Model Hazing Policy

## ACSA 2015 | When Hazing and Title IX Collide, Presented by Gentry McCreary, Kellie Brennan, & Jonathan Sanders

**Section 1 – Prohibited Behavior**

Hazing will not be tolerated at the University

* University student groups (e.g. registered student organizations, intramural and athletic teams, and other student groups) and individual students are prohibited from hazing.
* Hazing is prohibited in any form both on campus and off campus.
* Intentional or reckless hazing that results in a substantial risk of physical injury or death or which results in serious bodily injury or death is a crime in the State of…

**Section 2 – Definitions**

In accordance with (Insert reference to state law, if applicable) “Hazing” is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. "Hazing" includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

For the purposes of this regulation, hazing includes observation of hazing activities by individuals in a position to intervene but who fail to intervene.

**Section 3 – Procedures**

Allegations of Hazing – Any person having knowledge of any activity or conduct which may constitute hazing should contact the Dean of Student’s Office or the University Police Department.

Self-Reporting of Incidents - Student organization/team members and officers/captains should immediately report any activity or conduct which may constitute hazing that occurs within their organization to the Dean of Students Office, provide a detailed description of the events that have transpired, the names of any individuals involved, and a description of any actions taken by the organization. Upon receiving the report, the Dean of Students Office will investigate as described in this regulation and the organization president and advisor/coach will be notified. The investigation and adjudication will focus on individual violations of this regulation, unless evidence discovered in the investigation proves the incident to have been sanctioned by the organization. If the incident appears to have been sanctioned by the organization, a follow-up investigation into the organization’s role may be undertaken. If the student organization is affiliated with a national organization, the national headquarters may be contacted depending on the severity of the incident, the organization’s involvement in the incident, and the organization’s cooperation in the investigation.

Investigation of Allegations and Charges–Upon receiving a report of alleged hazing, the University will conduct a preliminary investigation and, when necessary, will assign the case to a designated investigator. As part of the investigation, the investigator will:

* Make contact (if possible) with the individual(s) bringing forward the allegations of hazing;
* Make contact with the individual(s) alleged to have perpetrated the hazing. If the conduct is organizational in nature, the investigator will contact the advisor and president of the organization under investigation;
* Conduct interviews with all parties, including victims, the accused student(s) and any witnesses. The investigator may, at his/her discretion, recommend interim action (as described in the Student Code of Conduct) to the Dean of Students at any point during the investigation;

The investigator may, at his or her discretion, require students, or a select group of students (i.e. all new members of an organization) to participate in an investigatory meeting at a pre-determined time and location and may exercise discretion regarding the communication of students during the investigation process.

The investigator will provide a written investigative report to the Dean of Students Office. Upon receipt of this report, the Dean of Students (or designee) will determine if charges are warranted. If charges are warranted, the Dean of Students Office will charge the individual student(s), the involved student group(s), and/or the President or other responsible officers of the involved student group(s) and/or student bystanders in accordance with the University Student Code of Conduct.

Adjudication shall be conducted pursuant to the Student Code of Conduct.

It is not a defense to a charge of hazing that:

* Any or all participants consented;
* The conduct was not part of an official organizational event or otherwise sanctioned or approved by the student group; or
* The conduct or activity was not done as a condition of membership to or affiliation with a student group.

The University will, on a case-by-case basis, determine whether any violations of policy are individual or organizational in nature. In determining whether or not a violation is organizational in nature, the University will consider the following:

* How many members were present when the alleged violation occurred or had specific knowledge of the alleged violation?
* What knowledge the appropriate chapter officers and/or advisors had of the alleged violation?
* What action the appropriate chapter officers and/or advisors took in addressing/preventing the alleged violation?
* Were chapter members acting in concert, or did the individual’s membership in the chapter serve as an impetus for the alleged violation?
* Did the violation arise out of a chapter sponsored, financed or endorsed event?
* Is there a pattern of individual violations that have occurred without proper action by the chapter?

**Section 4 – Sanctions**

Student groups subject to University jurisdiction and individual students found responsible for violations of this regulation shall be sanctioned in accordance with the Student Code of Conduct. For student groups, sanctions include, but are not limited to, revocation of registration or denial of application for registration, loss of University privileges such as the ability to formally meet on campus and to use campus facilities, or to represent the University, and, in the case of fraternities and sororities, the right to be recognized or operate at the University.

Sanctions imposed by the University for violations of this regulation may be in addition to any penalty imposed for violation of the criminal laws of the State (if applicable) and for violation of any other University regulations or policies.

**Section 5 – Retaliation**

It is a violation of this policy to retaliate or take adverse action towards any person for reporting an alleged violation of this policy or for cooperating with a University investigation related to this policy. Retaliation includes, but is not limited to, verbal or implied threats, physical or psychological abuse, intimidation, harassment (verbal or written), isolation, or any other action intended to create a hostile environment for the intended target of the retaliation.