

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 10

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Harold Pope and Pamilya Herndon

AN ACT

RELATING TO HAZING; ENACTING THE ANTI-HAZING ACT; REQUIRING A CODE OF CONDUCT AND A HAZING PREVENTION COMMITTEE AT PUBLIC OR PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTIONS; REQUIRING ANNUAL REPORTS; REQUIRING HAZING PREVENTION EDUCATION; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Anti-Hazing Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Anti-Hazing Act:

A. "employee" means a person who is receiving wages from a public or private post-secondary educational institution and is in a position with direct ongoing contact with students in a supervisory role or position of authority. "Employee"

underscoring material = new
~~[bracketed material]~~ = delete

underscoring material = new
~~[bracketed material]~~ = delete

1 does not include a person employed as medical staff or with an
2 affiliated organization, entity or extension of a post-
3 secondary educational institution unless the employee has a
4 supervisory role or position of authority over students; and

5 B. "reasonable cause" means a person who witnesses
6 hazing or receives a credible written or oral report alleging
7 hazing or potential or planned hazing activity.

8 SECTION 3. [NEW MATERIAL] HAZING PROHIBITED--FAILURE TO
9 REPORT HAZING--PENALTIES.--

10 A. Hazing consists of any act committed as part of
11 a person's recruitment, initiation, pledging, admission into or
12 affiliation with a student organization, athletic team or
13 living group or any pastime or amusement engaged in with
14 respect to such an organization, athletic team or living group
15 that causes, or is likely to cause, bodily danger or physical
16 harm or serious psychological or emotional harm to a student or
17 other person attending a public or private school or a
18 public or private post-secondary educational institution,
19 including causing, directing, coercing or forcing a person to
20 consume any food, liquid, alcohol, drug or other substance that
21 subjects the person to risk of such harm, regardless of the
22 person's willingness to participate. Hazing does not include
23 customary athletic events or other similar contests or
24 competitions, practice, training, conditioning and eligibility
25 requirements for customary athletic events, including

.229562.3

1 intramural or club sports and national collegiate athletic
2 association athletics or other similar contests or
3 competitions. However, gratuitous hazing activities occurring
4 as part of such customary athletic event or contest are
5 prohibited.

6 B. No student or other person in attendance at a
7 public or private school or a public or private post-secondary
8 educational institution may intentionally haze another.

9 C. Whoever commits hazing is guilty of a
10 misdemeanor.

11 D. Any student organization, association or student
12 living group that permits hazing is strictly liable for damages
13 caused to a person or property resulting from hazing. If the
14 student organization, association or student living group is a
15 corporation, whether for-profit or nonprofit, the individual
16 directors of the corporation may be held individually liable
17 for damages.

18 E. A person who participates in the hazing of
19 another shall forfeit any entitlement to state-funded grants,
20 scholarships or awards for a period of time determined by the
21 public or private school or the public or private post-
22 secondary educational institution.

23 F. Any organization, association or student living
24 group that knowingly permits hazing to be conducted by its
25 members or by others subject to its direction or control shall

underscoring material = new
~~[bracketed material] = delete~~

1 forfeit any official recognition or approval granted by a
2 public or private school or a public or private post-secondary
3 educational institution.

4 G. Failure to report hazing consists of an
5 administrator, a faculty member, a coach, an employee, an
6 independent contractor performing or overseeing school
7 functions or a volunteer of a student organization of a public
8 or private school or a public or private post-secondary
9 educational institution who knows or reasonably should know of
10 hazing conduct or activity described in the Anti-Hazing Act and
11 fails to report the incident to a law enforcement agency.

12 H. Whoever commits failure to report hazing is
13 guilty of a misdemeanor.

14 I. The state department of justice and the district
15 attorney in the county of jurisdiction have concurrent
16 jurisdiction to enforce the provisions of the Anti-Hazing Act.

17 SECTION 4. [NEW MATERIAL] REQUIREMENT FOR CODE OF CONDUCT
18 AT A PUBLIC OR PRIVATE POST-SECONDARY EDUCATIONAL INSTITUTION--
19 HAZING PREVENTION COMMITTEE.--

20 A. A public or private post-secondary educational
21 institution shall prohibit in its code of conduct hazing off-
22 and on-campus.

23 B. Beginning with the 2025 fall academic term, a
24 public or private post-secondary educational institution shall
25 provide students with an educational program on hazing and the

.229562.3

1 dangers of and prohibition on hazing that shall include
2 information regarding hazing awareness, prevention,
3 intervention and the institution's policy on hazing. The
4 educational program may be offered in person or electronically.
5 The institution shall incorporate the educational program as
6 part of new student orientation sessions. The educational
7 program shall be posted on the institution's public website for
8 parents, legal guardians and volunteers to view.

9 C. Institutional materials on student rights and
10 responsibilities given to student organizations, athletic teams
11 or living groups, either electronically or in hard copy form,
12 shall include a statement on the institution's anti-hazing
13 policy and on the dangers of hazing.

14 D. A public or private post-secondary educational
15 institution shall establish a hazing prevention committee to
16 promote and address hazing prevention. The committee shall
17 have a minimum of six members, including a designated chair
18 appointed by the president of the institution. Fifty percent
19 of the committee members shall include students currently
20 attending the public or private post-secondary educational
21 institution, and at least one position shall be filled by a
22 student from a student organization, athletic team or living
23 group. The other fifty percent of the committee members shall
24 include at least one faculty or staff member and one parent or
25 legal guardian of a student currently enrolled at the

.229562.3

underscoring material = new
~~[bracketed material] = delete~~

1 institution. Student input shall be considered for committee
2 membership. A student who is a member of a student
3 organization, athletic team or living group that was affiliated
4 with a finding of a hazing violation within the last twelve
5 months may not participate in or be a member of the hazing
6 prevention committee.

7 SECTION 5. [NEW MATERIAL] REQUIREMENT FOR ANNUAL
8 REPORT.--

9 A. Beginning with the 2025-2026 academic year, a
10 public or private post-secondary educational institution shall
11 maintain and annually publicly report actual findings of
12 violations by any student organization, athletic team or living
13 group of the public or private post-secondary educational
14 institution's code of conduct, anti-hazing policies or state or
15 federal laws relating to hazing or offenses related to alcohol,
16 drugs, sexual assault or physical assault.

17 B. The annual report shall include the following:

- 18 (1) the name of the student organization,
19 athletic team or living group;
- 20 (2) the date the investigation was initiated;
- 21 (3) the date on which the investigation ended
22 with a finding that a violation occurred;
- 23 (4) a description of the incident or
24 incidents, including the date of the initial violation and the
25 violations, findings and sanctions placed on the student

underscoring material = new
~~[bracketed material] = delete~~

1 organization, athletic team or living group;

2 (5) the details of the sanction or sanctions
3 imposed, including the beginning and end dates of the sanction
4 or sanctions; and

5 (6) the date the student organization,
6 athletic team or living group was charged with a violation.

7 C. Investigations that do not result in a finding
8 of formal violations of the student code of conduct or state or
9 federal law shall not be included in the report. The report
10 shall not include any personal or identifying information of
11 individual student members, is not subject to inspection
12 pursuant to the Inspection of Public Records Act and shall be
13 subject to the requirements of the federal Family Educational
14 Rights and Privacy Act of 1974, 20 U.S.C. Sec. 1232g.

15 D. A public or private post-secondary educational
16 institution shall make reports maintained pursuant to this
17 section available on the institution's website in a prominent
18 location that is clearly labeled and easily accessible.

19 E. A public or private post-secondary educational
20 institution shall maintain reports as they are updated for five
21 years and shall post them on the institution's website at least
22 forty-five calendar days before the start of each fall academic
23 term and at least ten days before the start of all other
24 academic terms."

25 SECTION 6. [NEW MATERIAL] REQUIREMENT TO PROVIDE HAZING

.229562.3

underscoring material = new
~~[bracketed material] = delete~~

1 PREVENTION EDUCATION.--

2 A. Beginning in the 2025 fall academic term, a
3 public or private post-secondary educational institution shall
4 provide hazing prevention education on the signs and dangers of
5 hazing as well as the institution's prohibition on hazing to
6 employees, including student employees, either in person or
7 electronically. The prevention education shall be provided to
8 employees at the beginning of each academic year and for new
9 employees at the beginning of each academic term.

10 B. If, as a result of observations or information
11 received in the course of employment or volunteer service, any
12 employee, including a student employee or volunteer at a public
13 or private post-secondary educational institution, has
14 reasonable cause to believe that hazing has occurred, the
15 employee or volunteer shall report the incident, or cause a
16 report to be made, to a designated authority at the
17 institution. The employee or volunteer shall make the report
18 at the first opportunity to do so.

19 C. A person who witnesses hazing or has reasonable
20 cause to believe hazing has occurred or will occur and makes a
21 report in good faith may not be sanctioned or punished for the
22 violation of hazing unless the person is directly engaged in
23 the planning, directing or act of hazing reported.

24 D. Nothing in this section shall preclude a person
25 from independently reporting hazing or suspected hazing

.229562.3

underscoring material = new
[bracketed material] = delete

1 activity to law enforcement.

2 SECTION 7. [NEW MATERIAL] REQUIREMENTS FOR SOCIAL
3 FRATERNITY AND SORORITY ORGANIZATIONS.--

4 A. Social fraternity and sorority organizations
5 shall notify a public or private post-secondary educational
6 institution before chartering, rechartering, opening or
7 reopening a local chapter or operating at the public or private
8 post-secondary educational institution.

9 B. Social fraternity and sorority organizations
10 shall notify a public or private post-secondary educational
11 institution when the organization instigates an investigation
12 of a local chapter at the public or private post-secondary
13 educational institution for hazing or other activity that
14 includes an element of hazing, such as furnishing alcohol to
15 minors. The organization shall provide the results of such an
16 investigation and a copy of the full findings report to the
17 public or private post-secondary educational institution's
18 student conduct office.

19 C. Beginning in the 2025 fall academic term, a
20 local social fraternity or sorority chapter seeking to obtain
21 or maintain registration with a public or private post-
22 secondary educational institution in the state shall certify in
23 writing and provide web links to the institution showing that
24 the landing pages of all websites owned or maintained by the
25 local chapter contain a full list for the previous five years

.229562.3

underscoring material = new
~~[bracketed material] = delete~~

1 of all findings of violations of anti-hazing policies, state or
2 federal laws relating to hazing, alcohol, drugs, sexual assault
3 or physical assault or the institution's code of conduct
4 against the local chapter.

5 D. Failure of a social fraternity or sorority
6 organization to comply with this section shall result in
7 automatic loss of recognition until such time that the
8 organization comes into compliance with this section.