

University of Houston Clear Lake

MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: STUDENT AFFAIRS
AREA: PROGRAM/COMPLIANCE

Number: 05.C.08

SUBJECT: Hazing

I. PURPOSE

The University of Houston – Clear Lake (“University”) is committed to maintaining an atmosphere of social and ethical responsibility. The University views responsible pre-initiation activity as a positive educational approach to preparation for student organization membership. This policy addresses hazing activity, which is antithetical to the University’s commitment to a positive educational environment.

Participation in hazing activities is against the law. Violation of the University’s hazing policy, whether on or off campus, may subject participants, including students and organizations, to arrest, prosecution and/or disciplinary action, including, but not limited to, suspension or expulsion of students and the revocation of an organization’s registration and/or recognition at the University. Consent to or acquiescence in hazing activity is not a defense.

The University strictly prohibits participation in hazing activities by any party, regardless of the existence of consent. Hazing activities do not contribute to the positive development or welfare of students. The University of Houston – Clear Lake recognizes the act of hazing as illegal, irresponsible, intolerable and inconsistent with the principles of higher education and basic human development.

Accordingly, this policy strictly prohibits participation in hazing activities by all parties. This policy includes a summary of the provisions of the law as it relates to hazing.

II. DEFINITIONS

- 2.1. “Pledge” means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- 2.2. “Pledging” means any action or activity related to becoming a member of an organization.
- 2.3 “Student” means any person who:
 - 2.3.1 Is registered in or in attendance at an educational institution;
 - 2.3.2 Has been accepted for admission at the educational institution where the hazing incident occurs; or

2.3.3 Intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

2.4 "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or student government, a band or musical group or an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition, or a service, social, or similar group, whose members are primarily students.

2.5 "Hazing" means 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 for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

2.5.1 Is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

2.5.2 involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar 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;

2.5.3 involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

2.5.4 is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or

2.5.5 Involves coercing, as defined by Section 1.07, Penal Code, the student to consume:

2.5.5.1 A drug; or

2.5.5.2 An alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

III. POLICY

3.1. Hazing

Hazing is strictly prohibited by the University.

3.1.2 Personal Hazing Offense

A person commits an offense if the person: engages in hazing; solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing; or has firsthand knowledge of the planning of a specific hazing incident involving a student 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.

The offense of failing to report is a Class B misdemeanor. Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor. Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor. Any other offense under this section that causes the death of another is a state jail felony. [Section 37.152 of the Texas Education Code](#)

3.1.3 Organization Hazing Offense

An organization commits an offense if the organization condones or encourages hazing or if an officer or any combination of members, pledges, or alumni of the organization commits or assists in the commission of hazing.

An offense under this section is a misdemeanor punishable by: a fine of not less than \$5,000 nor more than \$10,000; or if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss. [Section 37.153 of the Texas Education Code](#)

3.2. Consent Not a Defense

Consent to or acquiescence in hazing activity is not a defense. Any of the activities described herein where the initiation or admission into, or affiliation with, or continued membership in an organization is directly conditioned, shall be presumed to be "compelled activities;" the willingness of an individual to participate notwithstanding. 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.

3.3. Examples of actions and activities which may constitute hazing include, but are not limited to, the following:

3.3.1 Compelling individuals to consume alcohol or drugs.

3.3.2 Paddling in any form, shoving or otherwise striking individuals.

- 3.3.3 Compelling individuals to engage in sexual behaviors, sexual or racial harassment or slurs or exhibitionism.
- 3.3.4 Compelling individuals to eat or drink unusual substances or compelling the consumption of undue amounts or odd preparations of food.
- 3.3.5 Having harmful substances thrown at, poured on or otherwise applied to the bodies of individuals.
- 3.3.6 Morally degrading or humiliating games or activities which make an individual the object of amusement, ridicule or intimidation.
- 3.3.7 Transporting individuals against their will, abandoning individuals at distant locations, or conducting any "kidnap," "ditch" or "road trip" that may in any way endanger or compromise the health, safety or comfort of any individual.
- 3.3.8 Causing an individual to be indecently exposed or exposed to the elements.
- 3.3.9 Requiring an individual to remain in a fixed position for a long period of time.
- 3.3.10 Compelling an individual to be branded or tattooed.
- 3.3.11 "Line-ups" involving intense shouting of obscenities or insults.
- 3.3.12 Compelling individuals to participate in activities (pranks, scavenger hunts, etc.) which encourage the defacement of property; engage in theft; harass other individuals, groups of individuals or organizations.
- 3.3.13 Excluding an individual from social contact for prolonged periods of time.
- 3.3.14 Compelling an individual to engage in acts of personal servitude.

3.4. Responsibility of the Organization

The organization has the responsibility to ensure its activities are acceptable under this policy. If you are not sure whether an activity is hazing, the activity should be dropped or discussed with the appropriate University official prior to further activity. Questions regarding the acceptability of a proposed organization activity should be discussed with the Dean of Students Office.

3.5. Enforcement

- 3.5.1 The President, Chair or Leader of each registered student organization is responsible for informing the members (pledges, associate members, initiated members, affiliates, etc.) of the organization of the University policy regarding hazing. The President, Chair or Leader should discuss and distribute a copy of this policy to each member of the organization during the first meeting of each semester.
- 3.5.2 The President, Chair or Leader of each organization is responsible for informing their guests and alumni members of that Organization regarding this policy and is additionally responsible for controlling the actions of their guests and alumni members of that organization regarding this policy.
- 3.5.3 It is the responsibility of any and all individuals who have firsthand knowledge of the planning or actual occurrence of a hazing activity to promptly report said knowledge to the Dean of Students Office. As with all UHCL sponsored groups and programming,

community standards remain intact with respect to mandatory reporting or any other requirements under Title IX and Title VII.

- 3.5.4 Complaints may be made through the Dean of Students Office and/or the Student Involvement and Leadership Office, the University of Houston – Clear Lake Police Department, the University’s anonymous reporting system at <https://app.convercent.com/en-us/LandingPage/b3d1c670-e06c-e711-80cf-000d3ab0d899> as well as, through <https://www.maxient.com/>.
- 3.5.5 Discipline and sanctions will be handled through the Student Conduct process as described in the Student Handbook.
- 3.5.6 Retaliation against any individual, including victims of hazing, good faith reporters, witnesses and/or cooperating individuals, is prohibited, and may result in further disciplinary action.

3.6 Immunity from Prosecution or Civil Liability

- 3.6.1 A court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution.
- 3.6.2 Any person who voluntarily reports a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the reported hazing incident if the person:
 - 3.6.2.1 Reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident; and
 - 3.6.2.2 As determined by the dean of students or other appropriate official of the institution designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.
- 3.6.3 A person is not immune under Subsection (b) if the person:
 - 3.6.3.1 Reports the person's own act of hazing; or
 - 3.6.3.2 Reports an incident of hazing in bad faith or with malice.

3.7 Offenses in Addition to Other Penal Provisions

The University may enforce its own penalties against hazing.

IV. 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.

V. REVIEW AND RESPONSIBILITY

Responsible Parties: Vice President for Student Affairs

Review: Every 3 years

VI. APPROVAL

Aaron Hart

Dr. Aaron Hart [Aaron Hart \(Jun 28, 2020 23:22 CDT\)](#)

Vice President for Student Affairs

Ira K. Blake

Dr. Ira Blake

President

Date of President's Approval: Jul 5, 2020

VII. REVISION LOG

Revision Number	Approval Date	Description of changes
1	12/12/19	Interim Version Approved by University Council
1	05/14/2020	Description added. 3.1.2 Description for clarification is added to paragraph and includes reference to the Texas Education Code and hyperlinks to the statutory provisions. 37.152 of the Texas Education Code 3.1.3 Description for clarification is added to paragraph and includes reference to the Texas Education Code and hyperlinks to the statutory provisions. 37.153 of the Texas Education Code 3.5.3 – A new sentence has been added in 3.5 and focuses attention on the applicability of Section IX and VII requirements, and links to the relevant University of Houston System policies

VIII. REFERENCES

[Texas Education Code Chapter 37, Subchapter F, Hazing](#)

[Antidiscrimination Policy \(SAM 01.D.07\)](#)
[Sexual Misconduct Policy \(SAM 01.D.08\)](#)

