

MEMORANDUM

TO: University Community
FROM: Dean of Students
RE: TEXAS HAZING STATUTE SUMMARY AND THE UNIVERSITY OF TEXAS AT AUSTIN HAZING REGULATIONS

The 70th Texas Legislature enacted a law concerning hazing. Under the law, individuals or organizations engaging in hazing could be subject to fines and charged with a criminal offense.

According to the law, a person can commit a hazing offense not only by engaging in a hazing activity, but also by soliciting, directing, encouraging, aiding or attempting to aid another in hazing; by intentionally, knowingly or recklessly allowing hazing to occur; or by failing to report first hand knowledge that a hazing incident is planned or has occurred in writing to the Dean of Students. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution for hazing under this law.

In an effort to encourage reporting of hazing incidents, the law grants immunity from civil or criminal liability to any person who reports a specific hazing event in good faith and without malice to the Dean of Students or other appropriate official of the institution and immunizes that person from participation in any judicial proceeding resulting from that report. Additionally, a doctor or other medical practitioner who treats a student who may have been subjected to hazing may make a good faith report of the suspected hazing activities to police or other law enforcement officials and is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report. The penalty for failure to report is a fine of up to \$1,000, up to 180 days in jail, or both. Penalties for other hazing offenses vary according to the severity of the injury which results and include fines from \$500 to \$10,000 and/or confinement for up to two years.

UNIVERSITY DISCIPLINARY RULES

This law does not affect or in any way limit the right of The University to enforce its own rules against hazing.

Rules and Regulations of the Board of Regents of The University of Texas System, Part One, Chapter VI, Sections 3.6 and 3.7, provide that

- (a) Hazing with or without the consent of a student is prohibited by the System, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline.
- (b) Initiations and activities by organizations may include no feature which is dangerous, harmful, or degrading to the student, and a violation of this prohibition renders both the organization and participating individuals subject to discipline.

DANGEROUS OR DEGRADING ACTIVITIES

Activities which under certain conditions constitute acts which are dangerous, harmful, or degrading, in violation of subsections 6-304(e) and 11-804(7) of the *Institutional Rules on Student Services and Activities* include but are not limited to:

- (a) Calisthenics, such as sit-ups, push-ups, or any other form of physical exercise;
- (b) Total or partial nudity at any time;
- (c) The eating or ingestion of any unwanted substance;
- (d) The wearing or carrying of any obscene or physically burdensome article;
- (e) Paddle swats, including the trading of swats;
- (f) Pushing, shoving, tackling, or any other physical contact;
- (g) Throwing oil, syrup, flour, or any harmful substance on a person;
- (h) Rat Court, kangaroo court, or other individual interrogation;
- (i) Forced consumption of alcoholic beverages either by threats or peer pressure;
- (j) Lineups intended to demean or intimidate;
- (k) Transportation and abandonment (road trips, kidnaps, walks, rides, drops);
- (l) Confining individuals in an area which is uncomfortable or dangerous (hot box effect, high temperature, too small);
- (m) Any type of personal servitude which is demeaning or of personal benefit to the individual members;
- (n) Wearing of embarrassing or uncomfortable clothing;

- (o) Assigning pranks such as stealing, painting objects, harassing other organizations;
- (p) Intentionally messing up the house or a room for clean up;
- (q) Demeaning names;
- (r) Yelling and screaming; and
- (s) Requiring boxing matches or fights for entertainment.

HAZING

The law defines hazing as 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 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, 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 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 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.

PENALIZED ORGANIZATIONS

Registered Student Organizations that have been penalized for hazing within the past three years are:

Pi Kappa Alpha – Penalty issued September 1997 (Cancelled through December 31, 1999. Note: Chapter moved to probation September 2000 for one year). Violated probation in 2001. (Probation through February 5, 2003).

Kappa Alpha Order– Penalty issued December 14, 2004 (Suspended through December 31, 2005; Probation through December 31, 2006).

Phi Kappa Sigma – Penalty issued February 5, 1999 (Suspended through February 6, 2000). Penalty issued September 2000 (Cancelled through September 8, 2004).

Alpha Phi Alpha- Penalty issued April 2001 (Cancelled through December 31, 2003; Probation through December 31, 2004).

Sigma Alpha Mu- Penalty issued December 2001 (Suspended through February 15, 2002; Probation through 2003). Penalty issued December 2002 (Cancelled through December 31, 2004; Suspended through December 31, 2005; Probation through Spring Semester 2006).

Sigma Chi- Penalty issued April 26, 2004 (Cancelled through May 31, 2007; Probation through December 31, 2008).

Pi Lambda Phi - Penalty issued December 2003 (Probation through December 5, 2004).

Sigma Alpha Epsilon - Penalty issued December 2004 (Suspended through December 31, 2005; Probation through December 31, 2006).

alpha Kappa Delta Phi – Penalty issued April 25, 2005 (Suspended through April 25, 2006; Probation through April 26, 2007).

For further information or clarification of probationary member activities, contact the Student Activities and Leadership Development Area of the Office of the Dean of Students, Student Services Building 4.104, The University of Texas at Austin, 512-471-3065.