

WSSSC

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LEGAL UPDATE

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What we will cover

- ◇ Anti-hazing legislation - 2SHB 1751 (effective June 9, 2022)
- ◇ Compensation for certain part-time voluntary advisory group members - 2SSB 5793 (effective June 9, 2022)
- ◇ Executive Order 22-04 – Implementing the Washington Pro-Equity Anti-Racism (PEAR) Plan & Playbook
- ◇ Title IX Update
- ◇ Other issues

Anti-Hazing Legislation

- ◇ 2SHB 1751 – Sam’s Law

- ◇ Defines “hazing” to include:

... any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public . . . institution of higher education . . . in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or other similar contests or competitions.

Hazing Prohibition / Anti-hazing Programming -

- ◆ Requires IHEs to prohibit hazing both on and off campus
- ◆ Beginning fall 2022, IHEs must provide students with educational program on the dangers or and prohibition against hazing
 - ◆ Training can be electronic or in-person
 - ◆ Must be part of new student orientation
 - ◆ Training must be posted on IHE website
- ◆ IHE's anti-hazing policy statement must be distributed to student organizations, athletic teams, and living groups

Hazing Prevention Training – Employees

- ◆ Beginning Fall 2022, all “employees” including student employees must receive hazing prevention education on signs and dangers of hazing as well as IHE’s prohibition against hazing
 - ◆ “Employee” means a person who is receiving wages from an IHE and has direct ongoing contact with students in a supervisory role or position of authority.
 - ◆ medical staff and confidential employees are excluded from definition
 - ◆ Does not apply to person employed by affiliated organization, entity or extension of IHE, unless employee has supervisory role or position of authority with students.
- ◆ If employee, student employee, or volunteer has “reasonable cause” to believe hazing has occurred, they are required to report the incident to a designated authority at the IHE
 - ◆ “Reasonable cause” means receiving a credible written or oral report alleging hazing or potential or planned hazing
 - ◆ Persons reporting hazing in good faith are sheltered from discipline

Hazing Prevention Committee

- ◆ Each IHE must convene a hazing prevention committee to promote and address hazing prevention.
- ◆ Anti-Hazing Committee must be comprised of a minimum of six members
 - ◆ Chair appointed by the President
 - ◆ Fifty percent of positions must be held by currently enrolled students
 - ◆ At least one position held by student from athletic team, student organization, or living group
 - ◆ Other fifty percent of positions must be held by:
 - ◆ at least one faculty or staff member; and
 - ◆ one parent or legal guardian of currently enrolled student
- ◆ Members of student group found responsible for hazing within past year are ineligible to serve

Hazing Report

- ◆ Beginning academic year 2022-23, IHEs must maintain records of and publicly report the following violations committed by student groups:
 - ◆ Student conduct code
 - ◆ Anti-hazing policies
 - ◆ State or federal laws
 - ◆ Relating to hazing; or
 - ◆ Offenses related to alcohol, drugs, sexual assault, or physical assault

Hazing Report Contents

- ◇ Report contents
 - ◇ Date investigation began and ended.
 - ◇ Date organization charged with and found responsible for violation
 - ◇ Description of incident, including date, findings, and sanctions placed on student organization, athletic team, or living group; and
 - ◇ Dates and description of sanctions imposed
- ◇ Retained for five years; posted on IHE website at least 45 calendar days before fall quarter and at least 10 days before the start of other academic quarters.
- ◇ Report must comply with FERPA
 - ◇ What if student organization found responsible for hazing is small and its membership is known on campus?

Hazing Prevention Checklist

- ◆ Develop hazing prevention policies and trainings for employees and students
 - ◆ Provide hazing prevention training to employees with direct supervisory control over students
 - ◆ Employees with direct supervisory authority over students are mandatory reporters
 - ◆ Provide hazing prevention training at new student orientation
 - ◆ Distribute hazing prevention policy and training materials to student groups
 - ◆ Ensure policies and training materials are posted on IHE website
 - ◆ Update definition of “hazing” in Student Conduct Code
 - ◆ Ensure student conduct code and procedures provide for discipline actions against student groups
- ◆ Establish hazing prevention advisory committee
- ◆ Track hazing violations and operationalize hazing violation reporting process

Advisory Group Compensation – 2SSB 5793

- 2SSB 5793 (effective June 9, 2022) – Compensation for certain part-time voluntary advisory group members
- State law prohibits use of appropriated state funds to pay compensation for part-time voluntary advisory board members
- To increase diversity, legislature authorizes agencies to use state funds to pay compensation and daycare subsidies to low income individuals and persons with lived experience
- Authorization only applies to members of part-time advisory boards, committees or other groups created by state executive, legislative, or judicial branches
- Does not apply to student board of trustee members, although they do qualify to receive travel / per diem reimbursement.

Executive Order – Implementing PAIR

- ◆ Applies only to executive branch agencies, boards and commissions
- ◆ Implementation of Pro-equity Anti-racism (PEAR) plan
- ◆ Nothing prohibiting CTCs from voluntarily complying

Title IX Update

- ◇ USDOE will be issuing new draft Title IX rules this month
- ◇ Probably 12 to 18 months before new rules will issue.
- ◇ Some experience with newly adopted Title IX investigation and hearing rules – mostly involving employees, rather than students
- ◇ If they haven't already, CTCs should update procedures/regulations with latest revisions to model rules

OTHER ISSUES / QUESTIONS?