

Anti-Hazing Policy 2019-2020

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Contact: Office of Student Conduct and Community Development

ANTI-HAZING POLICY

All acts of hazing are prohibited. Students are entitled to be treated with consideration and respect and no student or Clarion University registered student club or organization shall engage in an act that is likely to cause physical or psychological harm to any other person within Clarion University community. Furthermore, any such behavior is expressly forbidden when related to the admission, initiation, pledging, joining, continued membership in, or any other group-affiliation activity. Organizations that have local/regional/national/international governing bodies, headquarters or similar entities are also expected to adhere to policies they may have regarding hazing.

Under the Pennsylvania Crimes Code, 18 Pa.C.S. §§ 2801 *et seq.*, hazing is defined as follows:

A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student, applicant or admitted individual into or with an organization, or for the purpose of continuing or enhancing a minor or student, applicant or admitted individual membership or status in an organization, causes, coerces or forces a minor or student, applicant or admitted individual to do any of the following:

- 1) Violate federal or state criminal law;
- 2) Consume any food, drink, alcoholic liquid, drug or other substance that subjects the minor or current student, applicant or individual to a risk of emotional or physical harm;
- 3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements;
- 4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;

- 5) Endure brutality of a sexual nature; and
- 6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student, applicant or admitted individual.

The definition of hazing does not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

Hazing is also a crime and constitutes a summary offense. If the hazing results in or creates a reasonable likelihood of bodily injury to a minor or student, applicant or admitted individual, it is a misdemeanor of the third degree. Hazing that results in serious bodily injury or death to a minor or student, applicant or admitted individual where an person acts with reckless indifference to the health and safety of a minor or student, applicant or admitted individual or the person causes, coerces or forces the consumption of an alcoholic liquid or drug by the minor or student, applicant or admitted individual is considered aggravated hazing and is a felony of the third degree.

The University and organizations are subject to criminal penalties for intentionally, knowingly and recklessly promoting or facilitating hazing or aggravated hazing.

Consent is not a defense to a criminal charge of hazing or a charge under the University's Student Code of Conduct. The sanctioning or approval of the conduct by the University is not a defense to a criminal charge of hazing or a charge under the University's Student Code of Conduct.

Organizations are defined as: A fraternity, sorority, association, corporation, order, society, corps, club or service, social or similar group, whose members are primarily minors, students or alumni of the organization, or the University.

Pennsylvania's Anti-Hazing Law¹ requires each institution of higher education to adopt a written anti-hazing policy and, pursuant to that policy, adopt rules prohibiting students or other persons associated with any organization operating under the sanction of or recognized as an organization by the institution from engaging in any activity which can be described as hazing.

Policies adopted pursuant hereto shall apply to acts conducted on- or off-campus whenever such acts are deemed to constitute hazing.

Sanctions

In addition to any criminal and civil penalties, students, clubs and organizations found responsible for violating this policy will be sanctioned according to the Student Code of Conduct. Possible sanctions range from probation to expulsion for individual students and probation to permanent revocation of recognition for clubs and organizations. These sanctions will be in addition to any other sanction(s) imposed for violation(s) of other University policies to which the violator may be subject.

Faculty, staff, and coaches who fail to prevent hazing of students will be reported to Human Resources. Alumni and volunteers will be reported to any applicable national organization and may be excluded from future activities on campus.

The University reserves the right to communicate incidents of hazing to any Inter/National organization operating on Clarion's campus as well as prospective students and their families.

¹Link to Pennsylvania's Anti-Hazing Law:

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=18&div=0&chpt=28&sctn=1&subsctn=0>

Amnesty

The amnesty policy outlined in the Student Code of Conduct is applicable to incidents of hazing under the following circumstances:

1) For Reporting Parties

The University provides amnesty to reporting parties who may be hesitant to report to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking, at the time of the incident. Educational opportunities will be explored, but no conduct proceedings or conduct record will result.

2) For Those Who Offer Assistance

To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Engagement & Development, amnesty may also be extended on a case-by-case basis to the person receiving assistance. In the instance of hazing, a student who makes a best and first effort to seek medical attention for any student(s) endangered by possible acts of hazing will be offered amnesty. Educational options will be explored, but no conduct proceedings or conduct record will result.

3) For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational option will be explored by no conduct proceedings or record will result.

Amnesty under this policy may not prevent civil, criminal, or parent organization action from being taken. Organizations are exempt from receiving amnesty through the University.

Abuse of amnesty requests can result in a decision by the Director of Student Engagement & Development not to extend amnesty to the same person repeatedly.

Examples of Hazing Include the Following:

- a) Clem was inducted into an unrecognized club that was made up of some members of Clarion University marching band. As part of the induction activities, Clem was asked to do calisthenics half-naked in extreme heat at the request of club leaders. Clem was told he did not have to do them, but that all members did them and it improved their on-field stamina. Clem voluntarily engaged in the calisthenics. *This type of behavior violates the hazing policy, regardless of the "voluntariness" of Clem's decision.*

- b) Rick joined Omega Pi Lambda, a fraternity. His pledge class took an oath not to haze, and was repeatedly warned of the fraternity's anti-hazing policy by current members. Rick's pledge class had heard of the long history of hazing that had gone on in their fraternity before they joined, and they felt like they were missing out. All the members had earned their stripes, but Rick's class was under new rules. They wanted to prove themselves to their brothers, so one night, Rick and his pledge class secretly invaded Rho Mu Alpha, and stole their flag. The following Sunday, in a solemn presentation, Rick and his cohorts presented the flag of their rival to their chapter leaders, who accepted it with honor and much conversation about how the covert mission was accomplished. The leaders of Omega Pi Lambda faced accusations of violating Clarion University's abusive affiliation policy. They argued that they did not take the flag, and expressly told the new initiates not to haze. *Clarion University found them in violation for encouraging the activity by accepting the flag, glamorizing its theft, and failing to report the behavior to Clarion University officials once they were aware of it.*