

## **Texas Southern University**

### **Hazing Policy**

The University reserves the right to take disciplinary action against individual students and/or groups who are involved in hazing activities. Such disciplinary action may be taken independently of state or local prosecutorial actions regardless of the outcome of such prosecutorial actions. Hazing on the part of students, faculty, or staff is strictly forbidden, whether on or off campus. The state law providing penal sanctions in the event of a conviction of hazing is set forth in sections 51.936 and 37.151 et seq of the Texas Education Code, and provides in part, as it pertains to students, the following:

#### **A. Hazing**

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, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:

- (1) 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) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other 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;
- (3) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- (4) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and
- (5) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

#### **B. Personal Hazing Offense**

A person commits an offense if the person:

- (1) engages in hazing;
- (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
- (3) recklessly permits hazing to occur;
- (4) 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 Vice President for Student Services/Dean of Students or other appropriate official of the institution.

#### C. Penalties for Hazing

- (1) The offense of failing to report is a Class B misdemeanor.
- (2) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.
- (3) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.
- (4) Any other offense under this section that causes the death of another is a state jail felony.
- (5) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Texas Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

#### D. Organization Hazing Offense

- (1) 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 commit or assist in the commission of hazing.
- (2) 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.

#### E. Consent Not a Defense

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

#### F. Immunity from Prosecution Available

In the prosecution of an offense under this subchapter, the 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. Any person reporting a specific hazing incident involving a student in an educational institution to the Vice President for Student Services/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 report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.