

Hazing Policy

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Authority:

Student Affairs

Date enacted or revised:

Revised January 11, 2016; August 28, 2018; September 28, 2018, August 19, 2019 Purpose

This policy provides information to students and staff regarding Hazing, an activity prohibited by the University and by State Law. **Act 382 of the 2019 regular legislative session has modified and expanded the law regarding the criminal act of hazing as well as the mandatory education and reporting procedures.** This complies with the 2019 Board of Regents Uniform Policy on Hazing and the University of Louisiana System Policy on Hazing.

Definitions

Hazing is any intentional, knowing, or reckless act, occurring on or off the campus of McNeese State University by one person alone or acting with others, directed against an individual 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 McNeese.

Hazing includes acts in which the participating individuals knew or should have known that such acts endanger the physical health or safety of the other person or cause severe emotional distress.

Hazing includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

- Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.

- Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

It is important to note, physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the postsecondary education institution is not considered "hazing."

Organization is a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution, including the national or parent organization of which any of the underlying entities provided for in this definition is a sanctioned or recognized member at the time of the hazing.

Pledging is any action or activity related to becoming a member of an organization, including recruitment and rushing.

Appropriate authority includes the following:

- Any state or local law enforcement agency.
- A 911 Public Safety Answering Point
- Emergency medical personnel.

Reckless behavior is an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity.

Serious bodily injury is bodily injury that involves unconsciousness, extreme physical pain, or

protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

The University prohibits any form of hazing. Hazing in state colleges and universities is a violation of the law and is punishable by a fine and/or imprisonment (Louisiana Revised Statute 14:40.8) as well as by dismissal from the University. Hazing is also a violation of the University of Louisiana System's policy and the MSU Code of Student Conduct Article 3.14. Violation of this policy can result in both disciplinary action imposed by the organization and/or institution as well as criminal charges.

Reporting Requirement

It shall be the duty of all current and potential student organization members and pledges to report immediately, in writing, any violation of this Policy to the appropriate institution administrator. Any violation of this Policy shall be investigated and appropriate disciplinary action taken.

Standardized reporting forms for reporting hazing activity are available:

<https://www.ulsystem.edu/hazing/>

<https://regents.la.gov/divisions/legal-external-affairs/legislative-policies/>

Violations of the Hazing Policy should be reported to the Division of Student Affairs and/or University Police. Infractions of this policy will result in disciplinary procedures according to the regulations prescribed in the University's Code of Student Conduct. Violations of law will be handled in accordance with the criminal court system.

If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member of the organization has participated in an incident of hazing, the organization must report the incident to the institution with which it is affiliated and law enforcement. If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined to the institution with which it is affiliated and law enforcement. When the institution receives a report of an alleged incident of hazing pursuant to the provisions of Paragraph (1) of this Subsection, the institution shall do both of the following as soon as practicable under the circumstance:

- (a) Report to law enforcement as required by R.S. 14:40.8. The information reported to law enforcement shall include all information and details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing identified in the report.
- (b) Document in writing all actions taken with regard to the report including but not limited to the date the report was received, reports made to law enforcement as provided in R.S. 14:40.8, and any other information relative to the institution's investigation, processing, and resolution of the incident.

Penalty - any education institution who fails to comply with the provisions of this paragraph may be subject to a fine of up to \$10,000.00.

Commented [EC1]: and law enforcement.
Linda: MUST go to law enforcement. And the non-redaction in the Institution applies to Organization reporting as well.

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LINDA: AGREE>

Prevention and Education Programs

McNeese seeks to prevent hazing and educate the campus community about the dangers of hazing through prevention and education programs and materials, including the following programs and initiatives:

- The Hazing Prevention Coalition meets two to four times each semester to discuss strategies and trends associated with hazing prevention. This team shares information and resources as a frontline agency to better combat hazing in the McNeese community.
- The Hazing Education webpage as a centralized resource for students, faculty, staff, and parents. It also includes links to various resources and additional information.
- An anonymous online reporting form for hazing, discrimination, bias and/or other inappropriate activity located in the Hazing Education webpage.
- Prevention programs utilizing various methods to increase bystander intervention training and development.
- On-campus promotional campaign for hazing awareness, prevention, and reporting
- Hazing prevention week each semester including training, education, resource sharing and exposure of campus policies and expectations.
- Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.
- In addition, beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.
- Each organization (as defined above in this Policy and in R.S. 17:1801.1) shall provide annually at least one hour of hazing prevention education to all members and prospective members. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students receiving such education evidenced by an attestation of the student receiving the education.
- The hazing prevention education required under the provisions above shall include the information about criminal penalties for the crime of criminal hazing. Information shall also be provided to organizations on their obligations under the law, including the duty to investigate and report; and on the possible loss of funding and other penalties applicable to organizations under the Hazing Laws.
- **If the student receiving the information required is a minor, that information shall also be provided to his parent or legal guardian.**

Duty to Seek Assistance

In accordance with Act 637 of 2018, codified at R.S. 14:502, any person at the scene of an emergency who knows that another person has suffered bodily injury caused by an act of hazing shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Each institution's policy and educational information

shall include the criminal penalties for failure to seek assistance in violation of R.S. 14:502.

Sanctions for Organizations and Affiliates

If a student organization takes disciplinary action against one of its members for hazing or has reason to believe that any member of the organization has participated in an incident of hazing, the organization shall report the incident to the Dean of Students or designee.

If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined to the Dean of Students or designee.

(a) If any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any of the underlying entities as recognized in Section III B of this Policy is sanctioned or recognized member at the time of the hazing, knew and failed to report, as soon as practicable under the circumstances, to law enforcement that one or more of the organization's members were hazing another person, the organization may be subject to penalties under R.S. 14:40.8.

Those penalties may include:

- (i) Payment of a fine of up to ten thousand dollars,
- (ii) Forfeiture of any public funds received by the organization,
- (iii) Forfeiture of all rights and privileges of being an organization that is organized and operating at the education institution for a specific period of time as determined by a court of law. If the hazing results in the serious bodily injury or death of the victim, or results in the victim having a blood alcohol concentration of a least .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, the period of time shall be for not less than four years.

(b) Information reported to law enforcement as provided in Subparagraph (a) of this Paragraph shall include all details received by the organization relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing.

An education institution that receives a report alleging the commission of an act or acts of hazing by one or more members of an organization that is organized and operating at the education institution shall report, as soon as practicable under the circumstances, the alleged act or acts to the law enforcement agency having jurisdiction in the place where the alleged act or acts of hazing occurred. The information reported to law enforcement as required by this paragraph shall include all details received by the institution relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing. Any education institution who fails to comply with the provisions of this Paragraph may be subject to a fine of up to ten thousand dollars.

Sanctions for Students

Any student who violates the provisions of Acts [635](#), [637](#) and [640](#) of the 2018 Regular Session of the Louisiana Legislature and this Policy shall be expelled, suspended, or dismissed from the institution and not permitted to return for at least one semester, quarter, or comparable academic period and may be subject to criminal charges.

Those criminal charges for violations of R.S 14:40.8 may include:

- a. A fine of up to one thousand dollars and imprisonment for up to six months of both,
- b. If the hazing results in the serious bodily injury or death of a victim, or the hazing involves forced or coerced alcohol consumption that results in the victim having a blood alcohol concentration of at least .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, any person who commits an act of hazing shall be fined up to ten thousand dollars and imprisoned, with or without hard labor, for up to five years.

Consent is not a defense. It is not a defense to prosecution of an offense that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Any student who fails to seek assistance as defined by the law and this policy shall be subject to penalties outlined in R.S. 14:502.

Those criminal penalties include:

- a. A fine of not more than one thousand dollars, imprisonment with or without hard labor for not more than one year, or both,
- b. If the serious bodily injury results in the death of the person, any person who violates the provisions of this section shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

Communication

The University takes the enforcement and dissemination of the Hazing Policy very seriously. Each calendar year during student organization registration all organizations are required to acknowledge receipt of the Hazing Policy and the penalties associated with its violation. This policy is discussed at the beginning of each year with organization officers during new student organization registration and at each annual Greek retreat. The policy is posted on the McNeese website with other relevant student organization forms, and it is communicated through Senior Staff, the University Policy page, and avenues listed in procedures.