



Stop Campus Hazing Act Amends the Clery Act for the First Time in a Decade: In-Depth Analysis and Practical Steps

By [Jess Ettell Irvine](#), [Andrea Stagg](#), and [Joseph Storch](#)

December 27, 2024

Note: This article was updated with additional information and timelines upon the legislation being signed into law.

On December 24, 2024, President Biden signed the [Stop Campus Hazing Act](#) (SCHA) into law. The legislation, which amends the Clery Act for the first time in over a decade, will require actions by most colleges and universities beginning in January 2025.

Colleges and universities need to navigate prevention, response and reporting obligations. This document will provide an in-depth analysis of what this means for your campus, what to do to prepare now, and an anticipated timeline of action.

This document does not constitute legal advice, and readers are advised to consult with campus or outside counsel as facts and state law may impact compliance.

The Stop Campus Hazing Act Overview

The SCHA amends the Clery Act for the first time in more than 10 years by expanding the incidents subject to Clery counting and disclosure. Specifically, the SCHA:

- Adds hazing incidents to the list of Clery-reportable incidents;
- Defines “hazing” and “student organization” for the purposes of statistical disclosure of hazing;
- Requires new policy statements, including on how to report hazing, the process to investigate hazing, and applicable state, local, and tribal hazing laws, and on prevention and awareness programs related to hazing; and
- Requires a new Campus Hazing Transparency Report that summarizes the findings of responsibility for hazing violations by recognized student organizations.

The law includes details on how to count hazing incidents, given the group nature of hazing. A single hazing incident could be when “the same person or persons commit more than one hazing act” if “the time and place intervals separating each such act are insignificant.” For example, if the leadership of a particular team engaged in conduct that constitutes hazing (within Clery geography) toward multiple new team members over a few hours, and the conduct was reported to the institution, the institution would count that as one single hazing incident.

Note that to be counted, hazing as defined need not be a “crime,” and thus it is not among the listed criminal incidents in Part I of the Annual Security Report (ASR). Based on the way the statute is written, hazing will likely constitute a Part V of the ASR (Part I, Primary Crimes;



Part II, Drug, Alcohol, and Weapons; Part III, Hate Crimes; Part IV, VAWA Crimes; Part V, Hazing).

The statute includes the count for the ASR within the list of incidents that are counted only if they occur within Clery Act geography, namely On Campus, On Campus Residential, Non-Campus, Public Property Adjacent to and Accessible From On Campus (see below for a somewhat open question on the geographic application to the Transparency Report).

Prevention and Awareness Programs

Under the SCHA, the required prevention and awareness programs must be research-informed, campus-wide, and designed to reach students, faculty, and staff. They must include current institutional policies related to hazing, how to report hazing, the process for investigating it, and information on applicable laws. Programs must also include primary preventions strategies intended to stop hazing before it occurs, such as:

- Research-based or evidence-informed education and training;
- Development of strategies to break barriers related to reporting hazing;
- Addressing the bystander effect and updating campus education programs to include hazing;
- Creating a campus-wide effort for employees and students to identify warning signs of hazing, understanding how to report, and taking action.

This represents a bit of a change in approach from earlier drafts of the legislation. Programming need not be “proven,” it can be research-based or evidence-based, allowing for institutions to create programs best tailored to their communities, and allow institutions to serve as laboratories of experimentation.

Campus Hazing Transparency Reports

One element of the legislation that may not lead to a requirement for a long time, if ever, for many institutions is the Campus Hazing Transparency Report (CHTR). Only schools that find a recognized or established student organization responsible for a hazing violation must publish a CHTR.

The Campus Hazing Transparency Report (CHTR) is a newly required document that will be published on a different schedule than the Annual Security Report and will include specific information on hazing. An institution will be required to develop (and publish) a CHTR *if* it has a finding of a hazing violation and will need to update it at least twice a year—*if* it has something to update—specifically, a new finding of a hazing violation by an established or recognized student organization. One can think of this as a slow-moving Crime Log, specific to hazing findings of responsibility that need only be updated, at most, twice annually. The standard Clery Crime Log must be updated within two business days of a report. Note that if a hazing violation is also a crime, it must appear on the standard Crime Log alongside other



Clery Act and non-Clery Act crimes that occur within Clery Act geography and a patrol zone, if applicable. The CHTR must be published on a public institutional website.

The CHTR must include:

- A statement notifying the public of the annual availability of hazing statistics in the ASR, as well as a link to the ASR;
- Information on the institution’s policies relating to hazing;
- Applicable local, state and tribal laws on hazing; and
- Information about student organizations that are found responsible for a hazing violation, including:
 - The name of the student organization;
 - A general description of the violation, including whether it involved the abuse or illegal use of alcohol or drugs, the findings of the institution, and any sanctions issued;
 - Date of the hazing incident(s);
 - Date the investigation was initiated;
 - Date the investigation ended with a finding that hazing occurred; and
 - Date that notice of the outcome was issued to the student organization.

The report may include additional information required by other applicable reporting laws or as determined by the institution to be necessary. For example, if the institution is subject to a state reporting and disclosure law, the CHTR may include information outside of (and in addition to) the SCHAs requirements to satisfy these multiple or overlapping obligations. Like the ASR, the CHTR must not include any personally identifiable information, consistent with FERPA.

Records related to the CHTR must be maintained for at least five calendar years. The statute notes that institutions have the option to include in the CHTR a description of the purposes of and differences between the CHTR and the ASR. This does not change the somewhat longer standard retention period for other Clery Act records, including records for hazing violations that are included in the ASR.

Defining Student Organizations

The legislation defines a student organization as “an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.”

The [section of the bill about the CHTR](#) notes that the report must summarize findings concerning any student organization and then has a parenthetical section that says: “this shall only apply to student organizations that are established or recognized by the institution.” A plain reading of the parenthetical means that the CHTR would only include



hazing violations by recognized or established student organizations, but the ASR would include hazing incidents by the broader definition of student organizations.

Left unresolved by the plain language of the legislation is if the CHTR would also include incidents that occurred outside of Clery geography—whereas the ASR would be limited to those reported incidents occurring within the scope of Clery reporting—or whether both are bound by the geographic boundaries of the Clery Act. There is nothing in the text that would specifically and clearly remove CHTR reporting from the geographic standards that have long cabined Clery reporting, though we surmise that this may have been the intent of the drafters, and this may be what the legislation means by the sentence, “(F) For purposes of this paragraph, the definition of ‘campus’ under paragraph (6)(A)(ii) shall not apply,” though that is far from clear. It is possible that the Department will issue guidance or clarify this in regulation; we note that a considerable number of these incidents occur in private homes and places far afield from Clery geography. In the VAWA Amendments to the Clery Act, the Department made clear in regulations that while the reporting requirements for the VAWA crimes maintained the standard Clery Act geography rules, the response requirements (sometimes called the “VAWA brochure”) applied whether the crime occurred on or off campus.

The Clery Act previously used the word “recognized” in regard to student organizations, which the Department, in the (withdrawn) 2016 Handbook took to mean “recognized” or “registered.” Our sense is that the use of “established” is in reference to official institutional organizations created and maintained by the institution, such as intercollegiate athletic teams and student government, while “recognized” would cover clubs, intramural sports, fraternities and sororities, and the like. The Department may provide additional clarification in regulations or guidance.

Defining Hazing

To determine whether conduct is hazing under the statute, let’s break the definition into its required elements. Hazing is:

- (1) An intentional, knowing, or reckless act
- (2) committed by a person, whether individually or in concert with other persons,
- (3) against a student, regardless of that student's willingness to participate, that—
- (4) was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in, an organization (such as a club, society, association, athletic team, fraternity, sorority, or student government); and
- (5) causes or is likely to contribute to a substantial risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical training necessary for participation in an athletic team), of physical injury or psychological injury including—
 - a. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;



- b. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- c. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- d. causing, coercing, or otherwise inducing another person to perform sexual acts;
- e. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- f. any activity against another person that includes a criminal violation of local, state, tribal, or federal law; and
- g. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.

Obligations Will Begin in January 2025

The legislation includes language that starts the clock on certain obligations “[n]ot later than January 1 of the first year after the date of enactment of this Act.” Primary here is the requirement that institutions that are already governed by the Clery Act “shall begin to collect statistics on hazing incidents.”

With President Biden signing the legislation on December 24, 2024, a plain language interpretation would start the requirement to collect hazing statistics January 1, 2025.

Following shortly behind is the requirement to develop or update policies. Institutions should begin their work developing the policy statements relating to hazing in short order, including how to report and the process used to investigate and adjudicate hazing, as that section will “take effect on the date that is 6 months after the date of enactment of this Act; and apply with respect to the annual security report required under section 485(f)(1) of the Higher Education Act of 1965 ([20 U.S.C. 1092\(f\)\(1\)](#)) for the calendar year that is 2 years after such date of enactment, including any data collected on or after such effective date, and any subsequent report required under such section.” This requirement will take effect June 24, 2025, and must be included in the October 1, 2027, ASR, as that is two years after the effective date (note that it is possible that the Department will interpret this in such a manner to require publication in the October 1, 2028, ASR, but the Department will have plenty of time to opine on this in regulations or guidance).

Note that institutions need not wait that long to include the relevant policy statements.

Reporting and Classifying as Hazing: The Devil is in the Definitional Details

Unlike the requirements for reporting hazing by certain recognized student organizations that trigger the CHTR, the standard Clery Act definition of hazing that will be generally reported in the ASR does *not* limit itself to clubs and organizations that are officially recognized. In fact, the language of the bill specifically states that it includes a club or organization “in which



two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.”

This may require rethinking about how your campus classifies organizations for this new Clery Act reporting obligation, and a movement away from the recognized and registered minimum standard we use for one of the non-campus definitions.

While most of the information for the CHTR will come from Student Conduct, or in certain cases equity or Title IX offices, the hazing statistical information for the ASR may come from several sources, including any Campus Security Authority (CSA) as well as local law enforcement. This will require tailored and thoughtful training for Campus Security Authorities and ongoing communication and partnership between the different departments responding to incident reports and student conduct.

Overlaps

Institutions will want to work with counsel regarding the overlaps with Title IX, Title VI, traditional Clery and VAWA reporting and response, Clery Act hate crime reporting, and state laws on hazing. An incident may be covered under several reporting and response regimes and may be subject to different geographic definitions or limitations. For instance, if hazing involves sexual assault or if an organization harmed students in hazing at a different rate based on race or national origin, Title IX, VAWA, and Title VI, respectfully, may have overlapping obligations. State laws on hazing vary significantly and institutions will have to determine how this new federal obligation fits in with their state requirements.

What's Next

We anticipate that the Department of Education will develop regulations to implement the requirements of the new law. That process, which under the Higher Education Act requires negotiated rulemaking, may take a year or more. The challenge is that institutions must begin aspects of compliance before the Department will complete or even commence its rulemaking process, with data collection beginning just over a week after the President signed the legislation. The Department may issue a Dear Colleague Letter or other guidance, though we note the past antipathy of the incoming Trump administration to sub-regulatory guidance.

Plan Your Next Steps

1. Begin conversations with campus stakeholders, especially Orientation, Fraternity and Sorority Life, Athletics, Club Sports, Student Activities, on your campus so they are preparing for training and education of their students and staff.
2. Request an employee list from Human Resources to revise and identify any staff that may be a Campus Security Authority. Update their training and reporting requirements.



3. Assign roles and ownership for compliance efforts. We support a committee approach; however, one person should maintain final decision-making authority and keep everyone on track with deadlines.
4. Consider who may need to be added to your Clery Act Compliance Committee and offer training to any staff that may be new to Clery.
5. Review data collection procedures. Campus Security Authorities should be reporting crime as they become aware of it. Consider implementing monthly emails soliciting reports from CSA's to make sure nothing is missed.
6. Raise awareness about the SCHA with student groups and engage student leaders in task forces or workgroups that might influence campus education and prevention strategies.
7. Review policy implementation timelines to understand how and when policy updates must be submitted for approval from leadership. Make the appropriate amendments to the Code of Conduct.
8. Attend training and ask questions! Any question is a good one when a change like this occurs.
9. Upon a future finding of responsibility for an organization, prepare to issue (and keep up to date) the Transparency Report.
10. Provide a briefing to your President's cabinet and other leadership roles on-campus, to encourage a campus culture that embraces the importance of the SCHA and recognizes that it is something all community members should be aware of and working toward raising awareness about.

Grand River Solutions Resources

Redlined Excerpt of 20 U.S.C. 1092(f) as amended by the Stop Campus Hazing Act

[Click to download the redline of the Stop Campus Hazing Act.](#)

Will ASR Complete Cover Hazing?

For clients who work with Grand River Solutions on ASR Complete, we will have updated our systems to include the hazing obligations far in advance of the reporting requirements. We continue to offer Consulting services that include drafting, reviewing, or updating Codes of Conduct, Title IX, Title VI, and state law policies, including updates to meet federal and state hazing reporting and response requirements.

What Training will Grand River Solutions have available?

We are prepared to support our campus colleagues and make sure you are prepared. Members from our team will be offering different open sessions to discuss the SCHA and "Ask Me Anything" opportunities for you to join us for live question and answer sessions with our experts.

Interested in ASR Complete or want to do personalized training? Reach out to [Blaze Bowers](#) to discuss. Check out our [Clery Act Services](#) page to learn more about our work.