

Policy Against Hazing

By order of the State of Texas and as stated in the Texas Education Code, institutions of higher education must publish at least a summary of the provisions against hazing and a list of organizations sanctioned for hazing within the three preceding years.

Individuals and organizations can be held accountable by the law. Individuals include active members, new members, affiliates, alumni, and advisors. Organizations are defined as fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, whose members are primarily students. In this light, all student organizations fall under this definition. (*Texas Education Code 51.936 and 37.151 et seq.*)

Hazing is any intentional, knowing, or reckless act, occurring on or off campus, 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 whose members are, or include, students at Schreiner University. Examples of hazing include, but are not limited to:

1. Physical brutality: whipping, beating, striking, branding, electronic shocking, placing a harmful substance on the body, or similar activity;
2. Physical activity: 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. Consumption of food, liquid, alcoholic beverage, drug, or other substances that may negatively affect mental or physical health;
4. Activity that intimidates or threatens a student with ostracism;
5. Activity that subjects the student to extreme mental stress, shame or humiliation;
6. Activity that negatively affects the mental health or dignity of the student;
7. Activity that induces, causes, or requires the student to perform a duty or task that violates the law.

A person commits an offense if she/he:

1. Engages in hazing;
2. Solicits, encourages, directs, aids or attempts to aid another engaging in hazing;
3. Intentionally, knowingly, or recklessly permits hazing to occur;
4. Has firsthand knowledge of the planning of a specific hazing incident or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge to the appropriate Schreiner University official.

An organization commits an offense if:

1. The organization condones or encourages hazing;
2. An officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

Penalties for offenses of hazing may include both university and court-imposed sanctions. Students and/or groups may go through the university judicial system as well as being subject to court-imposed sanctions that may include the following:

1. Failure to report hazing and offenses of hazing that do not cause bodily harm are misdemeanor offenses that may result in a fine of up to \$2,000 and up to 180 days in jail.
2. An offense causing bodily injury is also a misdemeanor offense that may result in a fine of up to \$4,000 and/or up to one year in jail.
3. Any offense that causes death is a state felony resulting in jail time.
4. For groups committing an offense, a fine of not less than \$5,000 nor more than \$10,000 may be imposed.
5. If the court finds that the group's 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.

Except when an offense has caused the death of a student, the court may require a person to perform community service as dictated by the criminal code.

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

Medical treatment of a student who may have been subjected to hazing activities may be reported to police or other law enforcement officials. The doctor or medical practitioner reporting is 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.

The law provides for immunity from prosecution to a person who is subpoenaed to testify for the prosecution and who does testify. Any person reporting a specific hazing incident involving a student to the appropriate Schreiner University official is immune from civil or criminal liability. A person reporting in bad faith or with malice is not granted immunity.

This section of the law does not affect or repeal any penal law of the state. It also does not limit or affect the right of Schreiner University to enforce its own penalties against hazing.