

CLIENT ALERT

# Stop Campus Hazing Act Becomes First Federal Anti-Hazing Law

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## AUTHORS

Timothy Heaphy | Soumya Dayananda | Lindsay Hemminger

On December 24, 2024, President Biden signed the bipartisan Stop Campus Hazing Act (“SCHA” or the “Act”),<sup>1</sup> which was approved by the House Education and Workforce Committee in September and subsequently passed by the Senate.<sup>2</sup> The text of the bill includes specific language about the types of behaviors that constitute hazing and imposes prevention and reporting requirements on schools which receive federal funds. The new law extends provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) to hazing incidents, which will require new policies and compliance efforts for colleges and universities.

## I. The Stop Campus Hazing Act

The SCHA creates a national standard to address the ways in which schools handle incidents of hazing. It specifically amends the Higher Education Act of 1965 to require all colleges and universities that participate in federal student aid programs to collect and publicly disclose information on hazing-related incidents and implement programming to help prevent hazing. The Act requires schools to include information about hazing incidents in the annual security reports required by the Clery Act, enacted in 1990 to improve campus safety and transparency.<sup>3</sup> It also requires institutions to

<sup>1</sup> Stop Campus Hazing Act, H.R. 5646, 118th Congress (2023). Full text of the Act can be found [here](#).

<sup>2</sup> For previous Willkie client alerts discussing the SCHA and past attempts at enacting federal anti-hazing legislation, see *Federal Anti-Hazing Legislation Gains Momentum in Congress*, Willkie Farr & Gallagher LLP (Sept. 17, 2024), available [here](#).

<sup>3</sup> The SCHA amends the title of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to the Jeanne Clery Campus Safety Act.

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develop, publish and continuously update a separate report with hazing-specific information. The SCHA will take effect on June 24, 2025.

### a. What Constitutes “Hazing?”

The SCHA defines “hazing” as “any intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against another person or persons regardless of that person’s willingness to participate that: (I) was committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, an organization . . . and (II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization . . . of physical or psychological injury.”

The Act includes an inexhaustive list of conduct that causes or creates such a risk, including:

- “whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; and
- any activity against another person that includes a criminal violation of local, State, tribal, or Federal law . . . or induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal or Federal law.”

Colleges and universities should take note that the SCHA has a broader reach than many of the 44 existing state anti-hazing laws. The Act includes in its definition of hazing an act “committed in connection with . . . an affiliation with an organization.” Most states prohibit activities related to initiation and maintaining membership in a student organization. The SCHA covers activities undertaken as part of an affiliation with a student organization regardless of whether the person’s participation is conditioned upon admission into or maintaining membership in the organization. Further, the SCHA’s inclusion of specific examples as to what constitutes a student organization and hazing activity sets it apart from many state

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anti-hazing laws. Institutions should become familiar with the requirements of the Act to ensure that they are in compliance with both federal and state anti-hazing laws.

### b. Reporting and Prevention Requirements

The Act expands the already-existing Clery Act's reporting requirements to include information about hazing incidents that were reported to campus security or local authorities and occurred on campus or in or on non-campus buildings or property, as defined by the Clery Act. As of January 1, 2025, the Act requires higher education institutions to begin collecting statistics on hazing incidents reported to have occurred on campus. Beginning July 1, 2025, institutions must collect information prospectively on hazing incidents in which a student organization was found in violation of the institution's hazing policies. Institutions must also prepare a Campus Hazing Transparency Report (the "Report") that summarizes findings concerning any student organization found to be in violation of the institution's hazing policy. The Report must include the following information:

- the name of the organization associated with the violation;
- a description of the violation including whether abuse or illegal use of alcohol or drugs was involved;
- any sanctions placed on the student organization; and
- the date on which: (1) the incident was alleged to have occurred, (2) the formal finding was issued, (3) the institution provided notice to the student organization that the incident resulted in a hazing violation, (4) the investigation started, and (5) the investigation ended.

The law includes privacy protections for involved students, whose names will be withheld from the public Reports compelled by the SCHA. Like the Clery Act reports, the new hazing Report must be published in a "prominent location" on the institution's website within 12 months of the enactment of the SCHA and updated twice per year. When published, schools must issue a statement notifying the public of the annual availability of statistics on hazing, information about the institution's hazing policies, and information included in each update of the Report, which shall be maintained for five calendar years from the date of the update's publication.

In addition to the reporting requirements, the SCHA includes prevention and education measures. By June 30, 2025, colleges and universities must publish their current hazing-related policies and provide information as to how to report incidents of hazing, the process used to investigate such hazing incidents, and applicable laws. Schools must also issue a statement with a description of its research-informed prevention programs designed to reach students, staff, and faculty, which incorporate prevention strategies intended to stop hazing before it occurs such as skill-building for bystander intervention, information about ethical leadership, and the promotion of strategies for building group cohesion without hazing.

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### II. Impact of the SCHA

Congress's bipartisan passage of the Act highlights the common consensus that colleges and universities should ensure that they are doing all they can to prevent hazing. Institutions should evaluate their anti-hazing policy, enforcement mechanisms, and hazing prevention programming to ensure compliance with the SCHA. While most colleges and universities provide some level of hazing prevention, these programs must be widely available and designed to reach the individuals and organizations most directly affected by potential acts of hazing. Schools should also ensure that they have the capacity to gather and publicly report data on hazing-related incidents, as they do now for broader issues of public safety pursuant to the Clery Act. Institutions should immediately begin to develop implementation and compliance measures to prepare for the initial July 1, 2025 reporting deadline.

Willkie is here to assist institutions of higher education to ensure compliance with the SCHA and other hazing-related laws. Our seasoned higher education team provides policy review, evaluates existing anti-hazing programs, and helps implement systems to ensure compliance with the SCHA and other anti-hazing regulations. Willkie can assist university personnel by ensuring that current reporting protocols adequately capture the data required to be included in the Clery Act and SCHA reports. We can also help colleges and universities comply with best practices in promoting a student environment that prevents hazing. Finally, our team routinely conducts investigations of reported hazing incidents and evaluates campus culture on this crucial and difficult issue.

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If you have any questions regarding this client alert, please contact the following attorneys or the Willkie attorney with whom you regularly work.

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**Timothy Heaphy**

202 303 1068

theaphy@willkie.com

**Soumya Dayananda**

202 303 1312

sdayananda@willkie.com

**Lindsay Hemminger**

202 303 1035

lhemminger@willkie.com

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