

Statement on Hazing

Baylor University has elected to adopt the standards set forth in the Texas Education Code that prohibits hazing at an educational institution and has elected to apply these standards to students in attendance at the University. Following is a summary of information from the Texas Hazing Law.

Definitions

"Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.

"Pledging" means any action or activity related to becoming a member of an organization. At Baylor, the term **"New Member"** is used in place of the term "pledge."

"Student" means any person who: (A) is registered in or in attendance at an educational institution; (B) has been accepted for admission at the educational institution where the hazing incident occurs; and/or (C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

"Organization" means a fraternity; a sorority; an association; a corporation; an order; a society; a corps; a club; student government; a band or musical group; an academic, athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association competition; or a service, social, or similar group, whose members are primarily students.

"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 for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

(A) is 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) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar 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;

(C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(D) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or

(E) involves coercing, as defined by Section 1.07, Penal Code, the student to consume:

(i) a drug; or

(ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

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; or

(4) 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 dean of students or other appropriate official of the institution.

Organization Hazing Offense

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.

Consent Not A Defense

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

Immunity From Prosecution or Civil Liability Available

(a) 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.

(b) Any person who voluntarily reports a specific hazing incident involving a student in an educational institution to the 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 reported hazing incident if the person:

(1) reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident; and

(2) as determined by the dean of students or other appropriate official of the institution designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.

(c) Immunity under subsection (b) extends to participation in any judicial proceeding resulting from the report.

(d) A person is not immune under Subsection (b) if the person:

(1) reports the person's own act of hazing; or

(2) reports an incident of hazing in bad faith or with malice.

Offenses In Addition To Other Penal Provisions

The Texas Hazing Law does not affect or repeal any penal law of this state. This law does not limit or affect the right

of an educational institution to enforce its own penalties against hazing.

Copies of the entire hazing law enacted by the Texas legislature are available from the Judicial Affairs office or the hazing bill may be viewed in its entirety at the "**Texas Legislature Online**" Web site at: <https://www.legis.state.tx.us/> and select "Statute" in the additional searches section. In the drop-down boxes, select Education Code, Chapter 37, sections 37.151 through 37.158 and Chapter 51, section 51.936.

For information regarding hazing as defined as misconduct by Baylor University, please see the "Baylor University Student Conduct Code," section III, "**Misconduct Defined.**"

Information regarding new member procedures may be reviewed at the "**Student Organizations Policies and Procedures**" page.

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