

# PROHIBITION OF HAZING

Under state law (§ 37.151 through 37.157 (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm#F>) and 51.936 (<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm#51936>), Texas Education Code) individuals or organizations engaging in hazing could be subject to fines and charged with a criminal offense.

According to 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 in writing to the Dean of Students (<https://www.utsa.edu/students/about/meet-our-staff/>) firsthand knowledge that a hazing incident is planned or has occurred. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution for hazing under the 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 to the Dean of Students and immunizes that person from participation in any judicial proceeding resulting from that report.

The penalty for failure to report hazing activities is a fine not to exceed \$2,000, up to 180 days in jail, or both. Penalties for other hazing offenses vary according to the severity of the injury that results; they range from individual fines of \$2,000 and/or up to 180 days in jail to individual fines of up to \$10,000 and/or a state jail term of not less than 180 days or more than two years. Organizational penalties include fines of not less than \$5,000 or more than \$10,000. If the organizational hazing activity resulted in personal injury, property damage, or other loss, the penalty is a fine of not less than \$5,000 or more than double the amount lost or expenses incurred because of the injury, damage, or loss.

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:

1. any type of physical brutality, such as whipping, beating, striking, branding, electric 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 food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk or harm or which adversely affects the mental or physical health 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; 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 section;

5. any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the Penal Code.

Activities that under certain conditions constitute acts that are dangerous, harmful, or degrading, in violation of subsection 202(A) (10) of the Student Code of Conduct (<http://catalog.utsa.edu/policies/administrativepoliciesandprocedures/studentcodeofconduct/>), include, but are not limited to:

- calisthenics, such as sit-ups, push-ups, or any other form of physical exercise;
- total or partial nudity at any time;
- the eating or ingestion of any unwanted substances;
- the wearing or carrying of any obscene or physically burdensome article;
- paddle swats, including the trading of swats;
- pushing, shoving, tackling, or any other physical contact;
- throwing oil, syrup, flour, or any harmful substance on a person;
- rat court, kangaroo court, or other individual interrogation;
- forced consumption of alcoholic beverages either by threats or peer pressure;
- lineups intended to demean or intimidate;
- transportation and abandonment (road trips, kidnaps, walks, rides, drops);
- confining individuals in an area that is uncomfortable or dangerous (hot box effect, high temperature, too small);
- any type of personal servitude that is demeaning or of personal benefit to the individual members;
- wearing of embarrassing or uncomfortable clothing;
- assigning pranks such as stealing, painting objects, or harassing other organizations;
- intentionally messing up the house or a room for clean-up;
- demeaning names;
- yelling and screaming; and
- requiring boxing matches or fights for entertainment.

(Adapted from the ARCH Chapter and Undergraduate Councils of Delta Tau Delta Fraternity.)

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State law does not affect or in any way restrict the right of UTSA to enforce its own rules against hazing, and the University may take disciplinary action for conduct that constitutes hazing regardless of whether public authorities prosecute students under state law.