



128 Dorrance Street, Suite 400  
Providence, RI 02903  
Phone: (401) 831-7171  
Fax: (401) 831-7175  
[www.riaclu.org](http://www.riaclu.org)  
[info@riaclu.org](mailto:info@riaclu.org)

## **ACLU OF RI POSITION: OPPOSE**

### **TESTIMONY ON 24-S 2678, AM ACT RELATING TO CRIMINAL OFFENSES – HAZING April 2, 2024**

Though hazing is certainly an activity that deserves to be curbed, we are opposed to a key provision of this legislation which expands the scope of responsibility for “hazing” to include student organizations and significantly increases the penalties for this conduct. This provision, we believe, has the capacity to subject potentially innocent students to its broad and harsh provisions, and we are additionally concerned that this legislation applies the same carceral consequences to young students as it does to adults in higher positions of authority.

This legislation would provide that any “person...in charge” of a number of institutions, to now include student organizations, who permits hazing activities or “negligently fails to take reasonable measures within the scope of their authority to prevent hazing” may face a potential year-long prison sentence. We understand the intent behind this legislation, but we find this language to be excessive and broad, as it could encompass a number of entirely inappropriate scenarios.

For example, imagine the president of a fraternity or sorority who has planned a number of welcome activities for incoming members, but is called away and does not supervise all of them. If members of the fraternity haze newly inducted students while the president is away, could he be held accountable for negligently failing to ensure that hazing did not occur? If a different individual in a position of authority in a student organization engages in hazing, is the other student who is technically “in charge” liable for the actions of their peer? Instances like these are not only objectively unfair, but they could place individuals who truly have no involvement in hazing at risk of the harsh penalties of this legislation, especially since the bill provides that consent of the one who is hazed is never a defense.

The way that the bill applies this punishment of imprisonment equally to student leaders and adults – like coaches or superintendents – only exacerbates our concerns. Holding student leaders, who may be teenagers, to the same standards and punitive consequences as professionals who have spent possibly decades in their careers is disproportionately damaging and unfair given the inevitable imbalance in life experience and authority that these different individuals have.

For these reasons, we urge rejection of this bill.