

SENATE NO. 712

AN ACT RELATIVE TO INCREASING THE PENALTIES FOR HAZING OR HARRASSING A DISABLED STUDENT FOR THE SOLE PURPOSE OF GAINING DESIGNATED ACCESSIBLE HOUSING FOR STUDENT(S) OWN USE AND PURPOSES

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

1 SECTION 1. Be it enacted that the current anti-hazing laws of Massachusetts be amended to
2 include hazing and or harassment against disabled students living in designated on campus
3 handicapped housing at a college or university that receives funding, including student financial
4 aid from the Commonwealth of Massachusetts.

5 Be it further enacted that any student who engages in the acts of hazing or harassing of a
6 disabled student(s) for the sole purpose of gaining the sole use of designated handicapped
7 accessible housing to solely benefit their own uses shall be punishable by a fined no less than
8 ten-thousand dollars (\$10,000.00) or imprisonment in a state prison for no less than a period of
9 two-five (2-5) years or both.

10 Be it further enacted that the following terms be defined:

11 (1). Hazing: degrading, humiliating, forcing of one to drink, eat, swallow or use any substance
12 that might cause drunkenness, lack of alertness, passing out, or any other thing that can cause
13 physical or emotional harm to a disabled victim for the sole purpose of gaining accessible
14 handicapped on campus housing for the hazor's or abusers' own use. Caging, hemming in and
15 or causing an obstruction that could amount into the physical injury of another student so living
16 in the on campus housing, and or threatening violence against another student.

17 (2). Harassment: Harassments that are sexual in nature, the repeated bothering of another person
18 for the sole purpose of acquiring designated handicapped accessible housing for the harassers'
19 own use, continually following another person around, taunting or intimidating another student.

20 (3). Designated on campus handicapped accessible housing: Housing that the college or
21 university designates that is amongst other things wheelchair accessible, free of structural and
22 architectural barriers for the purpose of allowing a disabled person to reside in such housing or
23 dorm unit, housing that is equipped with specific equipment such as strobe lights for the
24 doorbell to allow for a def or hearing impaired person to be alerted that the doorbell is ringing,
25 strobe light fire alarms for deaf or hard of hearing persons to be alerted to fire, high markings or
26 Braille or large print knobs on thermostats, stoves, or other places for a blind person to access,
27 and or sufficient space for someone with a disability to move around freely in a wheelchair and
28 or sufficient spacing to allow for adaptive technology that a disabled person may use to do and
29 complete their studies and or other academic requirements while at attendance in a college or
30 university.

31 (4) Squalor or Damaging: Acts of intentional breakage to the on campus or personal property,
32 placing an obstruction such as broken glass or other objects in front of fire exits, on floors, to
33 windows, piping, and electrical work, and or causing such on campus housing to be in an
34 unhealthy condition as a result of negligent and irresponsible behavior, drinking or the
35 consumption of illegal drugs.

36 Be it further enacted that any student whether disabled or not and who causes damage or squalor
37 to designated on campus handicapped accessible housing or other housing shall be punished by
38 a fine of not less than five thousand (\$1,000.00) or by imprisonment in a state prison for

39 mandatory one (1) year sentence and no sentence may exceed a period of two (2) years or both.
40 Be it further enacted that any student who recklessly causes damage or squalor to any college or
41 university property or housing, whether handicapped accessible or not shall forfeit state
42 financial assistance for a period of one (1) academic year which is defined as being between
43 September 1 until June first of each year.

44 Be it enacted that any incidents of hazing, harassing, causing of damage to or squalor of on
45 campus housing shall be noted in the student's academic or educational record by the college or
46 university that the student attends. Be it further enacted that upon graduation from a college or
47 university, a student who has a record of causing damage, squalor or unfavorable conditions to
48 on campus housing whether handicapped accessible or not shall be made liable to reimburse the
49 college the costs of repairs or cleaning of such damage or squalor that they so caused during
50 their years in college. Be it further enacted that such reimbursement period shall begin six (6)
51 months after graduation or at the same time that a student must start repaying their student
52 loans. Be it further enacted that a student's failure to reimburse a college or university for the
53 costs of repairs, or the cleaning or damages to on campus housing shall result in a negative
54 credit reporting to the three consumer credit reporting bureaus. Be it further enacted that the
55 same penalties shall hold true for college students living off campus in off campus housing,
56 when students engage in acts that causes damage or squalor to apartments, dorms or other forms
57 of housing.

58 Be it further enacted that upon a complaint of hazing, harassment, or other violent behavior
59 towards a disabled student, it shall be the responsibility of the director of campus housing to
60 report such incidents of hazing or harassing of a disabled student to the Massachusetts

61 Commission against Discrimination and the Massachusetts Office of Disabilities. Be it further
62 enacted that such reports shall be made within twenty-four (24) hours of the alleged incident of
63 student hazing or harassing. Be it further enacted that such report shall be made by phone call
64 within the first twenty-four (24) hours of such alleged hazing or harassing and shall be followed
65 up by a written report within Seventy-two (72) hours from the alleged complaint of said
66 allegation of hazing or harassing.

67 Be it further enacted that any director of campus housing and or the college or university's staff
68 who fail to make a report to the Massachusetts Office of Disabilities and the Massachusetts
69 Commission Against Discrimination and the Massachusetts Office of Disabilities within the
70 proscribed period of time, shall result in an automatic suspension of duties to the designated
71 housing director for a period of one (1) academic year, beginning September 1-June 1. Be it
72 further enacted that any college or university receiving state funding including but not limited to
73 student financial aid from the Commonwealth of Massachusetts, who fails to report said
74 allegations of hazing or harassing against a disabled student, to the said Massachusetts
75 Commission Against Discrimination and the Massachusetts Office on Disabilities, in the
76 proscribed time limits shall loose fifteen percent (15%) of its state funding for a period of one
77 fiscal year beginning July 1'st and ending on the following June 30'th. Be it further enacted that
78 repeated failure by the director of housing to report said incidents of hazing or harassing shall
79 after the third repeated offense of failure to make said required reportation to the proscribed
80 offices in the proscribed time limits shall be subject to permanent removal as the director of
81 housing of any college or university so receiving state funding, including but not limited to
82 Student financial aid from the Commonwealth of Massachusetts. Be it further enacted that
83 should any college or university who receives funding from the Commonwealth of

84 Massachusetts, including but not limited to state funded student financial aid repeatedly fail to
85 report said incidents of hazing or harassment against a disabled person shall loose an additional
86 fifteen percent (15%) of their state funding for one each additional fiscal year that they fail to
87 make the required reports to the proscribed offices within the proscribed time limitations, with
88 the third offense of failure to report resulting in a loss of forty-five percent (45%) of state
89 funding including but not limited to state supported student financial aid for a period of one
90 fiscal year, beginning July 1'st and ending the following June 30'th.