

Texas A&M University-San Antonio
Report on Hazing
Time Period Covered: September 2017-September 2020

To report an act of hazing to the Office of the Dean of Students, visit <http://bit.ly/FileAReport>.

The Texas Education Code states that a person can commit a hazing offense not only by engaging in a hazing activity, but also by soliciting, directing, encouraging, aiding or attempting to aid another in hazing; by intentionally, knowingly or recklessly allowing hazing to occur; or by failing to report, in writing to the Dean of Students or another appropriate official of the institution, first-hand knowledge that a hazing incident is planned or has occurred. The fact that a person consented to or acquiesced in a hazing activity is not a defense to prosecution for hazing.

Under this law, individuals or organizations engaging in hazing could be subject to fines up to \$10,000 and charged with a criminal offense punishable by jail terms up to two years.

In an effort to encourage reporting of hazing incidents, the law grants immunity from civil or criminal liability to any person who reports a specific hazing event in good faith and without malice to the Dean of Students or other appropriate official of the institution and immunizes that person from participation in any judicial proceeding resulting from liability that might otherwise be incurred or imposed as a result of the report.

This law does not affect or limit the right of the university to enforce its own rules against hazing.

HAZING DEFINED

The University and the Texas Education Code define hazing as “any intentional, knowing, or reckless act occurring on or off the campus of an educational institution by one person 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.” Hazing includes but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activities;
2. Any type of physical activity that subjects the individual to risk or harm or that adversely affects the mental or physical health or safety of an individual, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, etc.;
3. Any activity involving the large and/or unreasonable consumption of food, liquid, alcoholic beverages, drugs, or other substance which subjects the individual to risk of harm or which adversely affects the mental or physical health or safety of the person;
4. Any activity that intimidates or threatens the person with ostracism, subjects the individual to mental stress, shame, or humiliation, or adversely affects the mental health or dignity of the individual;
5. Any activity that induces or requires the student to perform a duty or task which involves a violation of the Penal Code

UNIVERSITY POLICIES ON HAZING

The state law on hazing does not affect or in any way limit the right of the university to enforce its own rules against hazing. The University will take disciplinary action for conduct that constitutes hazing. Organizations and individuals will be held accountable and can face sanctions.

The disciplinary sanctions assigned/determined in a particular case will depend on several factors including the nature of the conduct involved, circumstances and conditions that existed at the time, and community impact of the conduct exhibited. Possible sanctions include but are not limited to Warning, Conduct Review, Conduct Probation, Suspension, Expulsion, and/or Loss of Recognition.

Note: For details on possible sanctions please refer to the Student Code of Conduct and/or Student Organization Conduct Process.

AMNESTY FOR STUDENTS REPORTING HAZING:

Students who, in a good faith effort, report to the institution being a victim of, or witness to, an incident of hazing may be provided amnesty regarding other potential conduct violations, including, but not limited to, underage alcohol consumption and use of illegal drugs. Amnesty does not apply to a student who reports their own commission of hazing.

HAZING AT TEXAS A&M UNIVERSITY-SAN ANTONIO

In accordance with requirements of the Texas Education Code, Section 51.936(c), Texas A&M University- San Antonio is required to publish a report each semester, updated as necessary, that documents all reports and investigations of hazing that have occurred in the previous three years.

Any personally recognizable information regarding specific students has been removed in the summarization process to protect student identities as required by the Family Educational Rights and Privacy Act, as amended (FERPA).

For all imposed sanctions, those marked in **bold and red** are still outstanding and/or in effect for the organization in question.

Incident Date: Spring 2017

Organization: Omega Delta Phi Fraternity, Inc.

Date University Notified of Incident: May 28, 2020

Date Investigation Commenced: June 3, 2020

Date Investigation Concluded: August 3, 2020

Date of Hearing Decision: August 19, 2020

Summary of Incident: Allegations including consumption of food/liquid, exercise, humiliation, intimidation, and bullying.

Findings: Responsible for violating A&M-SA Hazing Policy (Student Handbook, Section 17.3)

Imposed Sanctions:

- **Conduct Review-** The organization's conduct will be assessed on a semesterly basis **through December 31, 2021**
- **Faculty/Staff Advisor Involvement and Training-** The Faculty Advisor shall receive training on position and hold monthly meetings with organization leadership

- **Revision of Organizational Documents-** Revision of Chapter Constitution, Chapter By-laws, Mission Statement, and Organizational Chart
- **Creation of a Formalized Conflict Resolution Process-** Creation of resolution process for both new members and active members
- **Review and Ongoing Supervision of New Member Education Plan-** New Member activities will be reviewed and assessed through the Risk Assessment Rubric and the Faculty Advisor must supervise process.