

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 160

AN ACT

To repeal sections 172.280, 174.160, and 578.365, RSMo, and to enact in lieu thereof six new sections relating to educational institutions, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 172.280, 174.160, and 578.365, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 160.082, 172.280, 173.1555, 173.1556, 174.160, and 578.365, to read as follows:

160.082. 1. This section shall be known and may be cited as the "Missouri Creating a Respectful and Open World for Natural Hair (Missouri CROWN) Act".

2. As used in this section, the following terms mean:

(1) "Educational institution", any public or private prekindergarten program, public or private elementary or secondary school, or public or private school board or other school administrative body;

(2) "Protective hairstyles", includes, but is not limited to, such hairstyles and coverings that are designed to protect textured hair from damage so it may be worn in its natural state as braids, locks, twists, and afros;

(3) "Race", includes a perception that a person is of a particular racial group based upon shared physical traits associated with ancestral origin or ethnicity, shared

cultural attributes, and similar physical characteristics
such as skin color and facial features;

(4) "State financial assistance", any funds or other
form of financial aid appropriated or authorized under the
laws of this state, or under any federal law administered by
any state agency, for the purpose of providing assistance to
any educational institution for its own benefit or for the
benefit of any pupils admitted to the educational
institution. "State financial assistance" shall include,
but not be limited to, all of the following:

(a) Grants of state property, or any interest therein;
(b) Provision of the services of state personnel; and
(c) Funds provided by contract, tax rebate,
appropriation, allocation, or formula;

(5) "State student financial aid", any funds or other
form of financial aid appropriated or authorized under the
laws of this state, or under any federal law administered by
any state agency, for the purpose of providing assistance
directly to any student admitted to an educational
institution. "State student financial aid" shall include,
but not be limited to, scholarships, loans, grants, or wages.

3. No person shall be subjected to discrimination
based on the person's hair texture or protective hairstyle,
if that protective hairstyle or texture is commonly
associated with a particular race or origin, in any program
or activity conducted by an educational institution that
receives or benefits from state financial assistance or
enrolls pupils who receive state student financial aid;
provided, however, that such institution may require the use
of hair nets or coverings or may require that hair be
secured for safety purposes in any career and technical
training course or class to comply with safety regulations

48 and standards of the course or class throughout the duration
49 of the course or class.

50 4. The provisions of subsection 3 of this section
51 shall not apply to an educational institution that is
52 controlled by a religious organization if the application of
53 such provision would not be consistent with the religious
54 tenets of that organization.

172.280. The curators shall have the authority to
2 confer, by diploma, under their common seal, on any person
3 whom they may judge worthy thereof, such degrees as are
4 known to and usually granted by any college or university.
5 The University of Missouri is the state's only public
6 research university [and the exclusive grantor of research
7 doctorates]. As such, [except as provided in section
8 175.040,] the University of Missouri shall be the only state
9 college or university that may offer research doctorates,
10 doctor of philosophy degrees, or first-professional degrees,
11 including dentistry, law, medicine, optometry, pharmacy, and
12 veterinary medicine, except as provided in sections 174.160
13 and 175.040.

173.1555. As used in this section and section
2 173.1556, the following terms mean:

3 (1) "Adverse action", any action or policy that denies
4 a belief-based student association any benefit available to
5 other student associations or organizations or that
6 otherwise discriminates with respect to any such benefit;

7 (2) "Belief-based student association" includes, but
8 is not limited to, any political or ideological student
9 association or any religious student association;

10 (3) "Benefit", recognition, registration, the use of
11 facilities of a public institution of higher learning for
12 meetings or speaking purposes, the use of channels of
13 communication of a public institution of higher learning, or

14 such other assistance, aid, or advantage as is made
15 available to student associations by a public institution of
16 higher learning;

17 (4) "Public institution of higher learning", any state
18 postsecondary educational institution governed or supervised
19 by a board erected under chapter 172, 174, 175, or 178; a
20 board of trustees of a community college; or any state board
21 for any other technical school.

173.1556. 1. (1) No public institution of higher
2 learning shall take any adverse action against a belief-
3 based student association or an applicant to be recognized
4 as such:

5 (a) Because such association is political,
6 ideological, or religious;

7 (b) On the basis of such association's viewpoint or
8 expression of the viewpoint by the association or the
9 association's members; or

10 (c) Based on such association's requirement that the
11 association's leaders be committed to furthering the
12 association's mission or that the association's leaders
13 adhere to the association's sincerely held beliefs, sincere
14 practice requirements, or sincere standards of conduct.

15 (2) Leaders referred to in paragraph (c) of
16 subdivision (1) of this subsection shall include, but not be
17 limited to, any person who holds a position within the
18 association that authorizes such person to participate in
19 the leadership or governance of the association or in
20 establishing criteria for the association's leadership or
21 governance.

22 (3) The mission, beliefs, practice requirements, and
23 standards of conduct referred to in paragraph (c) of
24 subdivision (1) of this subsection shall be interpreted as
25 defined by the association.

26 2. Any belief-based student association or applicant
27 to be recognized as such that has been aggrieved as a result
28 of a violation or threatened violation of subsection 1 of
29 this section may assert that violation or threatened
30 violation as a claim or defense in a judicial proceeding or
31 in an administrative proceeding involving the public
32 institution of higher learning and obtain appropriate relief.

33 3. The provisions of this section shall not apply to a
34 belief-based student association if there is substantial
35 evidence that such association's viewpoint or expression of
36 the viewpoint by the association or the association's
37 members would cause a material and substantial disruption to
38 the educational environment or interfere with the rights of
39 others on campus, in accordance with the United States
40 Supreme Court's decision in *Healy v. James*, 408 U.S. 169
41 (1972).

174.160. 1. The board of regents of each state
2 college and each state teachers college shall have power and
3 authority to confer upon students, by diploma under the
4 common seal, such degrees as are usually granted by such
5 colleges, and additional degrees only when authorized by the
6 coordinating board for higher education in circumstances in
7 which offering such degree would not unnecessarily duplicate
8 an existing program, collaboration is not feasible or a
9 viable means of meeting the needs of students and employers,
10 and the institution has the academic and financial capacity
11 to offer the program in a high-quality manner. In the case
12 of nonresearch doctoral degrees in allied health
13 professions, an institution may be authorized to offer such
14 degree independently if offering it in collaboration with
15 another institution would not increase the quality of the
16 program or allow it to be delivered more efficiently. Such
17 boards shall have the power and authority to confer degrees

18 in engineering only in collaboration with the University of
19 Missouri, provided that such collaborative agreements are
20 approved by the governing board of each institution and that
21 in these instances the University of Missouri will be the
22 degree-granting institution. Should the University of
23 Missouri decline to collaborate in the offering of such
24 programs, one of these institutions may seek approval of the
25 program through the coordinating board for higher
26 education's comprehensive review process when doing so would
27 not unnecessarily duplicate an existing program,
28 collaboration is not feasible or a viable means of meeting
29 the needs of students and employers, and the institution has
30 the academic and financial capacity to offer the program in
31 a high-quality manner.

32 2. Notwithstanding sections 172.280 and 174.225, the
33 board of governors of Missouri State University shall have
34 the power and authority to grant doctor of philosophy
35 degrees in disciplines other than engineering and to grant
36 bachelor of science degrees in veterinary technology.

578.365. 1. This section shall be known and may be
2 cited as "Danny's Law".

3 2. A person commits the offense of hazing if he or she
4 knowingly, actively, and not under duress participates in,
5 solicits another person to participate in, or causes or
6 plans a willful act, occurring on or off the campus of a
7 public or private college or university, directed against a
8 student or a prospective member, current member, or former
9 member of an organization operating under the sanction of a
10 public or private college or university, that recklessly
11 endangers the mental or physical health or safety of a
12 student or prospective member, current member, or former
13 member for the purpose of initiation or admission into or
14 continued membership in any such organization to the extent

that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing include:

(1) Any activity which recklessly endangers the physical health or safety of the student or prospective member, current member, or former member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or forced smoking or chewing of tobacco products;

(2) Any activity which recklessly endangers the mental health of the student or prospective member, current member, or former member, including but not limited to sleep deprivation, physical confinement, or other extreme stress-inducing activity; or

(3) Any activity that requires the student or prospective member, current member, or former member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state.

[2.] 3. Public or private colleges or universities in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution.

[3.] 4. Nothing in this section shall be interpreted as creating a new private cause of action against any educational institution.

[4.] 5. Consent is not a defense to hazing. Section 565.010 does not apply to hazing cases or to homicide cases arising out of hazing activity.

[5.] 6. The offense of hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student **[or]**, prospective member, current

member, or former member, in which case it is a class D felony.

7. A person shall not be guilty of the offense of hazing if the person establishes all of the following:

(1) That he was present at an event where, as a result of hazing, a person appeared to be in need of immediate medical assistance;

(2) That he was the first person to call 911 or campus security to report the need for immediate medical assistance;

(3) That he provided his own name, the address where immediate medical assistance was needed, and a description of the medical issue to the 911 operator or campus security at the time of the call; and

(4) That he remained at the scene with the person in need of immediate medical assistance until medical assistance, law enforcement, or campus security arrived and that he cooperated with such personnel on the scene.

8. Notwithstanding subsection 7 of this section to the contrary, a person shall be immune from prosecution under this section if the person establishes that the person rendered aid to the hazing victim before medical assistance, law enforcement, or campus security arrived on the scene of the hazing event. For purposes of this subsection, the term "aid" includes, but is not limited to, rendering cardiopulmonary resuscitation to the victim, clearing an airway for the victim to breathe, using a defibrillator to assist the victim, or rendering any other assistance to the victim that the person intended in good faith to stabilize or improve the victim's condition while waiting for medical assistance, law enforcement, or campus security to arrive.

9. For purposes of this section, the term "former member" means a person who is no longer affiliated with the chapter of the organization operating under the sanction of

81 the public or private college or university, but who may be
82 affiliated with the national chapter of the organization.

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