

Effective: January 14, 2019

Administrative Policy ANTI HAZING POLICY

Approved: January 14, 2019
President's Cabinet

Purpose

The purpose of this policy is to:

1. Educate the campus community about expectations related to the conduct of individuals and organizations when an individual seeks to become a member of an organization;
2. Define hazing as a range of prohibited behaviors by this policy, the Student Code of Conduct and other University policies;
3. Provide guidance and a reporting process for individuals who believe they have been subjected to hazing; and
4. Ensure compliance with appropriate state and federal laws and regulations.

Policy

This policy statement sets forth the University's definition of conduct that constitutes hazing and outlines the procedures to follow when reporting complaints of hazing. Following these procedures will allow the University to provide a prompt, adequate, reliable and impartial investigation of complaints of hazing. The University prohibits hazing within the University community, whether it occurs on or off-campus. The consent or assumption of the risk by an individual are not defenses to hazing conduct that is in violation of this policy. In addition, hazing conduct that is determined to be sanctioned by the University or an organization will not preclude the University from charging individuals or organizations for violating this policy. Hazing conduct that does not violate the Anti Hazing Law may nevertheless constitute hazing under this policy may result in individuals or organizations being charged for violating this policy.

Interested student events, prospective members or intake-related activities by nature must reflect the best interests of the involved parties, potential new members, members of the organization, the University, and the Millersville University community. For the purposes of this policy, any activity or situation, upon which the initiation or admission into or affiliation with or continued membership in a recognized organization is directly or indirectly conditioned, shall be presumed to be "forced," the willingness of an individual to participate does not negate the standards of behavior expected of all involved with Millersville University, notwithstanding.

Any individual experiencing or witnessing behavior suspected to be hazing is encouraged to report the behavior through the on line [Incident Reporting Form or in-person to the Center of Student Involvement and Leadership, located in room 118 of the Student Memorial Center.](#)

Scope

This policy and procedure applies to all hazing conduct that occurs on or off campus and covers all areas of University operations, programs, sites, and includes the conduct of employees, students, visitors/third parties, alumni/ae and applicants. This policy and procedure covers all University programs and activities that occur on the main campus, branch campus, online, or any facility wherein University employees, students, visitors/third parties, alumni/ae and applicants are conducting activities.

Definitions

Hazing

Hazing occurs when an individual intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating an individual into or with an organization, or for the purpose of continuing or enhancing an individual's membership or status in an organization, causes, coerces or forces an individual to do any of the following:

1. Consume any food, drink, liquid, alcoholic liquid, drug, or other substance which subjects the individual to a risk of emotional or physical harm.
2. Any brutality of a physical nature, which may include but is not limited to whipping, beating, branding, paddling, kicking, striking, pushing, shoving, tackling, calisthenics, or exposure to the elements.
3. Endure brutality of a mental nature, which may include but is not limited to activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct which could result in extreme embarrassment or degradation.
4. Any activity which has the potential to be frightening, intimidating, unlawful, degrading, or unduly deceptive, including deception designed to convince the individual of impending pain, injury, or non-initiation.
5. Any activity involving servitude, e.g., running personal errands, berating or verbally harassing individuals, throwing items at or on individuals, forcing individuals to carry items or wear apparel which is undignified, requiring public stunts, such as forcing individuals to yell when entering or departing a physical structure or in the presence of designated individuals, forcing individuals to use potential new member entrances or exits, intentionally creating labor or clean-up work, and requiring individuals to wear scant clothing or to be nude.
6. Endure brutality of a sexual nature.
7. Any activity which endangers or has the potential to endanger the academic performance of the individual, such as not allowing adequate time for, or interfering with academic commitments.
8. Any activity that involves the forced exclusion from social contact with any other individual.

9. Any willful destruction or removal of public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in an organization.
10. Any violation of federal, state, or local law or rule or University policy.

In addition to violating this policy and the University's Student Code of Conduct, hazing is a criminal offense under Pennsylvania's Crimes Code and is graded from a summary offence up to a third degree felony depending on the severity of the misconduct. See 18 of Pa.C.S. §§2802-2803.

Examples of hazing includes, but are not limited to, the following:

- Any activity which is in violation of any federal, state, or local law or rule or university/college policy, such as the illegal use of alcohol or any controlled substance in any form or quantity as part of any new member activity is considered a violation of the Millersville University's Student Code of Conduct. Student behavior regulations, including unauthorized entry, possession/theft/destruction/damage of property, improper obstruction/disruption of college activities, abuse/harassment, and disorderly/obscene conduct are all considered a violation of one of the federal, state, or local law or rule or university/college policy.
- Any activity which endangers or has the potential to endanger the physical health, mental health, emotional health, mental fatigue, and/or psychological well-being of participants.
- Any activity which has the potential to be frightening, morally compromising, degrading, unduly embarrassing, deceptive, or promoting servitude, such as throwing items at or on the participant; carrying of items or wearing of apparel which is undignified; public stunts, verbal harassment, and berating; requiring the participant to yell when entering or departing a physical structure or in the presence of designated individuals; the designation of "new member entrances" or "exits"; running personal errands or servitude; intentionally creating labor or clean-up work; scant clothing requirements or nudity at any time; and deception designed to convince the participant of impending pain, injury, or non-initiation.
- Endure brutality of a sexual nature.
- Any willful destruction or removal of public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in a University organization.

The consent or assumption of risk by an individual are not defenses to any allegations of hazing adjudicated pursuant to this policy or the Student Code of Conduct. All students and recognized organizations are responsible for abiding by this policy, both on campus and off campus, including privately owned facilities and/or property. Recognized organizations are responsible for any activity in violation of this policy by any individual or group affiliated with the organization (interested person, prospective, potential new member, member, auxiliary, or alumnus), unless it is proven that the group or individual activity was independent of, and occurred without the knowledge or consent of, the recognized organization. Such responsibility will apply equally to situations in which one or more members knew or should have known of the activity and failed to make every

reasonable attempt to prevent or stop it. The filing of charges at Millersville University against a recognized organization does not preclude the filing of charges at Millersville University against an individual student or the filing of civil and/or criminal charges against the organization and/or individual.

Organization

The term organization in this policy refers to organizations that are either recognized or sponsored by Millersville University including but not limited to Greek organizations, e.g., chapters, colonies or interest groups, marching band, athletic teams, student clubs, student organizations, alumni organizations, or other similar groups whose members are primarily students or alumni of the University or persons associated with the University.

Recognized Organization

A recognized organization is defined as any student organization which has completed the application process for recognition or re-recognition as outlined by the Center for Student Involvement and Leadership (CSIL) and which has been approved for recognition by Millersville University Student Government Association and CSIL.

Sponsored Organization

A sponsored organization is defined as any organization that receives human, financial, and/or material support, guidance, and/or benefit from the University.

Presumptions

1. New member and member-related activities sponsored by an organization must reflect the best interests of the new members, members of the organization, the University, and the local Millersville community.
2. Training and education of individuals seeking membership in an organization and existing members that have clear objectives and relevance to the tasks and responsibilities of an organization are not considered to be hazing.
3. Hazing shall not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.
4. All Millersville University students and organizations are responsible for abiding by this policy, both on campus and off campus, including privately-owned facilities and/or property.
5. Organizations are responsible for any hazing activity in violation of this policy by any individual or group associated with the organization (prospective members, members, auxiliary, and alumni), unless it is proven that the group or individual activity was independent of, and occurred without the knowledge and/or consent of the organization. Such responsibility will apply equally to situations in which one or more individuals associated with the organization knew or should have known of the activity and failed to make every reasonable attempt to prevent or stop it.
6. The filing of charges alleging hazing at Millersville University against an organization does not preclude the filing of charges alleging hazing at Millersville University against an individual or the filing of civil and/or criminal charges against the organization and/or individual.

Implementation

The leader(s), which may be either elected officer(s) or designated leader(s) within an organization, are responsible for informing individuals associated with the organization (potential members, current members, affiliates, and appropriate alumni(nae) of this policy. Individuals associated with the organization must read by the individual and should be read by the leader(s) of the organization to the membership at the first meeting of the organization each semester and to the prospective and members prior to the commencement of the first event or activity and should be posted in a prominent place.

The Hazing Compliance Agreement portion of the Organization Registration Form must be completed and submitted to the CSIL, within thirty days of the election of new officers to certify agreement and acknowledgement of all conditions of this policy. Failure to submit the completed form within the deadline will result in interim suspension of recognition until the completed form is received.

All non-academic initiation or affiliation prospective/potential new member activities must be discontinued seven days prior to the first day of the final examination period each semester and remain discontinued through the end of the final examination period.

Jurisdiction and Procedure

Adjudication of alleged violations of this policy by an individual or an organization will be administered by the Office of Student Conduct and Community Standards in accordance with the process set forth in the Student Code of Conduct. In all cases of alleged violations of this policy, the University will notify the organization's leaders, advisor and general headquarters of the organization.

During the period of formal investigation and adjudication by the Office of Student Conduct & Community Standards of alleged violations of this policy, all member-related activities, organization activities, and/or University recognition/sponsorship of the organization may be suspended.

Violations and Sanctions for Organizations

It is the responsibility of every member of the University Community who has first-hand or reliable knowledge of a hazing incident to report it immediately.

If the Office of Student Conduct & Community Standards determines that an organization violated this policy the organization will receive a sanction(s) ranging from probation, suspension of organizational activities and rescission of the University's official recognition of organization and the benefits attendant to that status. The University may also assess fines against the organization.

Violations and Sanctions for Individual

If the Office of Student Conduct & Community Standards determines that an individual violated this policy, the individual will receive a sanction(s) as listed in the Student Code of Conduct ranging from probation to expulsion. The University may also assess fines against the individual and may withhold diplomas or transcripts pending compliance with any sanctions or payment of fines.

Probation: A specified length of time in which repeated violation of this policy or violation of other specified policies result in increased sanctions against the organization, group or club; no additional sanctions are necessarily implied by the imposing of a problem.

Mandatory Activity: The required participation by the organization, group or club in specified group activity, service projects, educational programs, or other assignments.

Final Restitution: The repayment of the monetary value of damages, losses, or injuries within a specified period of time as a result of a violation of this policy.

Social Limitation or Suspension: A specific length of time in which the organization is denied formal or informal sponsorship of or participation in one or more of the following: social activities, formals, all-fraternity/sorority/Greek or college events or activities, or any other event of a social nature.

Intramural Suspension: A specific length of time in which the organization, group, club may not participate in individual or team sports or the fraternity/sorority intramural league, earn intramural points, or receive any championship titles.

Suspension of Recognition: A specific length of time in which the organization maintains college recognition, but is denied one or more benefits of recognition, which may include, but are not necessarily limited to the following: use of college facilities, office space or property, and/or other specified benefits made available through recognition.

Withdrawal of University Recognition: A specified or unspecified length of time or series of conditions in which university recognition is withdrawn and cannot be regained by the organization. The organization and any semblance of its membership ceases to function at the university, is denied all benefits of university recognition, and no longer falls under the jurisdiction of the college organization student conduct system. For the organization, or any semblance of its membership, to regain college recognition may involve the demonstration of evidence of organizational changes intended to eliminate the potential for repeated violations of this policy.

This policy is applicable to any adviser of a student organization, club, band, athletic team, fraternity/sorority faculty and/or staff that is affiliated, and/or work with said organization.

Mitigating or aggravating circumstances may be considered in determining an appropriate sanction.

Safe Harbor Provisions for Hazing Activities

Under Pennsylvania law, from hazing under certain circumstances if law enforcement, including University police, first became aware of the violation because the individual was seeking medical assistance for someone else.

The Anti-Hazing statute, 18 Pa. C.S. §2810, provides immunity from prosecution for individuals seeking medical attention for another if the individual can establish all of the following:

(1) A law enforcement officer first became aware of the individual's violation because the individual placed a 911 call or contacted campus security, police or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.

(2) The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police or emergency services and report that the other individual needed immediate medical attention to prevent death or serious bodily injury.

(3) The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police or emergency services personnel.

(4) The individual remained with the other individual needing medical assistance until a campus security officer, police or emergency services personnel arrived and the need for the individual's presence ended.

Additionally, the individual needing medical attention is immune from prosecution for hazing only if another individual reported the incident and remained with the individual needing medical attention and the other (reporting) individual qualifies for safe harbor from prosecution.

Immunity may not apply if law a law enforcement, including University police, learn of the offense prior to and independent of the action of seeking or obtaining emergency assistance.

The safety and general welfare of the members of the Millersville University community of vital importance. When individuals need help, the university encourages students to offer assistance regardless of location, on campus or off campus. Students may hesitate to offer help to others for fear that they may risk conduct consequences for their own behavior in a situation such as having knowledge of hazing activities. The community's best interests are served when individuals report crimes, call 911, and seek help for those in need of assistance. It is the intent of this policy that a student, who would qualify for safe harbor under the provisions of the Crimes Code of Pennsylvania will not be referred to the Office of Student Conduct and Community Standards for alleged behavior violations of V.1.B. related to hazing.