WEST VIRGINIA CODE CHAPTER 18 ARTICLE 16

WV Legislature

§18-16-1. Short title.

This article shall be known and may be cited as the West Virginia Anti-hazing Law.

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§18-16-2. Definitions.

As used in this article:

(1) "Hazing" means to cause any action or situation which recklessly or intentionally endangers the mental or physical health or safety of another person or persons or causes another person or persons to destroy or remove public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization the members of which are primarily students or alumni of an institution of higher education. The term includes, but is not limited to, acts of a physical nature, such as whipping, beating, branding, required consumption of any food, liquor, drug, or other substance, or any other required physical activity which could reasonably be deemed to adversely affect the physical health and safety of the person or persons so treated, and includes any activity which would subject the person or persons so treated to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, required conduct which could result in extreme embarrassment, or any other required activity which could reasonably be deemed to adversely affect the mental health or dignity of the person or persons so treated, or any willful destruction or removal of public or private property: Provided, That the implied or expressed consent or willingness of a person or persons to hazing may not be a defense under this section.

(2) "Institution of higher education" or "institution" means any public or private institution as defined in §18B-1-2 of this code.

(3) "Organization" means any fraternity, sorority, association, corporation, order, society, corps, club, or similar group, or a national or international affiliate thereof, the membership of which is primarily made up students or alumni of an institution of higher education.

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§18-16-3. Hazing prohibited.

Any person who causes hazing is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100 nor more than $1,000, or confined in jail for not more than nine months, or both fined and confined.

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§18-16-4. Enforcement by institutions.

(a) Anti-hazing policy. —The governing body of each institution of higher education in this state shall promulgate and enforce anti-hazing rules consistent with this article.

(b) Enforcement and penalties. —

(1) Each institution shall provide a program for the enforcement of rules promulgated pursuant to subsection (a) of this section and shall adopt appropriate penalties for violations thereof.

(2) Penalties may include recision of permission for an organization to operate on campus property or to otherwise operate under the sanction or recognition of the institution.

(3) All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of §18-16-3 of this code or of any of the criminal laws of this state.

(4) Rules adopted pursuant hereto apply to acts conducted on or off campus whenever such acts constitute hazing as defined in §18-16-2 of this code.

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