



Hazing Prevention and Education

A brief guide to identifying hazing, types of hazing, laws, and resources for education and accountability for hazing related concerns

The University of Texas at Austin
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Disclaimer

This guide is not to be a comprehensive hazing identification manual but a resource of points of consideration re: hazing identification, laws surrounding hazing, and on-campus resources for reporting

Hazing Defined

Hazing is defined by the state of Texas and the University of Texas at Austin as the following:

Any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student such that it endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintain membership in any organization whose members are or include students at an educational institution.

Hazing includes but is not limited to:

A) Any type of physical brutality such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body or similar activity.

B) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

C) any activity involving consumption of food, liquid, alcoholic beverage, liquor, drug or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student.

D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection.

E) any activity that induces, causes or requires the student to perform a duty or task which involves a violation of the penal code.

Hazing Exists on a Spectrum

Hazing exists on a spectrum, and can take many forms, which can make it difficult to identify. Often, the most publicized hazing incidents are those that involve physical cruelty or subservient behavior. The less severe end of the hazing spectrum would manifest itself as simple tasks to gain favor of other members of the organization, being required to carry embarrassing/ambiguous items around campus or being required to line up and recite facts about the organization. Extreme ends of the spectrum are those referenced by media; such as forced consumption of alcohol, servitude, or excessive physical activity.

Identifying Hazing

When trying to determine if the incident you are viewing constitutes hazing, it is a good idea to keep the concept of a spectrum in mind, and to understand that subtle forms of hazing may be difficult to identify.

Examples of severe forms of misconduct that are easily identified as hazing:

Examples that are high profile and often lead to significant degrees of public scrutiny could potentially involve some aspects of the following:

- * Heavy usage of alcohol
- * Putting someone in a position to break laws
- * High potential for loss of life
- * Physical battery
- * Personal Servitude
- * Forced behavior abnormal of "normal" behavior

Examples of subtle forms of misconduct that may go undetected, but still constitute hazing are:

- * Line Ups
- * Forced possession of mandatory objects
- * demanded uniforms for the joining period
- * Forced recitation of facts
- * Sleep deprivation
- * Forced calisthenics

Origins of Hazing

Hazing can be traced back to the earliest days of academic institutions, such as Plato's Academy, and has remained in higher education for the last two thousand years (Stern, 2008). For the purposes of American higher education, while present before, it is widely documented and believed that the enhanced nature of hazing began with the veterans from World War II returning to the campuses and instilling lighter versions of military hazing into fraternity related activities and rituals, in part, because they were seeking the same camaraderie and brotherhood experienced in military service. With each era of student, and largely surrounding war time, the intensity of hazing has increased. Following Vietnam, general alcohol usage increased amongst society and higher education was no different (Stern, 2008).

Texas State Law and Penalties

Texas State Laws governing hazing are as follows:

TEXAS HAZING LAW

Definitions

1. "Educational institution" includes a public or private:
 1. high school; or
 2. college, university, or other postsecondary educational establishment.
2. "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in any organization.
3. "Pledging" means any action or activity related to becoming a member of an organization.
4. "Student" means any person who:
 1. is registered in or in attendance at an educational institution;
 2. has been accepted for admission at the educational institution where the hazing incident occurs;or
 3. intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
5. "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, or service, social, or a similar group, whose members are primarily students at an educational institution.
6. "Hazing" means any intentional knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization whose members are students at an educational institution. The term includes but is not limited to:
 1. any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
 2. any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 3. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk of harm or which adversely affects the mental or physical health or safety of the student;
 4. any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or that adversely affects the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subsection;
 5. any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.

Personal Hazing Offense

1. A person commits an offense if the person:

1. engages in hazing;
 2. solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
 3. intentionally, knowingly, or recklessly permits hazing to occur; or
 4. has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the Dean of Students or other appropriate officials of the institution.
2. The offense of failing to report is a misdemeanor punishable by a fine not to exceed \$1,000, confinement in county jail for not more than 180 days, or both such fine and confinement.
 3. Any other offense under this section which does not cause serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$500 nor more than \$1,000, confinement in county jail for not less than 90 days nor more than 180 days, or both such fine and confinement.
 4. Any other offense under this section which causes serious bodily injury to another is a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$5,000, confinement in county jail for not less than 180 days nor more than one year, or both such fine and confinement.
 5. Any other offense under this section which causes the death of another is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, confinement in county jail for not less than one year nor more than two years, or both such fine and confinement.
 6. Except when an offense causes the death of a student in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on community service probationers by Subdivision (1), Subsection (e), and subsections (c), (d), (g), (h) of section 10A. Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

Organization Hazing Offense

1. An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.
2. An offense under this section is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000, or if a court order loss. The court may sentence the organization to pay a fine of not less than \$5,000 nor more than double the amount loss or expenses incurred because of such injury, damage, or loss.

Consent Not a Defense

It is not a defense to prosecution for the offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Immunity From Prosecution Available

In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the Dean of Students or other appropriate official of the institution is immune from liability, civil, or criminal, that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

Offenses in Addition to Other Penal Provisions

This subchapter does not affect or repeal any penal law of this state. Nothing in this subchapter shall limit or affect the right of an educational institution to enforce its own penalties against hazing.

Reporting by Medical Authorities

Treatment of a student who may have been subjected to hazing activities may be reported to police or other law enforcement officials. The doctor of medical practitioner so reporting shall be immune from civil suit or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

Publication of Subchapter

1. Each postsecondary educational institution shall cause to be published or distributed to each student during the first three weeks of each semester a summary of the provisions of this subchapter.
2. The institution shall publish or distribute in the same manner a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the previous three years.
3. If the institution publishes a general catalog, student handbook, or similar publication, it shall publish a summary of the provisions of this subchapter in each edition of that catalog, handbook, or similar publication.

REFERENCES

Texas Education Code chapter 37, subchapter F (37.151-37.157) prohibits hazing in Texas public or private schools:

Section 37.151 - Definitions

Section 37.152 - Personal Hazing Offense

Section 37.153 - Organization Hazing Offense

Section 37.154 - Consent Not A Defense

Section 37.155 - Immunity From Prosecution Available

Section 37.156 - Offenses In Addition To Other Penal Provisions

Section 37.157 - Reporting By Medical Authorities

Texas Education Code 51.936(d) makes those provisions applicable to institutions of higher education. (ttuphipsi.org/hazing_law.htm)

Liabilities Related to Hazing Related Offenses

This guide does not provide a comprehensive view of liabilities related to hazing offenses. If you are seeking an extensive, specific answer to this topic, it is recommended that you conduct a thorough review of higher education case law. There are numerous cases, citations, and the like for a researcher to draw from to gain a more robust understanding of this topic. The individual committing the act has a higher likelihood of being found liable. Subsequently, any persons who aide in setting up the event, environment or otherwise facilitating the act, are likely to be liable. Additional levels of liability vary case by case and circumstance.

UT Austin Safety Education Requirements for Student Organizations

In compliance with Texas Education Code 51.9361 the University of Texas at Austin has established an educational training that must be completed annually by registered student organizations and their leadership. To see components of the program and requirements of completion, visit: deanofstudents.utexas.edu/sfl/safetyeducation/faqs.php. In August 2016, the program was made mandatory for all student organizations (approximately 1300). In previous years, about 400 student organizations met criteria requiring them to participate in the program.

UT Resources to Report Potential Hazing Concerns

All student and student organization discipline matters, including hazing, are referred to Student Conduct and Academic Integrity in the Office of the Dean of Students. This is the lead team in both investigating and adjudicating hazing incidents. Subsequently, Sorority and Fraternity Life and Student Activities partner with Student Conduct and Academic Integrity as needed to support the investigation and engage with the student organization.

Options to report a hazing incident:

Behavioral Concerns Advice Line (BCAL) 512-232-5050

Office of the Dean of Students 512-232-5017

To refer a matter online: utexas-advocate.symplicity.com/public_report

UT Resources to Educate

Many university offices are equipped to provide presentations and information regarding the Institutional Rules governing hazing violations. Some of those offices include but are not limited to:

- University of Texas at Austin Police Department
- Student Activities in the Office of the Dean of Students
- Student Conduct and Academic Integrity in the Office of the Dean of Students
- Sorority and Fraternity Life in the Office of the Dean of Students

Other resources include:

- **Student Organization Safety Education:** deanofstudents.utexas.edu/sfl/safetyeducation
- **Hazing Prevention and Education Committee-Wellness Network:** wellnessnetwork.utexas.edu/wg_hazingprevention.html
- **The Behavioral Concerns Hotline (BCAL):** 512-232-5050
- **UT System website on hazing:** utsystem.edu/sites/hazing-and-alcohol-prevention/resources-0
- **UT System Hazing Task Force Report:** utsystem.edu/sites/utsfiles/documents/students/recommendations-task-force-hazing-and-alcohol/hazing-and-alcohol-task-force-report.pdf

Questions for Consideration

While there are no firm guidelines to identify hazing, consider the questions below when analyzing the incident. As with this entire pamphlet, this document is not intended to serve as a complete resource, but a starting point:

- Is there some sort of direct or implied power dynamic here?
- Is there anything involved that could break a law?
- Does the situation involve alcohol, drugs or other substances?
- Is this a student organization recruitment event?
- Could this misconduct draw media attention?
- Is this a situation that I would feel comfortable participating in or having a loved one participate in?

Things to suggest replacing hazing oriented activities within organizations

At it's root, a misplaced belief in team building is often one of the reasons cited in hazing oriented events. Many, many organizations produce quality programmatic ways that team building can be accomplished in an affirming or positive way. Groups such as USA Hockey, Venture Team Building, Wheaton College, and workshopexercises.com

Myths surrounding hazing

(The responses to these are found in many research studies related to hazing)

Myth: Hazing builds team within the organization

Response: No, it actually breaks it down. It creates distrust between the members, puts fissures in new member classes, and can actually foster hate amongst members if not careful.

Myth: A new member must be brought down in order to "bring them up" to be a member of the organization in question.

Response: No, if an organization is working effectively, they take the best of what they have to positively impact the new member, and likewise, the new member brings the best they have to positively impact the organization.

National resources that can be used to identify a potential hazing related situation

National Hazing Prevention Week: nhpw.org
Hank Nuwer, leading hazing researcher hanknuwer.com
Campus Health and Safety campushealthandsafety.org/violence/hazing/RWS.html
Stop Bullying stopbullying.gov

*For nationally affiliated organizations, many have resources available through their orgs.

*Many colleges have also developed their own resources and are widely available on the web.

Closing

Hazing cannot be defined by cliché of a “black or white” answer, and often does not resemble an after-school special. This guide is not intended to be a comprehensive hazing identification manual, but rather to give you points of consideration and resources, should you encounter incidents that you believe may constitute hazing. If you need additional assistance, please contact the Hazing Prevention and Education committee with the Wellness Network and we'll do our best to assist you.