

## **Chapter 6: Hazing**

To view the Board policies associated with this chapter, go to <https://pol.tasb.org/PolicyOnline/SearchResults/?key=304&query=hazing>.

The information in this section is taken from the [Texas Education Code Chapter 37, Subchapter F](#), the [Texas Higher Education Code Section 51.936](#), Board policy FLB (LOCAL) located at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=304&code=FLB>, and Board policy FLBC (LEGAL) located at <https://pol.tasb.org/PolicyOnline/PolicyDetails?key=304&code=FLBC>.

### **Prohibition of Hazing**

Hazing is a criminal violation under Texas law and is prohibited at Collin College, on Collin College property, or while attending Collin College-sponsored activities on or off campus.

### **Definitions**

#### **Educational Institution**

For the purposes of this policy, “educational institution” includes a public or private high school and a public or private college, university, or other postsecondary educational institution.

#### **Hazing**

“Hazing” means any intentional, knowing, or reckless act, occurring on or off a Collin College campus, by one (1) 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:

1. 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;
2. 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;
3. Involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Item 5 below, 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. Is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the [Texas Penal Code](#); or
5. Involves coercing, as defined by the [Texas Penal Code Section 1.07](#), the student to consume a drug or an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by the [Texas Penal Code Section 49.01](#).

#### **Organization**

For the purposes of this policy, “organization” means a fraternity, sorority, association, corporation, order, society, corps, club, or 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 \(NCAA\)](#) or [National Junior College Athletic Association \(NJCAA\)](#) competition; or a service, social, or similar group, whose members are primarily students.

#### **Pledge**

“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

“Pledging” means any action or activity related to becoming a member of an organization.

### Student

For the purposes of this policy, “student” means any person who:

1. Is registered in or in attendance at an educational institution;
2. Has been accepted for admission at the educational institution where the hazing incident occurs; or
3. Intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.

### **Hazing Offense**

#### 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 at Collin College, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the district dean of students or other appropriate Collin College official.

The offense of failing to report is a Class B misdemeanor. Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor. Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor. Any other offense under this section that causes the death of another is a state jail felony. 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 the [Code of Criminal Procedure Chapter 42A](#), 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.

#### 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.

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.

#### 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.

#### Immunity from Prosecution or Civil Liability 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 who voluntarily reports a specific hazing incident involving a student at Collin College to the district dean of students or other appropriate Collin College official 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 Collin College concerning the incident or otherwise being included in Collin College's investigation of the incident; and
2. As determined by the district dean of students or other appropriate Collin College official designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.

Immunity from prosecution extends to participation in any judicial proceeding resulting from the report. A person is not immune from prosecution 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

This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of Collin College to enforce its own penalties against hazing.

#### Reporting by Medical Authorities

A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities:

1. May report the suspected hazing activities to police or other law enforcement officials, and
2. Is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

#### Venue

In this section, "prosecuting attorney" means a county attorney, district attorney, or criminal district attorney.

An offense under this subchapter may be prosecuted:

1. In any county in which the offense may be prosecuted under other law, or
2. If the required written consent of a prosecuting attorney is provided, in a county in which is located the Collin College campus at which a victim of the offense is enrolled.

#### Dissemination of Hazing Information

##### On Collin College's Website

Collin College will develop and post in a prominent location on its website a report on hazing committed on or off campus by an organization registered with or recognized by Collin College. The report:

1. Must include information regarding each disciplinary action taken by Collin College against an organization for hazing and each conviction of hazing under the [Texas Higher Education Code Section 37.153](#) by an organization during the three (3) years preceding the date on which the report is issued or updated, including:
  - a. The name of the organization disciplined or convicted;
  - b. The date on which the incident occurred or the citation was issued, if applicable;
  - c. The date on which Collin College's investigation into the incident, if any, was initiated;
  - d. A general description of the incident; the violations of Collin College's *Student Code of Conduct* or the criminal charges, as applicable; the findings of Collin College or the court; and any sanctions imposed by Collin College or any fines imposed by the court on the organization; and
  - e. The date on which Collin College's disciplinary process was resolved or on which the conviction became final;

2. Must be updated to include information regarding each disciplinary process or conviction not later than the 30<sup>th</sup> day after the date on which the disciplinary process is resolved or the conviction becomes final, as applicable; and
3. May not include personally identifiable student information and must comply with the [Family Educational Rights and Privacy Act of 1974 \(FERPA\), 20 U.S.C. 1232g](#).

#### To Each Student

Not later than the 14<sup>th</sup> day before the first class day of each fall or spring semester, Collin College will distribute to each student enrolled a summary of the [Texas Education Code Chapter 37, Subchapter F](#) hazing provisions and a copy of, or an electronic link to a copy of, Collin College's hazing report.

#### At New Student Orientation

Collin College will provide to each student who attends New Student Orientation a notice regarding the nature and availability of the hazing report, including the report's address on Collin College's website.

#### In Collin College Publications

Collin College will publish a summary of the provisions of the [Texas Education Code Chapter 37, Subchapter F](#) in each edition of the [Collin College Catalog](#) and [Collin College Student Handbook](#).

#### Current Hazing Report

To view Collin College's current hazing report, contact the District Dean of Students Office at 972.881.5604, email [dos@collin.edu](mailto:dos@collin.edu), or go to [www.collin.edu/studentresources/deanofstudents/hazing.html](http://www.collin.edu/studentresources/deanofstudents/hazing.html).