

HARVARD COLLEGE



OFFICE OF STUDENT LIFE

UNIVERSITY HALL, GROUND FLOOR
CAMBRIDGE, MASSACHUSETTS 02138

All students in Harvard College should be aware of the provisions of the Massachusetts law herein reproduced, prohibiting the practice of hazing.

Massachusetts Hazing Law

COMMONWEALTH OF MASSACHUSETTS

GENERAL LAWS 269:17, 18, 19

269:17 HAZING; ORGANIZING OR PARTICIPATING; HAZING DEFINED.

Section 17.

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one, [sic] year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

269:18 FAILURE TO REPORT HAZING. Section 18.

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

269:19 Copy of secs. 17-19; issuance to students and student groups, teams and organizations; report. Section 19.

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team, or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team, or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section

and sections seventeen and eighteen to unaffiliated student groups, teams, or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team, or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team, or organization has received a copy of this section and said sections seventeen and eighteen, that each of its member, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams, or organizations, and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen, and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communication the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education, shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

SOCIAL HOST LIABILITY LAW

All students in Harvard College should be aware of the provisions of the Massachusetts Social Host Liability Law prohibiting the sale, delivery, or furnishing of alcohol to minors.

Massachusetts law prohibits the sale, delivery, or furnishing of alcohol to persons under 21. In addition, a social host may under certain circumstances be held liable for injuries caused by a guest who, having consumed alcohol at the host's premises, does harm to himself or herself or to a third party. If the guest is a minor (i.e., under 18), and the host knew or reasonably should have known that it was furnishing alcohol to a minor, the host may be held responsible for injuries or damage to the minor or to third parties caused by the minor's alcohol-influenced actions. Furthermore, even if the guest was not a minor, a social host may be liable for injuries to third parties if the host knew or should have known that the guest was intoxicated but, nevertheless, gave him or her, or permitted him or her to take, an alcoholic drink.

For further information on the effects of alcohol, see the *Managing Events with Alcohol* publication available in the Office of Student Life and online.