

Policy on Hazing

I. Jurisdiction

The university reserves the right to take disciplinary action against individual students and/or organization (defined as two or more students enrolled at the institution of higher education, whether the organization is established or recognized by the institution) who are involved in hazing activities. Such disciplinary action may be taken independently of state or local prosecutorial actions, regardless of the outcome of such prosecutorial actions. Hazing on the part of students, faculty or staff is strictly forbidden, whether on or off campus.

II. Statutory Foundation

The Texas Education Code (TEC, www.statutes.capitol.texas.gov), Title 2, Subtitle G, Chapter 37, Subchapter F (Hazing), sections 37.151 to 37.157 and Title 3, Subtitle A, Chapter 51, Subchapter Z, section 51.936 (Hazing), provides penal sanctions in the event of a conviction of hazing and sets requirements for institutions of higher education to publish a summary of these provisions to students.

The Texas State Hazing Policy is informed by the [Stop Campus Hazing Act 5646 \(SCHA\)](#) which amends section 485(f) of the Higher Education Act, otherwise known as the Jeanne Clery Campus Safety Act (Clery Act) and establishes a statewide legal framework and penalties for hazing, making it a criminal offense.

III. Policy components in accordance with the TEC and SCHA in part, as it pertains to students:

A. Hazing by Definition

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 an organization. The term includes but is not limited to:

- a. any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance 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 a food, liquid, alcoholic beverage, liquor, drug or other substance which subjects the student to an unreasonable risk or harm or that 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, 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 such acts;
- e. any activity that induces, causes or requires the student to perform a duty or task that involves a violation of the Penal Code or Code of Student Conduct; and
- f. coercing a student to consume a drug, alcoholic beverage, or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated.

For Jeanne Clery Campus Safety Act reporting purposes, the Stop Campus Hazing Act definition of hazing will be used: [Stop Campus Hazing Act 5646 \(SCHA\)](#).

B. Personal Hazing Offense

A person commits an offense if the person:

- a. engages in hazing
- b. solicits, encourages, directs, aids or attempts to aid another in engaging in hazing
- c. intentionally, knowingly or recklessly permits hazing to occur or
- d. 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 to the Dean of Students or other appropriate official of the institution, a peace officer, or a law enforcement agency.

C. Penalties for Hazing

In addition to penalties imposed by the university for violating this hazing policy or the Code of Student Conduct and to the state's enforcement of other penal provisions, TEC section 37.152 establishes that:

- a. The offense of failing to report hazing violations is a Class B misdemeanor punishable by a fine not to exceed \$2,000, confinement in jail for not more than 180 days, or both such fine and confinement.
- b. Any other hazing offense that does not cause serious bodily injury to another is a Class B misdemeanor punishable by a fine not to exceed \$2,000, confinement in jail for not more than 180 days, or both such fine and confinement.
- c. Any other hazing offense that causes serious bodily injury to another is a Class A misdemeanor punishable by a fine not to exceed \$4,000, confinement in a jail for a term not to exceed one year, or both such fine and confinement.
- d. Any other hazing offense that causes the death of another is a state jail felony punishable by a fine not to exceed \$10,000, confinement in state jail for no less than 180 days and not more than two years, or both such fine and confinement. The punishment of a state jail felony shall be that of a third-degree felony in cases where a deadly weapon is used or exhibited during the commission of the offense or during immediate flight following the commission of the offense or a person knew that a deadly weapon would be used or exhibited.

- e. Except if a hazing offense causes the death of a student, in sentencing a person convicted of an offense under the provisions of TEC section 37.152, a court may require a person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Chapter 42A, 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.

D. Organization Hazing Offense

- a. An organization (defined as two or more students enrolled at the institution of higher education, whether the organization is established or recognized by the institution) 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.
- b. Such an offense is a misdemeanor punishable by a fine of not less than \$5,000 nor more than \$10,000 or if a court finds that the offense caused personal injury, property damage or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage or loss.

E. Consent Not a Defense

It is not a defense to prosecution of an offense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

F. Immunity from Prosecution

In the prosecution of an offense, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to the Dean of Students or other appropriate official of the institution, a peace officer, or a law enforcement agency is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:

- a. Reports the incident before being contacted by the institution or a law enforcement agency concerning the incident or otherwise being included in the institution's or a law enforcement agency's investigation of the incident; and
- b. Cooperates in good faith throughout:
 - i. any institutional process regarding the incident, as determined by the dean of students or other appropriate official of the institution designated by the institution; or
 - ii. any law enforcement agency's investigation regarding the incident as determined by the chief or other appropriate official of the law enforcement agency designated by the law enforcement agency.

G. Immunity Under Section F Extends to Participation in any Judicial Proceeding Resulting from the Report

A person is not immune under section F if the person:

- a. Reports the person's own act of hazing; or
- b. Reports an incident of hazing in bad faith or with malice.

H. Notification of Hazing Policy and Organizations Found Responsible for Hazing

TEC section 51.936(c) requires the university to:

- a. Distribute to each student during the first three weeks of each semester a summary of the provisions of TEC Subchapter F, Chapter 37 (i.e., this Hazing Policy) and a list of organization(s) that have been disciplined for hazing or convicted for hazing on or off campus during the preceding three years.; and,
- b. Publish a summary of the provisions of TEC Subchapter F, Chapter 37, in each edition of any a general catalogue, student handbook, or similar publication it publishes.
The Dean of Students Office will publish the [list of organizations](#) on its website and will include it in a campus-wide email sent out at the beginning of each long semester, along with the Hazing Memorandum reminding students of Texas State's Hazing Policy.

I. Primary and Ongoing Prevention and Awareness Programs

The institution provides primary and ongoing prevention and awareness programs for students, faculty, and staff pertaining to the institution's prohibition of hazing.

J. How to Report Hazing

Students, faculty, and staff have several ways to report hazing:

- a. via an on-line Maxient Incident Report form titled "[Hazing Reporting Form](#)".
A link to the form can be found on the following websites: Dean of Students and Fraternity and Sorority Life
- b. Calling, Emailing or Stopping by the Dean of Students Office
LBJ Student Center, Suite 504
Phone: 512.245.2124
Email: DOSOoffice@txstate.edu
- c. Calling, Emailing or Stopping by the Fraternity and Sorority Life Office
LBJ Student Center, Suite 410
Phone: 512.245.5646 (JOIN)
Email: fslife@txstate.edu
- d. Submission of a Real Response report by athletes to the Athletics Program

K. Investigation and Adjudication of Hazing

Violations of the Code of Student Conduct and/or local, state, or federal law related to hazing will be investigated and adjudicated through the processes outlined in the Code of Student Conduct.

L. Sanctioning

In cases where the student conduct hearing determines a preponderance of evidence indicating that the organization/individual is responsible for hazing, the following sanctions may be applied:

- i. Organization(s)
 1. Required participation in educational programs/initiatives
 2. Organization Probation
 3. Organization Suspension
 4. Revocation of University Recognition
- ii. Individual(s)
 1. Required participation in educational programs/initiatives
 2. Probation
 3. Suspension

4. Expulsion

Direct all questions to the Dean of Students Office

LBJ Student Center, Suite 504

Phone: 512.245.2124

Email: DOSOffice@txstate.edu