

## The State of South Carolina



## Office of the Attorney General

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October 30, 1991

The Honorable McKinley Washington, Jr.  
Senator, District No. 45  
Box 247  
Ravenel, South Carolina 29470

Dear Senator Washington:

In a letter to this Office you requested an opinion regarding hazing as it relates to institutions in this State, including colleges and universities. Such offense is set forth in Sections 16-3-510 et seq. of the Code.

Section 16-3-510 in providing a definition of hazing states

It is unlawful for any person to intentionally or recklessly engage in acts which have a foreseeable potential for causing physical harm to any person for the purpose of initiation or admission into or affiliation with any chartered student, fraternal, or sororal chartered organization. Fraternity, sorority, or other organization for purposes of this section means those chartered fraternities, sororities, or other organizations operating in connection with a school, college, or university, but shall not include fraternal organizations with a minimum age limit of twenty-one that do not operate in connection with a school, college, or university. This section does not include customary athletic events or similar contests or competitions, or military training whether state, federal, or educational.

Pursuant to Section 16-3-520 it is unlawful for a individual to "knowingly permit or assist" any act prohibited by Section 16-3-510 or to fail to promptly report information regarding acts prohibited

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by Section 16-3-510 to the chief executive officer of a school, college or university. The punishment for a violation of Sections 16-3-510 or 16-3-520 is a fine not exceeding five hundred dollars or a term of imprisonment not exceeding twelve months, or both. Section 16-3-540 states that implied or express consent of a person to any act which violates Section 16-3-510 does not constitute a defense to violations of Sections 16-3-510 or 16-3-520.

If there is anything further, please advise.

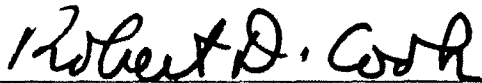
Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook  
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