

UNIVERSITY HAZING POLICY

I. Northwestern State University Statement on Hazing

Northwestern State University ("University") is committed to maintaining a supportive, educational environment that fosters respect for the dignity and rights of all its community members. This commitment reflects the University's adherence to its mission, to its various policies supporting its mission, and to relevant state and federal laws. As such, acts of hazing are considered irresponsible, intolerable and inconsistent with the University's mission. Student organizations and/or individual members found to have engaged in hazing shall be in violation of the University's Policy ("Policy") and may be in violation of state law (R.S. 14:40.8).

II. Policy and Procedures Memorandum

In compliance with Acts 635, 637, and 640 of the 2018 Regular Session of the Louisiana Legislature, and Act 382 of the 2019 Regular Session of the Louisiana Legislature, the 2019 Board of Regents Uniform Policy on Hazing, and the University of Louisiana System Policy on Hazing, the University reaffirms its Policy that any form of hazing of any student enrolled at the University is prohibited. Violation of this Policy can result in both disciplinary action imposed by the organization and/or institution as well as criminal charges.

III. Louisiana Hazing Laws & Penalties Overview

- The Max Gruver Act creates the crime of criminal hazing with offenders facing a fine up to \$1,000, imprisonment for up to six months, or both; if the hazing results in serious bodily injury, death, or if the hazing involves forced alcohol consumption that results in a blood alcohol level of at least .30, offenders will face a fine up to \$10,000 and imprisoned with or without hard labor for up to five years. Offenders shall be expelled, suspended, or dismissed from the University and not permitted to return for at least one semester.
- If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member of the organization has participated in an incident of hazing, the organization shall report the incident to the University and law enforcement.
- If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined to the University.
- If any person serving as a representative or officer of an organization (including but not limited to, any representative, director, trustee, or officer of any national or parent organization) knew and failed to report to law enforcement that one or more of the organization's members were hazing another person, the organization may be subject to a fine up to \$10,000, forfeiture of any public funds received, and forfeiture of all rights and privileges of being an organization (university recognition). If hazing results in the serious bodily injury or death of the victim or results in a blood alcohol level of at least .30 the period of forfeiture of rights and privileges will not be less than four years.
- Any person at the scene of an emergency who knows that another person has suffered serious bodily harm caused by reckless behavior such as hazing must, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person including seeking help or reporting the need for help to the appropriate authority. Persons who fail

to immediately report the need can be criminally charged with a fine up to \$1,000, imprisoned with or without hard labor for up to one year, or both. If the injury results in death, the offender will be fined up to \$2,000, imprisoned with or without hard labor for up to five years, or both.

- Identifying information of students who report violations of the Student Code of Conduct, including hazing, will be protected.
- The University must provide annual hazing education and prevention training to all students.
- Consent by the individual subjected to hazing is not a defense against the crime of hazing.

IV. Definitions

- a. Louisiana Law defines **Hazing** as: any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:
 - i. The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.
 - ii. The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in or maintaining membership in any organization.

Hazing includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

- i. Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
- ii. Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- iii. Activity involving consumption of food, liquid, or any other substance, including but not limited to, an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- iv. Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.
- v. Physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the postsecondary education institution is not considered "hazing."

The University further defines **Hazing** as: any action taken or situation created intentionally or unintentionally, with or without consent, that endangers a student or creates risk of injury, produces mental or physical harm, embarrassment, degradation, harassment, or ridicule, whether on or off campus, for the purpose of affiliation with, initiation into, or as a condition of continued membership in any student organization, club, group, or team.

Other Hazing activities, in addition to the legal and University definition, may include but are not limited to the following:

- All forms of physical activity not part of an organized and voluntary athletic contest or not specifically directed toward constructive work.

- Activities that significantly interfere with class, other University obligations (e.g. athletics, etc.) work, studying, and sleep.
 - Explicitly or implicitly causing, inducing, pressuring, coercing, or requiring an individual to violate any federal, state, or local law, and/or University policy.
 - Any action or situation which may lead to compromising an individual's self-respect, moral or religious values, or suffering mental or emotional harm.
 - Transporting individuals against their will, kidnapping, imprisoning, or abandoning an individual which endangers the health or safety of that individual.
 - Restraining or tying up individuals.
 - Blindfolding (outside of the context of an approved ritual).
 - Activities involving placement of substances on or in the body of an individual (e.g., eggs, paint, honey, etc.).
 - Lineups or interrogations.
 - Pressuring individuals to get a brand, tattoo, shave their head, or modify their body in any way.
 - Assigning meaningless tasks to individuals.
 - Any form of personal servitude (e.g., driving, cleaning rooms, serving meals, washing cars, purchasing items on another's behalf, etc.).
 - Assigning "pranks" such as stealing, defacing property, and harassing other organizations and/or individuals.
 - Scavenger hunts for meaningless items or which promote trespassing, breaking the law, endanger members, or occur at unreasonable times.
 - Forced memorization of non-essential information.
 - Compelling any individual to wear or carry unusual or burdensome items.
 - Activities intended to interfere with an individual's employment or family obligations.
 - Excluding individuals from social contact.
 - Select individuals being solely responsible for an organization's obligations.
 - Requirements that financially take advantage of individuals.
 - Explicitly or implicitly requiring an individual to wear any degrading, inappropriate, or uncomfortable garments.
 - Conspicuous dress that is not expected of all organization members for events, activities, dress up days, etc.
 - Preventing individuals from wearing any required garments or accessories.
- b. **Organization** is a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution, including the national or parent organization of which any of the underlying entities provided for in this definition is a sanctioned or recognized member at the time of the hazing.
- c. **Pledging** is any action or activity related to becoming a member of an organization, including recruitment and rushing.

d. **Appropriate authority**

- i. Any state or local law enforcement agency.
- ii. 911 Public Safety Answering Point as defined in Title 33 of the Louisiana Revised Statutes of 1950.
- iii. Emergency medical personnel.

e. **Reckless behavior** is an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to, excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity.

f. **Serious bodily injury** is bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

V. **Prevention and Education Programs**

- Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook. In addition, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically. If the student receiving the information required is a minor, that information shall also be provided to his parent or legal guardian.
- Each organization (as defined above in this Policy and in R.S. 17:1801.1) shall, as a condition of operating at the University, adopt the hazing prevention policy that the University has adopted which shall include possible University sanctions against the organization in the event of a reported or confirmed hazing incident, and a policy that prohibits hazing. Each organization shall provide annually at least two hours of hazing prevention education that includes education relative to such policies to all members, prospective members, and anyone who is employed by or volunteers with the organization. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the University relative to the students, employees, and volunteers receiving such education evidenced by an attestation of such individuals receiving the education. Members, prospective members, and anyone who is employed by or volunteers with the organization who fail to complete the hazing prevention education by the date established by the University each semester will no longer be able to participate in the organization until the training is complete. Organizations who fail to submit the training report as requested by the University may be subject to loss of recognition and other privileges.
- The hazing prevention education required under the provisions above shall include the information about criminal penalties for the crime of criminal hazing. Information shall also be provided to organizations on their obligations under the law, including the duty to investigate and report; and on the possible loss of funding and other penalties applicable to organizations under the Hazing Laws.

VI. Reporting Requirement

It shall be the duty of all current and potential student organization members and pledges to report immediately, in writing, any violation of this Policy to the appropriate institution administrator. Personally identifiable information of any person who reports or witnesses violations of the Student Code of Conduct or other policies intended for the safety of students or employees of the University is protected from Louisiana public record laws, unless access to this information is specially required by other provisions of Louisiana or federal law or court order. Any violation of this Policy shall be investigated and appropriate disciplinary action taken. To report a suspected or recent incident of hazing contact:

- The Vice President for the Student Experience and Dean of Students
 - 318-357-5285
 - Student Services Center- 137
- Director of Student Affairs
 - 318-357-6128
 - Friedman Student Union - 103
- The Office of Student Conduct and Advocacy
 - 318-357-4448
 - Friedman Student Union-309
- Health Services
 - 318-357-5351
 - Infirmary Building- 108
- Counseling Services
 - 318-357-5621
 - Friedman Student Union- 305
- The Office of Student Activities and Organizations
 - 318 357-5438
 - Friedman Student Union- 214
- The Office of Greek Life
 - 318-357-5559
 - Student Services Center -139
- University Police
 - 318-357-5431
 - Infirmary Building- 115
- University Band Director
 - 318-357-4450
 - Creative and Performing Arts Center- 112AN
- University Athletic Director
 - 318-357-5251
 - Athletic Fieldhouse- 101C

You may also contact any University administrator, faculty member, coach, or staff member to report an incident of hazing.

Other reporting options are:

- National Anti-Hazing Hotline- anonymous telephone line to report a suspected or recent hazing incident: 1-888-NOT-HAZE (1-888-668-4293)
- University of Louisiana System Hazing Portal: www.ulsystem.edu/hazing

If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member of the organization has participated in an incident of hazing, the organization shall report the incident to the University immediately using the standard hazing reporting form.

If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined to the University immediately using the standard hazing reporting form.

When the University receives a report of alleged incident of hazing pursuant to the hazing statutes, the University shall:

- a. Report to law enforcement as soon as practicable under the circumstances, the alleged act or acts of hazing as required by R.S. 14:40.8. The information reported to law enforcement shall include all information and details received by the University relative to the alleged incident, with no information being redacted, including the name of all individuals alleged to have committed the act or acts of hazing identified in the report.
- b. Document in writing all actions taken with regard to the report including but not limited to the date the report was received, reports made to law enforcement as provided in R.S. 14:40.8, and any other information relative to the University's investigation, processing, and resolution of the incident.
- c. Failure of the University to comply with the reporting provisions may be subject to a fine of up to ten thousand dollars.

VII. Duty to Seek Assistance

In accordance with Act 637 of 2018, codified at R.S. 14:502, any person at the scene of an emergency who knows that another person has suffered bodily injury caused by an act of hazing shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Any student who fails to seek assistance as defined by the law and this Policy shall be subject to penalties outlined in R.S. 14:502.

Criminal charges for violations of R.S. 14:502 may include:

- a. A fine of up to one thousand dollars, imprisonment with or without hard labor for up to one year, or both.
- b. If the serious bodily injury results in the death of the person, any person who violates the provisions of R.S. 14:502 shall be fined up to two thousand dollars, imprisoned with or without hard labor for up to five years, or both.

VIII. Sanctions

a. Organizations and Affiliates

- i. If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member of the organization has participated in an incident of hazing, the organization shall report the incident to the University immediately using the standard hazing reporting form.
- ii. If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined to the University immediately using the standard hazing reporting form.

- iii. If any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any of the underlying entities as recognized in Section IV B of this Policy is sanctioned or recognized member at the time of the hazing, knew and failed to report, as soon as practicable under the circumstances, to law enforcement that one or more of the organization's members were hazing another person, the organization may be subject to penalties under R.S. 14:40.8.
- iv. Penalties under R.S. 14:40.8 may include:
 - a. Payment of a fine of up to ten thousand dollars,
 - b. Forfeiture of any public funds received by the organization,
 - c. Forfeiture of all rights and privileges of being an organization that is organized and operating at the education institution for a specific period of time as determined by a court of law. If the hazing results in the serious bodily injury or death of the victim, or results in the victim having a blood alcohol concentration of a least .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, the period of time shall be for not less than four years.

b. Students

- i. Any student who violates the provisions of Acts 635, 637 and 640 of the 2018 Regular Session of the Louisiana Legislature and this Policy shall be expelled, suspended, or dismissed from the institution and not permitted to return for at least one semester, quarter, or comparable academic period and may be subject to criminal charges.
- ii. Consent is not a defense. 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.
- iii. Any student who fails to seek assistance as defined by the law and this Policy shall be subject to penalties outlined in R.S. 14:502
- iv. Criminal charges for violations of R.S. 14:502 may include:
 - a. A fine of up to one thousand dollars, imprisonment with or without hard labor for up to one year, or both.
 - b. If the serious bodily injury results in the death of the person, any person who violates the provisions of R.S. 14:502 shall be fined up to two thousand dollars, imprisoned with or without hard labor for up to five years, or both.

c. University Sanctions

- i. Students found to be in violation of this policy will be afforded due process as prescribed in the University Code of Student Conduct. Sanctions for policy violations include a disciplinary warning, up to and including expulsion from the University in addition to legal sanctions.
- ii. Organizations found to be in violation of this policy will be afforded due process as prescribed in the University Code of Student Conduct. Sanctions for policy violations include a disciplinary warning, up to and including permanent loss of recognition from the University in addition to legal sanctions.

IX. Authority of University Police Officers

- a. While in or out of uniform, University police officers shall have the right to carry concealed weapons and to exercise the power of arrest when discharging their duties on campus and on all streets, roads, and rights-of-way to the extent they are within or contiguous to the perimeter of campus. In the discharge of their duties on campus and while in hot pursuit on or off campus, each University police may exercise the power of arrest. For purposes of R.S. 14:40.8, the right of University police officers to carry a concealed weapon and to exercise the power of arrest when discharging their duties shall extend to all alleged acts of hazing committed by members of an organization that is organized and operating at the University for which the police officer is commissioned regardless of the location where the alleged acts occurred.
- b. Any person arrested by a University police officer, in the exercise of the power granted pursuant to this section, shall be immediately transferred by such officer to the custody of the sheriff or city police wherein the arrest occurs.
- c. Upon authorization by the chief administrative officer of the University, a University police officer shall have the authority to discharge his duties off campus as follows:
 - i. When investigating a crime committed on campus or when investigating the crime of criminal hazing committed off campus by members of an organization that is organized and operating at the University for which the police officer is commissioned.

X. Anti-Hazing Resources

- Stop Hazing -hazing & prevention research resource: www.stophazing.org
- Hazing Prevention .Org -online resource for hazing education: www.hazingprevention.org