

TO: All Students, Faculty and Staff

FROM: Mr. David Rachitta
Dean of Students

RE: Hazing Memorandum

DATE: September 24, 2018

The Texas Legislature enacted an anti-hazing law in 1987. The state law provides penal sanctions in the event of a conviction of hazing. According to this law, individuals or organizations engaging in hazing could be subject to fines and charged with a criminal offense.

Hazing on the part of students, faculty or staff is strictly forbidden, whether on or off campus. University of Houston-Clear Lake students are expected to be partners in fulfilling the mission of the University by creating and maintaining standards within student groups, teams and organizations that are conducive to personal growth and development. If student groups, teams and organizations are to play an integral part in the University's plan, they must set standards that encourage each individual to achieve their greatest potential. Hazing is the antithesis of this goal because it results in diminishing an individual's pride and self-esteem. The University will take disciplinary action against individuals and/or groups who are involved in hazing activities. Such disciplinary action may be taken independently of state or local prosecutorial actions.

Definition

State 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 an organization whose members are or include students at an educational institution. The term includes but is not limited to:

- Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- 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;
- Any activity involving consumption of a 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 or safety of the student;
- Any activity that intimidates or threatens the student with ostracism that subjects the student to extreme mental stress, shame, humiliation, or 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 subsection; and

- Any activity that induces, causes or requires the student to perform a duty or task which involves a violation of the Penal Code or Student Code of Conduct.

Personal Hazing Offense

A person commits a hazing offense if the person:

- A person commits an offense if they engages in hazing; solicits, encourages, directs, aids or attempts to aid another in engaging in hazing; recklessly permits hazing to occur; or has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the Dean of Students Office or other appropriate official/office of the institution.

University Disciplinary Rules

The law does not restrict the right of Texas State University to enforce its own rules against hazing, and the University will take disciplinary action for conduct that constitutes hazing regardless of whether public authorities prosecute students under the state hazing law.

- Hazing with or without the consent of the student is prohibited by Texas State. Both the individual(s) inflicting the hazing and the person submitting to the hazing are subject to disciplinary action. The fact that an individual consented to or acquiesced in a hazing activity is not a defense to prosecution of an offense under the hazing law, and neither will it be under the University's disciplinary process
- Initiations or activities by organizations may not include any feature which is dangerous, harmful or degrading to the student. A violation of this prohibition renders both the organization and participating individuals subject to discipline

Disciplinary Actions

The disciplinary actions assigned/determined in a particular case will vary dependent on the nature of the conduct involved, the circumstances and conditions that existed at the time and the results that followed such conduct.

For a list of possible sanctions please review our [UHCL Student Handbook](#).

Immunity from Prosecution Available

In an effort to encourage reporting of hazing incidents, the court may grant immunity from civil or criminal prosecution to any person reporting a specific hazing incident involving a student in an educational institution to the Dean of Students or other appropriate official at the University of Houston-Clear Lake. A person reporting in bad faith or with malice is not protected by this section.

University of Houston-Clear Lake Student Organization Hazing Policy Violations

Each institution of higher education in the State of Texas is required to publish or distribute a list of registered student organizations that have been disciplined or convicted for hazing violations on or off campus during the previous three years.

As of September 1, 2018, we do not have any student organization(s) that have been disciplined or convicted for hazing violations on or off campus during the previous three years, and there are no organizations with a pending investigation.

To report an act of hazing, please contact the Student Life Office at (281) 283-2560 or the Dean of Students Office at (281) 283-2618. The information contained in this memorandum can be found on the Dean of Students website at www.uhcl.edu/dean-of-students/.