



Technical Revisions to the University of Maryland Policy and Procedures on Hazing (V-1.00[K])

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| PRESENTED BY | Reka S. Montfort, Executive Secretary & Director |
| REVIEW DATES | SEC – October 22, 2019 SENATE – November 5, 2019 |
| VOTING METHOD | For information only |
| RELEVANT POLICY/DOCUMENT | V-1.00(K) – University of Maryland Policy and Procedures on Hazing |
| NECESSARY APPROVALS | N/A |

ISSUE

In December 2017, the University Senate and the President approved revisions to the *Code of Student Conduct* (see [Senate Document #16-17-08](#) for more information). At the time, the Student Conduct Committee made a recommendation to ensure that other University policies and procedures that refer to or summarize the provisions of the *Code* would be updated to include accurate information. In order to implement this recommendation, in fall 2019, the University Senate Office worked with the Office of Student Conduct to make the necessary revisions to the University of Maryland Policy and Procedures on Hazing (V-1.00[K]) to align the Policy with the *Code*. The President reviewed the revisions as technical amendments and approved the revised Policy and Procedures on September 30, 2019.

RECOMMENDATION(S)

The technical revisions are provided for informational purposes.

COMMITTEE WORK

N/A

ALTERNATIVES

N/A

RISKS

N/A

FINANCIAL IMPLICATIONS

N/A



V-1.00(K) UNIVERSITY OF MARYLAND POLICY AND PROCEDURES ON HAZING

(Approved by the President, February 20, 2015; **Technical Amendments September 30, 2019**)

I. Policy

Hazing is a fundamental violation of human dignity. It is strictly prohibited at the University of Maryland. The following conduct is defined as hazing when engaged in, whether on or off University premises, 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) physical harm
 - 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,¹ 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.²

A. Penalties for Hazing

Aggravated violations of this policy, as defined in Part **82(ka)**³ 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 11(f)**⁴ of the *Code of Student Conduct*. Individuals who participate in acts of hazing are personally accountable

¹ 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.

² This policy shall not be interpreted to apply to speech that is protected under the First Amendment to the United States Constitution.

³ The term "aggravated violation" means a violation which resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal University or University-sponsored activities.

⁴ ~~Part 11(f) provides in part: "OTHER SANCTIONS: other sanctions may be imposed instead of or in addition to those specified in sections (a) through (e) of this part."~~

under this policy and the *Code of Student Conduct*, regardless of the outcome of any related case brought against a student group or organization.

B. 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 recipients and/or victims will be held personally accountable under this policy and the *Code of Student Conduct*.

In cases of alleged acts of hazing, the University normally does not pursue disciplinary action against those who have been hazed unless evidence exists that the recipient and/or victim was a willing participant or has provided false information to a University official. Other charges may apply depending on the unique circumstances of the case.

C. Contacts

Office of Student Conduct (301) 314-8204 <https://www.studentconduct.umd.edu>
<http://osc.umd.edu/>

Department of Public Safety (301) 405-3333 or 911 <http://www.umpd.umd.edu/>

University Counseling Center (301) 314-7651 <http://www.counseling.umd.edu/>

University Health Center (301) 314-8106 <http://www.health.umd.edu/>

II. 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, Service Building)
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 8:00 a.m. - 5:00 p.m.) to the Office of Student Conduct at (301) 314-8204 or via [this](https://www.studentconduct.umd.edu) online form **on the Office of Student Conduct website - <https://www.studentconduct.umd.edu>**;
<http://www.osc.umd.edu/OSC/NonAcademicIncidentReferralForm.aspx>

A. Anonymous/Confidential Resources

The following campus entities will keep information about alleged hazing as private and confidential as allowed by applicable law (contact information for normal business hours):

1.  University Counseling Center (Shoemaker Building) / Telephone: (301) 314-7651

The Counseling Center provides comprehensive psychological and counseling services to meet the mental health and developmental needs of students and others in the University community. Staffed by counseling and clinical psychologists, the Counseling Center offers a variety of services to help students, faculty, staff, and other members of the community deal with issues concerning them.

2.  University Mental Health Service (Health Center) / Telephone: (301) 314-8106

The Mental Health Service is staffed by psychiatrists and licensed clinical social workers and offers confidential services including short-term psychotherapy, medication evaluations, crisis intervention, and group psychotherapy.

Reporting to either of the foregoing campus entities does not constitute a formal report to the University and no additional action will be taken unless there is an imminent threat to health or safety or other basis for disclosure as required by law.

B. Reporting

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.

Notice to the campus entities listed below is formal 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.

1.  University Police (Department of Public Safety, Service Building)
Emergency (301) 405-3333 / Mobile Phone #3333
Non-Emergency (301) 405-3555

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, and/or others 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.

2. ~~ii~~ Office of Student Conduct (Mitchell Building) / Telephone: (301) 314-8204

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 **either a person enrolled in or auditing courses at the University on a full-time or part-time basis at the time the alleged violation occurred or an individual who may not be enrolled for a particular term at the time the alleged violation occurred but has a continuing relationship with the University** ~~a person who is taking or auditing courses at the University 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 with the Office of Student Conduct; 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.

C. University Disciplinary Procedures

The Office of Student Conduct is responsible for adjudicating alleged violations of this 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 rights are set forth in the *Code of Student Conduct* and published in the Undergraduate and Graduate Catalogs. Both complainants and respondents are granted a number of important rights, including the right to pose questions to the other party, the right to be advised by **an advocate** ~~their own attorney~~ or advisor, the right to present their side of the case, 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 **rests is** on the complainant, **campus advocate, or community advocate to** ~~who must~~ establish **that it is more likely than not that a respondent committed a violation of this policy** ~~the responsibility of the respondent by clear and convincing evidence.~~

Students found responsible for acts of hazing may be suspended or expelled 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.

D. 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 involving any party in the investigation. Students found responsible for retaliation will be subject to disciplinary action under the *Code of Student Conduct*. Retaliatory conduct may also constitute a criminal offense.

E. Interim Measures

All formal reports (as set forth in Section B, above) of alleged hazing, regardless of whether the complainant chooses to pursue resolution through the University disciplinary 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 completion of the investigation and conclusion of the student disciplinary 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 modification of students’ academic schedules, University housing and/or University employment arrangements, and an order to cease and desist all activities of the organization being investigated. Failure to comply with interim measures may result in an individual(s), a student group(s), or an organization(s) being charged with additional disciplinary violations.

III.V. Educational Programs and Prevention

- Hazing Prevention Steering Committee
For more information contact the Office of the Vice President for Student Affairs at (301) 314-8428.
- Department of Fraternity and Sorority Life (DFSL)
For more information contact DFSL at (301) 314-7172.
- 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.

IV. Additional Resources and Applicable Policies

- 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://legalaid.umd.edu> <http://studentorg.umd.edu/legalaid>. Graduate students may contact (301) 405-5807 or <http://legalaid.umd.edu>. <http://gsg.umd.edu/resources/graduate-legal-aid>

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