

Chapter 14. Prohibition of Hazing

Subchapter 14–100. General Provisions

Sec. 14–101. Introduction

- a. The University of Texas at Austin is committed to providing a safe educational environment for everyone and does not tolerate hazing by any group or individual affiliated with the University. The University expects that all students and organizations will observe and fully comply with state law, the Regents' *Rules*, University regulations, and administrative rules associated with the prohibition of hazing.
- b. Hazing is prohibited under state law. The University will initiate disciplinary action in response to hazing incidents that take place during official functions of the University or functions sponsored by registered student organizations or sponsored student organizations; the University will also initiate disciplinary action in response to hazing incidents that have a substantial connection to the interests of the University regardless of the location in which they occur, on or off campus. See Texas Education Code, Chapter 37, Subchapter F. Hazing and Section 51.936 for more information.

Sec. 14–102. Application

- a. This chapter applies to individual students and organizations and states the function of administrative staff members of the University in disciplinary proceedings.
- b. Individuals who are not currently enrolled at the University remain subject to the disciplinary process for conduct that occurred while they were students.
- c. Students and organizations are subject to discipline for prohibited conduct under this chapter while participating in off-campus activities, whether or not the University sponsors the activities.

Sec. 14–103. Definitions

In this chapter, unless the context requires a different meaning, the following definitions apply.

1. "Authorized representative" means a person designated to represent a registered student organization or a sponsored student organization as required in subsection 6–303(a) of the *Institutional Rules*.
2. "Dean of students" means the dean of students of The University of Texas at Austin or any delegate or representative of the dean of students.
3. "Hazing" or "hazing activity" means any intentional, knowing, or reckless act, occurring on or off of the campus of an educational institution, by one person alone or acting with others, directed against a person, for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization. Hazing includes but is not limited to
 - A. any type of physical brutality, such as whipping, beating, striking, branding, electric shocking, placing of a harmful substance in or on the body, or similar activity;
 - B. any type of physical activity that involves or results in sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the person to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the person;
 - C. any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, in addition to those described by Paragraph E, that subjects the person to an

unreasonable risk of harm or that adversely affects the mental or physical health or safety of the person;

- D. any activity that intimidates, demeans, embarrasses, or threatens the person with ostracism, that subjects the person to stress, shame, or humiliation, that adversely affects the mental health or dignity of the person or discourages the person from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a person to leave the organization or the institution rather than submit to acts described in this subsection;
 - E. any activity that involves coercing, as defined by Section 1.07 Penal Code, a student to consume a drug or an alcoholic beverage or liquor in any amount.;
 - F. any activity that threatens the wellbeing of a person by restricting their ability to communicate with others to get medical help, to document prohibited conduct, or report misconduct; such as, but not limited to, the confiscation of a personal communication device; and
 - G. any activity that induces, causes, or requires the person to perform a duty or task that involves a violation of the Penal Code. See Texas Education Code, Section 37.151(6) for more information.
4. "Organization" means an association, band or musical group, club, corporation, corps, fraternity, order, society, sorority, student government, team, or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a religious, service, social, or similar group whose members are primarily students, and includes but is not limited to groups with a valid registration under chapter 6 of the *Institutional Rules*. See Texas Education Code, Section 37.151(5) for more information.
 5. "Student" means a person who is currently enrolled at the University, or who is accepted for admission or readmission to the University, or who has been enrolled at the University in a prior semester (including summer) and is eligible to continue enrollment in the semester that immediately follows, or who is attending an educational program sponsored by the University while that person is on campus, or who engaged in prohibited conduct while he or she met the above criteria.
 6. "University" means The University of Texas at Austin.

Sec. 14–104. Additional Hazing Examples

In addition to the hazing activities listed in Section 14-103, the following list provides further examples of activities which under certain conditions constitute acts which are dangerous, harmful or degrading, and are in violation of these Institutional Rules on Student Services and Activities. This list is not exhaustive of all conduct that could constitute hazing in violation of this Chapter.

- 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 wearing or carrying of any embarrassing, uncomfortable, degrading, or physically burdensome article;
- d. physical contact such as pushing, paddling, tackling, or any other similar contact;
- e. throwing any substance on a person;
- f. consumption of alcoholic beverages accompanied by either threats or peer pressure;
- g. lineups for the purpose of interrogating, demeaning, or intimidating;
- h. transportation and abandonment (road trips, kidnaps, walks, rides, drops, etc.);
- i. skits or roasts at the expense of a person;

- j. forced recitation of facts, songs, or chants, or similar activity;
- k. confining individuals in an area that is uncomfortable or dangerous (hot box effect, high temperature, too small, etc.);
- l. any form of individual interrogation, yelling, or screaming;
- m. any type of servitude that is of personal benefit to the individual members;
- n. wearing attire that is embarrassing and not part of a uniform;
- o. assigning pranks such as stealing, painting objects, harassing other organizations;
- p. intentionally messing up the house or a room for clean up; and
- q. requiring boxing matches or fights for entertainment.

Subchapter 14–200. Prohibited Conduct

Sec. 14–201. Personal Hazing Offense

A person commits the offense of hazing and is subject to discipline under chapter 11 if the person

- 1. engages in hazing;
- 2. solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
- 3. recklessly permits hazing to occur; or
- 4. has firsthand knowledge of the planning of a specific hazing incident(s) involving a person in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution. See Texas Education Code, Section 37.152 for more information.

Sec. 14–202. Organization Hazing Offense

A student organization commits the offense of hazing and is subject to discipline under chapter 6 if the organization

- a. condones or encourages hazing or if an officer, authorized representative, or any combination of members, potential new members, or alumni of the organization commits or assists in the commission of hazing. See Texas Education Code, Section 37.153 for more information.
- b. conducts an activity, including but not limited to initiations or rituals, that may include any feature that is dangerous, harmful, or degrading to a person. A violation of this prohibition renders both the organization and participating individuals subject to discipline.

Sec. 14–203. Consent Not a Defense

Hazing with or without the consent of a person is prohibited, whether on or off campus, and a violation of that prohibition renders both the person inflicting the hazing and the person submitting to the hazing subject to discipline. See Texas Education Code, Section 37.154 for more information.

Subchapter 14–300. Reporting Hazing

Sec. 14–301. Obligation to Report

- a. A person who has knowledge of hazing activities or a person who believes that he or she has been subjected to hazing should report the incident(s) at www.hazing.utexas.edu to the dean of students or another University official, administrator, or supervisor.
- b. All supervisors, administrators, faculty members, and University officials are responsible for promptly reporting hazing incidents that come to their attention to the dean of students.

Sec. 14–302. Immunity from Institutional Discipline

- a. In an effort to encourage reporting of hazing incidents, the dean of students through written agreement may grant immunity from

discipline under subsection 14–401 to a person who voluntarily reports a specific hazing event under subsection 14–301 if the person

- 1. reports the incident(s) before being contacted by the dean of students concerning the incident(s) or otherwise being included in the institution's investigation of the incident(s); and
- 2. cooperates in good faith by providing a complete and factual account of the incident(s) throughout the disciplinary process.
- b. A person will not be granted immunity under subsection 14–302(a) if the person
 - 1. reports the person's own act of hazing;
 - 2. reports an incident of hazing in bad faith or with malice as determined by the dean of students; or
 - 3. reports the incident after being contacted by the dean of students concerning the incident or otherwise being included in the institution's investigation of the incident.
- c. The dean of students may revoke the immunity granted under subsection 14–302(a) and initiate disciplinary proceedings under subsection 14–401 if the person
 - 1. is found to have engaged in the hazing activity under investigation;
 - 2. fails to cooperate fully and in good faith, as determined by the dean of students, by providing a complete and factual account of the incident(s) throughout the disciplinary process regarding the incident(s); or
 - 3. otherwise acts in bad faith or with malice as determined by the dean of students.
- d. The dean of students will notify a person regarding a grant or revocation of immunity under this section by letter or by e-mail.

Sec. 14–303. Immunity from Criminal and Civil Liability

- a. Immunity from institutional discipline is separate from potential immunity from civil or criminal liability under the law. Texas law - not university policies - determines when such immunity applies. See Texas Education Code, Section 37.155, providing the parameters for immunity from prosecution or civil liability.
- b. A doctor or other medical practitioner who treats a person who may have been subjected to hazing may make a good faith report of the 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. See Texas Education Code, Section 37.157 for more information.

Subchapter 14–400. Administration of Discipline

Sec. 14–401. Individual Discipline

Notwithstanding any action taken on account of the violation by civil authorities or agencies charged with the enforcement of criminal or civil laws, the dean of students may initiate disciplinary proceedings under chapter 11 of the *Institutional Rules* against a student accused of violating chapter 14.

Sec. 14–402. Organizational Discipline

Notwithstanding any action taken on account of the violation by civil authorities or agencies charged with the enforcement of criminal or civil laws, the dean of students may initiate disciplinary proceedings under chapter 6 of the *Institutional Rules* against an organization accused of violating chapter 14.

Sec. 14–403. Interim Disciplinary Action

Pending a hearing or other disposition of the allegations, the dean of students may take such immediate interim disciplinary action against a student under Chapter 11 or an organization under chapter 6 of the *Institutional Rules* as is appropriate to the circumstances. Failure to

comply may result in additional disciplinary action under chapter 6 and/or chapter 11 of the *Institutional Rules*.

Sec. 14–404. Potential Criminal Liability

Under state law, individuals or organizations engaging in hazing may be subject to fines and charged with a criminal offense. See Texas Education Code, Section 51.936 and Section 37.151 et seq. for more information.