

New Jersey's Anti-Hazing Statute

The new law expands the definition of hazing and increases criminal penalties for hazing. It subjects both individuals and student organizations, including fraternities and sororities, to such penalties, but removes a property forfeiture provision from the prior statute. Additionally, the law requires educational institutions to either develop or update their anti-hazing policies, and requires them to post all hazing violations on their websites for a period of five years.

What You Need to Know

- **Definition of Hazing:** A person commits hazing if, in connection with initiation into a student or fraternal organization, the person knowingly or recklessly:
 - 1) Causes, coerces, or otherwise induces another person to violate the law;
 - 2) Causes, coerces, or otherwise induces another person to consume any food, liquid, alcohol, drug, or other substance that subjects him or her to a risk of emotional or physical harm;
 - 3) Subjects a person to abuse, mistreatment, harassment, or degradation of a physical nature, including whipping, beating, branding, calisthenics, exposure to the elements, acts of a sexual nature, or any other activity that creates a reasonable likelihood of bodily injury; and
 - 4) Subjects a person to abuse, mistreatment, harassment, or degradation of a mental or emotional nature, including activity that adversely affects the mental, emotional, or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment.
- **Penalty to Individuals:** Hazing will be upgraded to a third-degree crime (punishable up to 3-5 years in prison) if it results in death or serious bodily injury, and from a disorderly offense to a fourth-degree crime (punishable up to 18 months in jail) if it results in bodily injury.
- **Penalty to Organizations:** A fraternity or sorority that knowingly or recklessly promotes or facilitates a person to commit hazing is subject to a fine between \$1,000 to \$5,000 for an initial violation and \$5,000 to \$15,000 for each subsequent violation.
- **Safe Harbor:** Individuals and organizations are immune from prosecution if they: (1) call 9-1-1 for assistance; (2) provide their name and the names of the involved persons; (3) are the first to report the emergency; and (4) remain at the scene until assistance arrives and cooperate with emergency responders (all four elements must be present).

- Consent or Approval is Not a Defense: The fact that a hazing victim consented to the activity, or that a fraternity or sorority sanctioned or approved the activity, does not protect individuals from criminal prosecution.
- School Policies: Educational institutions must adopt or update anti-hazing policies covering on and off campus activity and impose penalties that include, but are not limited to, fines, withholding diplomas and transcripts, revoking recognition, and expulsion. In addition, educational institutions must report all hazing violations on their public websites for five years, including the incident date, description, and resolution.

Action Items for National Organizations and Local Chapters:

1. Advise members of the expanded definition of hazing. For instance, the definition of hazing is broad and includes actions such as forced or coerced consumption of any foods or liquids (not just alcohol).
2. Advise members of the increased criminal penalties attached to the anti-hazing statute.
3. Advise members that they must report hazing to law enforcement as soon as possible under the circumstances and fully cooperate with emergency responders. By extension, remind members of the safe harbor rules for reporting an emergency.
4. Remind members that consent to hazing is not a defense.
5. Ensure that risk management policies reflect the updated definition of "hazing."
6. The new law goes into effect on March 1, 2022.