

**Texas Hazing Law
Texas A&M University**

On August 31, 1987, a new law went into effect in the State of Texas regarding HAZING. Below is an abbreviated summary, in question and answer form, of the contents of that law and the applicability and implications for students, faculty and staff at Texas A&M University. THIS IS ONLY A SUMMARY. Certain points in the law have been omitted in this summary for editorial purposes. For the full text of the law, please see Appendix VI of the 1997-98 Student Rules.

What is the definition of Hazing?

"Hazing" means any intentional, knowing, or reckless act, occurring on or off campus of Texas A&M University, 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, affiliation with, holding office in, or maintaining membership in any organization whose memberships are or include students at Texas A&M University. The term included but is not limited to:

- (a) Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.
- (b) Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small place, calisthenics, or other activities that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- (c) Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance which subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- (d) Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, or 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 the subsection.
- (e) Any activity that induces, causes, or requires the student to perform a duty or task which involves a violation of the penal code.

In addition, Texas A&M University has also defined hazing to include:

- (a) Misuse of authority by virtue of your class rank or leadership position.
- (b) Any form of physical bondage.
- (c) Any form of "Quadding".

How do I commit a hazing offense?

- A person commits an offense if the person:
 - (a) Engages in hazing
 - (b) Solicits, encourages, directs, aids or attempts to aid another in engaging in hazing.
 - (c) Intentionally, knowingly, or recklessly permits hazing to occur.
 - (d) Has firsthand knowledge of the planning of a specific hazing incident involving a student of Texas A&M University, or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report said knowledge in writing to the appropriate University official.

Does it matter if I did not intend to hurt anyone?

No. Texas A&M's policies state that if one of the above occurs, it is HAZING, regardless of the intent.

Does it matter if the person being hazed agrees to the activity?

No. The new law and Texas A&M's policies state that if one above occurs, it is HAZING, regardless of the consent or cooperation of the recipient.

What is the penalty if I am found guilty of hazing?

- (a) Failing to report hazing: Fine up to \$1,000 and/or up to 180 days in jail.
- (b) Hazing resulting in no serious bodily injury: Fine of \$500 to \$1,000 and/or 90-180 days in jail.
- (c) Hazing resulting in serious bodily injury: Fine of \$1,000 - \$5,000 and/or 180 days to 1 year in jail.
- (d) Hazing resulting in death: Fine of \$5,000 - \$10,000 and/or 1-2 years in jail.
- (e) Except where the hazing results in death, the student may be required to perform community service in lieu of confinement in jail.
- (f) The student may also be subject to University disciplinary action, up to and including removal from the University, in addition to or regardless of any penalty imposed by the state.

Can an organization be found guilty of hazing?

Yes. 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 commits or assists in the commission of hazing.

Can I get into trouble for reporting hazing?

No. Any person who reports a specific hazing incident involving a student to an appropriate University official is protected from civil or criminal liability. However, a person who reports in bad faith or with malice is not protected by this section.

Where do I report hazing?

- Office of the Commandant (845-2811) if the hazing was committed by members of the Corps of Cadets.
- Department of Student Activities (845-1133) if the hazing was committed by members of a Greek organization or other recognized student organization.
- Student Judicial Affairs Office (845-5262) all other incidents of hazing.

The following information appears in compliance with the 1987 state of Texas Hazing Law shown above:

Student Organization Hazing Violations:

Organization name: Company P-2, Texas A&M University Corp of Cadets
Date of Incident: Fall 1995 Semester and earlier
Description of Incident: It had become "company policy" for cadets of the sophomore class to be hit periodically by a junior cadet for "motivational purposes". Additionally, other cadets were sometimes hit with an ax handle for "passing down" positions or for similar reasons. Refusal to accept licks was allowed, but few declined.
Action Taken: University hearings were held for those individuals involved with sanctions ranging from University suspension for two semesters to multiple Corps disciplinary actions. Company P-2 was placed on Conduct Probation and most of the leadership was replaced.

Organization name: Pi Kappa Alpha
Date of Incident: February, 1996
Description of Incident: Activities that included, but were not limited to forced exercise, sleep deprivation, forced ingestion of inedible mixtures, exposure to the elements, forced work.
Action Taken: Fraternity on a 2 year probation through Spring 1998; meetings with Greek affairs staff 2 times per semester throughout probation; sponsor and fund an outside speaker on positive pledge programming for Greek community; 400 hours of community service to be completed by 75% of chapter membership by Spring 1996; semester report for each pledge class and risk management program; written letter of apology to landowner where hazing took place.

Organization name: Kappa Alpha Order
Date of Incident: October 14, 1996
Description of Incident: Pledges were taken to a remote location late at night and forced to undergo a "lineup" that included forced exercises, such as push ups, calisthenics, and army low crawl in the dark. Pledges were denied any water, were subjected to degrading confrontations by activities and were physically "manhandled" - pushed to the ground or picked up forcefully. One encounter resulted in severe injury, hospitalization and emergency surgery of a pledge.
Action Taken: Fraternity suspended until Fall, 1999 - a joint decision of the University and the fraternity's national headquarters.

Organization name: Company B-2, Corp of Cadets
Date of Incident: Fall Semester, 1996
Description of Incident: At the unit Christmas party, an upperclass member of the company hazed freshmen members by giving them single "licks" with an ax handle. Alcohol was also provided to minors and inappropriate skits which bordered on sexual harassment were performed.
Action Taken: Hearings were held for all involved and individual sanctions were assigned. A number of the members left the Corps and others were dispersed to new companies. The unit was disbanded and is no longer a part of the Corps of Cadets.

Organization name: Phi Gamma Delta Fraternity
Date of Incident: January 8, 1997
Description of Incident: During pre-semester work week activities, pledges were forced to participate in calisthenics, an outdoor line up where they were hosed down, forced to hold push-up positions and participate in other activities that subjected them to potential harm. Pledges were forced to wear demeaning attire and to violate IFC alcohol policies.
Action Taken: After appeal, the fraternity was suspended until Fall semester, 1999. The same sanction was applied by the national fraternity headquarters.

Organization name: Fish Drill Team, Corp of Cadets
Date of Incident: Spring Semester 1997
Description of Incident: Members of the Fish Drill Team were subjected to acts of hazing and physical assault by the nine upperclassmen who served as advisors (instructors) for the team. Specific actions occurred periodically throughout the semester and took place during drill practice as well as during night visits to individual fish (freshman) rooms.
Action Taken: University hearings were held for all involved, including those advisors from previous years who were still enrolled in the University. Sanctions ranged from expulsion to deferred suspension. The Fish Drill Team itself was suspended for an indefinite period.

Organization name: Squadron 16, Corps of Cadets
Date of Incident: Fall and Spring Semesters, 1997-1998
Description of Incident: Upperclass members of the unit periodically hazed and harassed the fish (freshmen) through improper physical contact; requiring training in an inappropriate setting and manner; and requiring some to drink excessive amounts of water to the point of sickness.
Action Taken: University hearings were held for all involved and individual sanctions were assigned. Some members of the unit were suspended from the University while others were placed on deferred suspension. Additionally, several upperclassmen were reassigned to other Corps units.

Outcomes of Individual Hazing Cases

September 1, 1995 through August 31, 1996	September 1, 1996 through August 31, 1997	September 1, 1997 through August 31, 1998
Total Cases: 44	Total Cases: 66	Total Cases: 35
Expulsion 9	Expulsion 1	Expulsion 1
Deferred Suspension 14	Dismissal 4	Dismissal 0
Conduct Probation 8	Suspension 7	Suspension 2
Letter of Reprimand 7	Deferred Suspension 6	Deferred Suspension 5
Registration Block 4	Conduct Probation 9	Conduct Probation 5
No Action* 2	Letter of Reprimand 27	Letter of Reprimand 14
	Warning 2	Warning 0
	Registration Block 4	Registration Block 0
	No Action* 6	No Action* 8

*No Action indicates that the student was not found to be responsible for the charges initiated.

BUSES

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They also cannot have had more than three speeding tickets in the last three years or have been involved in an accident of their own liability.

"The driver is not exposed to a lot of traffic until the first day of classes."

— Laura Kincaid
Bus driver

Laura Kincaid, a bus driver and a sophomore Spanish and political science major, said training is thorough.

"We really got a lot of hand-on experience driving the buses during training," Kincaid said. "We were very prepared for the Department of Public Safety test. The evaluations that A&M gives are harder than the DPS test."

The majority of new drivers were trained between the end of the summer sessions and the start of the fall semester.

Jackson said he would like to include training during the semester to prepare students for traffic the first day of classes.

"The driver is not exposed to a lot of traffic until the first day of classes," Jackson said.

Kincaid said driving a bus demands attention to other drivers, pedestrians and bicyclists.

"You have to be alert," Kincaid said. "We are very cautious when approaching intersections. Pedestrians and bicyclists sometimes do not pay attention to buses, and people in vehicles may cut buses off."

NORTHGATE

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Tuhin Giri, a graduate student in biology, said he has been harassed several times over the past year, and has never reported the incidents to the authorities.

He said he felt that the police in the area were aware of the problem but were not concerned with the accusations.

"Up until now, the impression I had was that the police department did not care. Seeing Officer [Paul] Price here and seeing his concern has changed my mind," Giri said.

Giri said that he would be a lot more likely to file a report if he was harassed again.

Officer Paul Price, the community and police coordinator for the College Station Police Department, patrols the Northgate area and said he is already seen improvement in communications between the students in the Northgate area and the police.

"It used to be that if I even looked at these students, most of them would look down or away. Now though, I wave at them and 99% smile and or wave back," Price said.

"I feel really good after this meeting. I have seen this issue die out in the past, but there seems to be a lot more enthusiasm on the part of everyone involved," said Tatsuki Ohashi, president of the International Student Association.

The Graduate Student Council, along with CSPD, encourages students who wish to report incidents and remain anonymous to file a complaint electronically over the Web at www.cstx.gov/cspd.

ROUTES

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"We have got the plan, but we have to find a funding mechanism to make it happen," Mathis said. "There is going to have to be student support. If that doesn't happen, then Bus Operations won't be here after two years."

Bus Operations entered fiscal year 1998 carrying a deficit from last year's budget because of the repair demands of the aging bus fleet.

Over half of the 60 buses used daily were purchased in 1983 with a life expectancy of seven to eight years, approximately 150,000 to 200,000 miles. The newest buses were purchased five years ago.

Many of the buses are operating with more than 300,000 miles on the odometer.

A single bus costs \$160,000; replacing the entire fleet would cost \$12 million.

In addition to the \$35 transportation fee, Bus Operations is considering leasing buses from a bus manufacturer or replacing the entire bus fleet independent of a lease, Mathis said.

"A leasing plan would keep

drilling itself over and over," Mathis said. "If we went out there and purchased buses, it would be a large initial purchase. A \$35 student fee would not cover that."

Mathis said finding a manufacturer willing to lease 60 buses to the University would be a challenge.

Currently, 10 bus routes run on campus, and four bus routes on campus.

Bus Operations combined previous off-campus routes and instated the Bush Express route the fall semester.

Mathis said the buses carried an estimated 14,000 students per day.

"That is a fairly conservative figure," Mathis said. "Some students ride the bus four or five times a day. Sometimes the buses are crowded, but we feel like we carry more people."

Increased car and pedestrian traffic on West Campus, with a new terminal parking at Reed Arena, will mean more trains crossing the tracks on Wellborn Road have slowed down bus routes, Mathis said.

Mathis said Bus Operations will take the developed plan to the administration next week.

HISPANIC

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A special mass will be celebrated by Archbishop Patrick Flores of San Antonio at St. Mary's Catholic Church. The mass is presented by the Hispanic Journalists Association.

Laura Oliveira, a senior English major, said Flores was asked to speak because of his prominence across the state.

"We recruited Archbishop Flores

because he is very active, not only in the San Antonio community, but all around Texas and is a very dynamic speaker."

Oliveira said the topic of Archbishop Flores's homily is still tentative, but the two suggested topics are "The Lady of Guadalupe," patron saint of Latin America, and "The Significance of Catholicism in the Latin Community."

Hispanic Heritage Month will conclude on Oct. 15 with a march and rally.



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