGANIZATION. SUBJECT TO SUB-
13 SECTION (4), HAZING INCLUDES ANY OF THE FOLLOWING THAT IS DONE
14 FOR SUCH A PURPOSE:

15 (i) ANY TYPE OF PHYSICAL BRUTALITY, SUCH AS WHIPPING, BEAT-
16 ING, STRIKING, BRANDING, ELECTRONIC SHOCKING, PLACING OF A HARM-
17 FUL SUBSTANCE ON THE BODY, OR SIMILAR ACTIVITY.

18 (ii) ANY TYPE OF PHYSICAL ACTIVITY, SUCH AS SLEEP DEPRIVA-
19 TION, EXPOSURE TO THE ELEMENTS, CONFINEMENT IN A SMALL SPACE, OR
20 CALISTHENICS, THAT SUBJECTS THE STUDENT TO AN UNREASONABLE RISK
21 OF HARM OR THAT ADVERSELY AFFECTS THE MENTAL OR PHYSICAL HEALTH
22 OR SAFETY OF THE STUDENT.

23 (iii) ANY ACTIVITY INVOLVING CONSUMPTION OF A FOOD, LIQUID,
24 ALCOHOLIC BEVERAGE, LIQUOR, DRUG, OR OTHER SUBSTANCE THAT
25 SUBJECTS THE STUDENT TO AN UNREASONABLE RISK OF HARM OR THAT
26 ADVERSELY AFFECTS THE MENTAL OR PHYSICAL HEALTH OR SAFETY OF THE
27 STUDENT.

1 (iv) ANY ACTIVITY THAT INTIMIDATES OR THREATENS A STUDENT
2 WITH OSTRACISM, THAT SUBJECTS THE STUDENT TO EXTREME MENTAL
3 STRESS, SHAME, OR HUMILIATION, THAT ADVERSELY AFFECTS THE STUDENT
4 FROM ENROLLING IN OR REMAINING ENROLLED IN A SCHOOL OR PROGRAM,
5 OR THAT MAY REASONABLY BE EXPECTED TO CAUSE A STUDENT TO LEAVE
6 THE ORGANIZATION OR THE SCHOOL OR PROGRAM RATHER THAN TO SUBMIT
7 TO THE ACT.

8 (v) ANY ACTIVITY THAT INDUCES, CAUSES, OR REQUIRES THE STU-
9 DENT TO PERFORM A DUTY OR TASK THAT INVOLVES THE COMMISSION OF A
10 CRIME OR AN ACT OF HAZING.

11 (B) "ORGANIZATION" MEANS A FRATERNITY, SORORITY, ASSOCIA-
12 TION, CORPORATION, ORDER, SOCIETY, CORPS, COOPERATIVE, CLUB,
13 SERVICE GROUP, SOCIAL GROUP, ATHLETIC TEAM, OR SIMILAR GROUP
14 WHOSE MEMBERS ARE PRIMARILY STUDENTS AT A SCHOOL OR PROGRAM OPER-
15 ATED BY A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, INTERMEDI-
16 ATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC SCHOOL.

17 (C) "PLEDGE" MEANS A PERSON WHO HAS BEEN ACCEPTED BY, IS
18 CONSIDERING AN OFFER OF MEMBERSHIP FROM, OR IS IN THE PROCESS OF
19 QUALIFYING FOR MEMBERSHIP IN ANY ORGANIZATION.

20 (D) "PLEDGING" MEANS ANY ACTION OR ACTIVITY RELATED TO
21 BECOMING A MEMBER OF AN ORGANIZATION.

22 (E) "STUDENT" MEANS A PERSON WHO MEETS 1 OR MORE OF THE
23 FOLLOWING:

24 (i) IS REGISTERED OR ENROLLED IN OR ATTENDING THE SCHOOL OR
25 PROGRAM.

26 (ii) HAS BEEN ACCEPTED FOR ADMISSION AT THE SCHOOL OR
27 PROGRAM.

1 (iii) INTENDS TO ATTEND THE SCHOOL OR PROGRAM DURING A
2 REGULAR SESSION AFTER A PERIOD OF SCHEDULED VACATION.

3 (4) FOR THE PURPOSES OF THIS SECTION, HAZING DOES NOT
4 INCLUDE ANY ACTIVITY THAT IS NORMAL AND CUSTOMARY IN AN ATHLETIC,
5 PHYSICAL EDUCATION, MILITARY TRAINING, OR SIMILAR PROGRAM SANC-
6 TIONED BY THE SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, INTER-
7 MEDIATE SCHOOL DISTRICT, PUBLIC SCHOOL ACADEMY, OR NONPUBLIC
8 SCHOOL.