




University Senate CHARGE

Date:	April 14, 2014
To:	Jason Speck Chair, Student Conduct Committee
From:	Vincent Novara Chair, University Senate 
Subject:	Hazing Policy Revision
Senate Document #:	13-14-31
Deadline:	November 14, 2014

The Senate Executive Committee (SEC) requests that the Student Conduct Committee review the proposal entitled “Hazing Policy Revision” and consider whether the requested changes are appropriate.

Specifically, we ask that you:

1. Review the Office of Student Conduct’s hazing policy.
2. Review similar hazing policies at our peer institutions and other system schools.
3. Consider whether recommendations for revisions to our hazing policy are appropriate.
4. Consult with the Director of the Office of Student Conduct.
5. Consult with the University’s Office of Legal Affairs.
6. If appropriate, make recommendations as to whether the University of Maryland Policy and Procedures on Hazing should be developed.

We ask that you submit your report and recommendations to the Senate Office no later than November 14, 2014. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



University Senate PROPOSAL FORM

Name:	Andrea Goodwin
Date:	March 27, 2014
Title of Proposal:	Hazing Policy Revision
Phone Number:	301-314-8204
Email Address:	agoodwin@umd.edu
Campus Address:	2118 Mitchell Building
Unit/Department/College:	Office of Student Conduct, Division of Student Affairs
Constituency (faculty, staff, undergraduate, graduate):	Staff
Description of issue/concern/policy in question:	<p>In Fall 2012, The Office of the Vice President for Student Affairs hosted a Hazing Summit. Faculty, staff and students from across the University convened to discuss the serious problem of Hazing. The purpose of the summit was to:</p> <ul style="list-style-type: none"> A. Conduct analysis of hazing at the University; B. Review current hazing policies; C. Review existing hazing prevention efforts; D. Identify short and long term goals; and, develop a system to E. Monitor and evaluate progress. <p>Following the summit a steering committee was formed to help reduce and eliminate acts of hazing on our campus. Three subgroups were formed, one specifically to review the University's current policy.</p> <p>The University currently has a Hazing Policy that has been in place for several years. The policy belongs to the Division of Student Affairs and is enforced by the Office of Student Conduct.</p> <p>The subgroup, consisting of staff, faculty and students met to consider whether the policy should be revised. The committee determined that the language in the current policy should be amended and that the policy should be reviewed and approved by the University Senate.</p>

Description of action/changes you would like to see implemented and why:	I would like to see the Hazing Policy revised and approved by the University Senate in an effort to better educate the campus community, increase the University's ability to hold individuals and groups responsible for hazing, and help to reduce Hazing at the University.
Suggestions for how your proposal could be put into practice:	
Additional Information:	Please see the attached draft of the policy as well as the current University hazing policy.

Please send your completed form and any supporting documents to senate-admin@umd.edu or University of Maryland Senate Office, 1100 Marie Mount Hall, College Park, MD 20742-7541. Thank you!



Office of Student Conduct
Promoting Integrity, Character, & Ethics

HAZING POLICY

Hazing Is Strictly Prohibited

Hazing is a fundamental violation of human dignity. It is strictly prohibited at the University of Maryland, College Park. The University defines hazing as intentionally or recklessly subjecting any person to the risk of bodily harm, or severe emotional distress, or causing or encouraging any person to commit an act that would be a violation of law or university regulations, for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a student group or organization, as defined by the *Code of Student Conduct*. The express or implied consent of the victim will not be a defense.

Examples Of Hazing

Examples of hazing include, but are not limited to: forced consumption of alcohol or other substances; sleep deprivation; use of alcohol in drinking games or contests; paddling; forced tattooing or branding; creation of excessive fatigue; severe psychological shocks or humiliation (as defined by a reasonable person under all the circumstances); compulsory servitude; theft or misuse of property belonging to others.

Penalties For Hazing

Aggravated violations of this policy, as defined in Part 2 (a) of the *Code of Student Conduct*, normally result in suspension or expulsion from the University, or revocation of registration for a student group or denial of recognition or registration for a student group or organization, even for a first offense. Individuals who participate in acts of hazing are personally accountable under this policy, and the *Code of Student Conduct*, regardless of the outcome of any related case brought against a student group or organization.

Responsibilities To Challenge And Report Hazing

All members of the university community share the responsibility to challenge and make known to the Office of Student Conduct acts of apparent hazing.

Apathy in the presence of hazing, or acquiescence to hazing, are not neutral acts. Individuals who participate in acts of hazing as perpetrators or victims are personally accountable under this policy, and the *Code of Student Conduct*.

UNIVERSITY OF MARYLAND PROPOSED POLICY AND PROCEDURES ON HAZING

March 2014

II. Hazing Reporting Procedures

The health and safety of all members of the campus community are the University's primary concern. Hazing is considered a fundamental violation of human dignity. If you believe hazing has occurred or is ongoing, you are strongly encouraged to seek assistance from one or more of the following resources 24 hours a day, seven days a week:

- University Police (Department of Public Safety) - Emergency: (301) 405-3333 / Mobile Phone: #3333 / Non-Emergency: (301) 405-3555
- Local Police in ANY location – Emergency: 911
- Report the incident (Monday - Friday between the hours of 8:00am and 5:00pm) to the Office of Student Conduct at (301) 314-8204 or via this online form <http://www.osc.umd.edu/OSC/NonAcademicIncidentReferralForm.aspx>.

A. Anonymous/Confidential Reporting

The following campus agencies will keep information as private and confidential as allowed by law (contact information for normal business hours):

- i. Counseling Center (Shoemaker Building) / Telephone: (301) 314-7651
- ii. Mental Health Service (Health Center) / Telephone: (301) 314-8106

B. Formal Reporting

Notice to the campus agencies listed below is official notice to the University. Victims have the right to, and can, expect that all reports of hazing will be taken seriously and investigated when formally reported.

- i. University Police (Department of Public Safety, Service Building)
Emergency (301) 405-3333 | Mobile Phone #3333 Non-Emergency (301) 405-3555
- ii. Office of Student Conduct (Mitchell Building) Telephone: (301) 314-8204

The University encourages all alleged acts of hazing to be reported promptly to University Officials and/or law enforcement agencies. The criminal process and the University disciplinary process are separate and independent. Reporting to the University does not preclude a victim from filing a report with the police. The University does not normally wait for the conclusion of criminal investigations or proceedings to conduct its own investigation and may take interim measures to protect the complainant and University community.

C. Criminal Reporting

The University's Department of Public Safety is a full-service police agency serving the students, faculty, staff, and visitors within its jurisdiction. The safety and well-being of hazing victims is a primary concern of the University. Student, faculty, staff, parents, etc. are encouraged to report any hazing allegations to the University Police as soon as is reasonably possible. Upon receipt of a report, University Police will normally conduct a criminal investigation. University Police officials can also assist hazing victims in notifying other law enforcement authorities, as appropriate.

D. Student Disciplinary Reporting

All reports of hazing will be reviewed in accordance with the procedures outlined in this policy. Any person may file a complaint of hazing against a University student, defined as a person who is taking or auditing courses at the institution either on a full- or part-time basis. Alumni are not precluded from being charged if the victim is a student and the incident occurred while the alumnus was enrolled as a student.

There is no time limit to filing a formal complaint; however, persons are encouraged to promptly report alleged acts of hazing in order to maximize the University's ability to investigate and respond. The University strives to resolve all complaints within 60 calendar days of receiving a formal complaint. The resolution time may vary depending on the complexity of the investigation and severity and extent of the alleged misconduct.

E. Retaliation

Retaliation against any person filing a complaint or cooperating in the investigation of such complaint is strictly prohibited. Retaliation includes, but is not limited to, direct or indirect intimidation, threats, and/or harassment for or against any party involved in the investigation. Students found to be responsible for retaliation will be subject to disciplinary action under the *Code of Student Conduct*. Retaliatory conduct may also constitute a criminal offense.

In cases of alleged acts of hazing, the University usually does not pursue disciplinary action against a victim unless the individual is perceived as a willing participant or provides false information to a University official. Other charges may apply depending on the unique circumstances of the case.

F. Interim Measures

All formal reports of alleged hazing, regardless of whether the complainant chooses to pursue resolution through the student conduct process, will be investigated, and steps will be taken to provide support to the complainant. This support may include taking appropriate interim action prior to the completion of the investigation and conclusion of the student conduct process.

Interim measures may include a “no contact” directive serving as notice to the organization or its members that they must not have verbal, electronic, written or third party communication with one another or with the student(s) seeking membership. Interim measures may also include alteration of students’ academic schedules, University housing, and/or University employment arrangements and an order to cease and desist all organizational activities of the group being investigated. Failure to comply with interim measures may result in a student being charged with additional disciplinary violations.

III. University Disciplinary Procedures

The Office of Student Conduct is responsible for adjudicating the Hazing Policy. If the accused is a student, a group of students, or a student organization, any person may file a complaint with the Office of Student Conduct.

University student disciplinary procedures and procedural protections are set forth in the *Code of Student Conduct* and published in the Undergraduate and Graduate Catalogs. Both complainants and respondents are given a number of important rights, including the right to pose questions to the other party, the right to be advised by their own attorney or advisor, the right to address the board, the right to question witnesses, the right to be informed of the outcome of the case, and the ability to appeal decisions made by hearing boards. The burden of proof is on the complainant, who must establish the responsibility of the respondent by clear and convincing evidence.

Acts of hazing may result in individual suspension or expulsion from the University, and organizational sanctions may include revocation or denial of recognition or registration as provided by the *Code of Student Conduct*. Students who violate federal, state, and/or local laws may also be subject to criminal charges.

IV. Educational Programs and Prevention

A. Hazing Task Force

For more information contact the Office of the Vice President for Student Affairs at (301) 314-8428.

B. Department of Fraternity and Sorority Life (DFSL)

For more information contact DFSL at (301) 314-7172.

C. Emergency Phones

University Police Emergency Response Telephones (PERT), recognized by a blue light affixed to each station, are available throughout the campus. By activating the phone, an individual will be automatically connected to a Police Dispatcher, who is immediately alerted to the location of the phone.

V. Additional Resources and Applicable Policies

A. The Student Legal Aid Office, located in South Campus Dining Hall, provides free, confidential legal advice to any University student. Undergraduates may contact 301-314-7756 or <http://studentorg.umd.edu/legalaid>. Graduate students may contact 301-405-5807 or <http://gsg.umd.edu/resources/graduate-legal-aid>.

B. The University of Maryland Code of Student Conduct is available online at <http://president.umd.edu/policies/v100b.html>.

UNIVERSITY OF MARYLAND PROPOSED POLICY ON HAZING

Hazing is a fundamental violation of human dignity. It is strictly prohibited at the University of Maryland - College Park. The following conduct is defined as hazing when engaged in for the purpose of admission, initiation, or continued association with a group or organization:

Recklessly or intentionally...

- 1) engaging in or enabling an act or situation that subjects another person to the risk of:
 - a) bodily injury;
 - b) emotional distress, humiliation, degradation;
 - c) harm from unreasonable requirements which interfere with a student's ability to function as a student, including financial requirements outside of membership dues;
 - d) diminished physical or mental capacity*, or
- 2) causing or encouraging another person to violate any law or University regulation.

The implied or express consent of another person is not a defense under this section.**

Penalties for Hazing

Aggravated violations of this policy, as defined in Part 2 (a) of the *Code of Student Conduct*, normally result in suspension or expulsion of the responsible student from the University. Sanctions for a student group or organization found responsible for violating the policy, even for a first offense, may include revocation or denial of recognition or registration, as well as other appropriate sanctions, pursuant to Part 10 (f) of the *Code*. Individuals who participate in acts of hazing are personally accountable under this policy and the *Code of Student Conduct*, regardless of the outcome of any related case brought against a student group or organization.

Responsibilities to Challenge and Report Hazing

All members of the university community share the responsibility to challenge hazing and report acts of apparent hazing to the Office of Student Conduct. Apathy in the presence of, and acquiescence to, hazing are not neutral acts. Individuals who voluntarily participate in acts of hazing as perpetrators or victims will be held personally accountable under this policy and the *Code of Student Conduct*.

Contacts

Office of Student Conduct	(301) 314-8204
Department of Public Safety	(301) 405-3333 or 911
Counseling Center	(301) 314-7651

*Diminished mental or physical capacity within this section means reduced ability to perform mental or physical tasks due to drugs, alcohol, or physical or mental trauma.

** This policy shall not be interpreted to apply to speech that is protected under the First Amendment to the U.S. Constitution.