

MUSKINGUM

U N I V E R S I T Y

ANTI-HAZING POLICY

Responsible Office: Student Affairs
Responsible Administrator: Associate Vice-President for Student Affairs
Effective Date: 1/1/2022

100. Preamble

Muskingum University (the “University”) recognizes that membership in co-curricular activities can develop and enhance the experiential learning experiences of students. In accordance with Ohio state law and the University’s guiding principles to respect individual health, safety, and dignity, the University prohibits any form of hazing by groups, organizations, or individuals, regardless of whether consent is given for the activity. Decisive action will be taken to prevent and respond to hazing.

This policy is incorporated by reference into both the Student Code of Conduct and the Employee Handbook.

101. Prohibited Conduct

- (A) This section applies to all University students, student organizations, student groups, and individuals, regardless of whether the conduct occurred on campus or off campus. The following conduct is prohibited:
- (1) Recklessly participating in the hazing of another.
 - (2) Recklessly participating in the hazing of another when the hazing includes coerced consumption of alcohol or drugs of abuse, resulting in serious physical harm to the other person.
 - (3) Accepting or initiating any person into a group or organization if that person has not completed the educational program required under Section 103 of this Policy.
- (B) This section applies to all faculty, administrators, staff, volunteers, and alumni who are acting in an official capacity, who advise or coach student organizations and/or student groups, or who have direct contact with students, regardless of whether the conduct occurred on campus or off campus. The following conduct is prohibited:
- (1) Recklessly permitting the hazing of any other person associated with the University.
 - (2) Recklessly permitting the hazing of any person associated with the University when the hazing includes coerced consumption of alcohol or

drugs of abuse, resulting in serious physical harm to that person.

- (3) Failure to immediately report information of suspected or known hazing through any of the resources identified in Section 106 of this Policy.

(C) Behavioral Concerns

As an aid to the campus community, the following illustrative, but not exhaustive, list of activities are deemed to violate this policy and may be illegal. If you are uncertain whether conduct would constitute hazing, you should not engage in the activity without consulting in advance with Student Affairs:

- (1) Corporal punishment of any kind, paddling in any form, shoving, striking another individual, or creating a fear of similar behavior;
- (2) Compelling physically demanding activity of any kind including, but not limited to, calisthenics, running, or other types of strenuous activity;
- (3) Compelling an individual to be shaved, branded, tattooed, pierced, etc.;
- (4) Compelling physical acts, such as walking backwards or confinement in a small space, which create the potential for physical or mental injury;
- (5) Compelling individuals to engage in sexual behaviors, sexual or racial harassment or slurs, or exhibitionism;
- (6) "Line-ups" in which new members are verbally harassed, intimidated, or abused;
- (7) Compelling an individual to engage in acts of personal servitude;
- (8) Compelling an individual to forego the opportunity for sufficient sleep, consumption of decent edible meals, or access to or use of personal hygiene;
- (9) Excluding an individual from social contact for prolonged periods of time;
- (10) Compelling individuals to consume alcohol or drugs or any other substances (e.g. undue amounts or odd preparations of food or drink);
- (11) Having substances thrown at, poured on, or otherwise applied to the body or any individual;
- (12) Compelling any individual to wear or carry unusual, uncomfortable, degrading/provocative or physically burdensome articles or apparel; or causing an individual to be indecently exposed or exposed to the elements (Note - The wearing of small pledge pins or small ribbons is allowed, however, any non-apparel items worn with the intent or effect of degradation, humiliation, or bringing undue attention to a new member is not permitted);
- (13) Compelling any individual to participate in pranks or scavenger hunts (Note—Scavenger Hunts may only be permitted upon prior written approval of the Dean of Students or his/her designee. Scavenger hunt items must be approved at least two weeks in advance and any lewd or inappropriate items will not be permitted. Furthermore, scavenger hunts will not be permissible at any time in the Residence Halls or Academic buildings or during academic hours);

- (14) Engaging in activities, which impair an individual's academic efforts by causing exhaustion, loss of sleep or reasonable study time, or by preventing an individual from attending class (e.g., late night or early morning house duties); or
- (15) Transporting any individual against their will, abandoning any individual at distant locations, or conducting any "kidnap," "ditch," or "road trip" that may in any way endanger or compromise the health, safety, or comfort of any individual.

102. Definitions

- (A) **Hazing** means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization or any act to continue or reinstate membership in or affiliation with any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person, including coercing another to consume alcohol or a drug of abuse, as defined in Ohio Revised Code Section 3719.011. See R.C. 2903.31(A).
- (B) A **group** is defined as a number of persons who are associated with the University and each other, but who have not registered, or are not required to register, as a student organization (e.g. athletic teams, musical or theatre ensembles, academic, or administrative units).
- (C) An **organization** is defined as any number of persons who are associated with each other and who have registered with the University as a student organization under the Student Affairs Office policies for recognized student organization. An organization includes a national or international organization with which a fraternity or sorority is affiliated.
- (D) **Individuals** are defined as any student, faculty, administrator, staff, volunteer, or alumni who directly or indirectly partakes in prohibited conduct, as defined in this policy, by encouraging, witnessing, or condoning the act in any manner.
- (E) A person acts **recklessly** when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that the person's conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, the person disregards a substantial and unjustifiable risk that such circumstances are likely to exist. Reckless conduct is more severe than negligent conduct but is not intentional conduct. See R.C. 2901.22.

The terms and concepts cited in this policy will be interpreted by University boards or officials in relation to acceptable and applicable community standards.

103. Education and Training

- (A) All newly admitted students must complete the anti-hazing training provided by the University. Completion of this training is a pre-requisite to joining any

recognized student organization or group. To verify completion of the required program and eligibility to join a student organization or group, students should contact the Student Affairs Office.

- (B) Faculty, administrators, staff, or volunteers who advise or coach student organizations and/or student groups and who have direct contact with students are required to complete anti-hazing training provided by the University.
- (C) All groups or organizations must conduct mandatory hazing training for any volunteer who has contact with students. The Office of Student Affairs will assist student groups/organizations to deliver their training requirements and maintain appropriate documentation of the delivery and completion of training.
- (D) In addition to the training above, Student Affairs and Athletics will annually co-sponsor at least one program on hazing prevention education to all members, currently enrolled students who may be prospective members, and anyone who is employed by or volunteers with student groups and organizations. The education may be provided in person, electronically, or both. Student Affairs will maintain a record of individuals who have completed the program and will share employee completions with the Human Resources Office.

104. Expectations of officers, advisors, and other group leaders

- (A) All membership-related activities must be approved by the president, chair, or leader of the group/organization and the advisor to the group/organization prior to the activity. The activity must not interfere with the rights and activities of others and will reflect the best interests of the members of the group/organization, as well as the University community as a whole.
- (B) The president, chair, or leader of each group or organization is responsible for informing all members, including but not limited to new members, associate members, initiated members, or affiliates, of the group/organization of this policy. The University recommends that this policy be read and distributed to each member of the organization during the first meeting of each semester.
- (C) The president, chair, or leader of each group/organization is responsible for informing guests and alumni members of this policy and is additionally responsible for controlling the actions of guests and alumni members relative to this policy.

105. Reporting Hazing

- (A) Any individual with firsthand knowledge of the planning or actual occurrence of a hazing activity is responsible for promptly reporting that knowledge through one of the methods stated in Section 106(D) of this policy.

- (B) Any member of the University community who is aware of immediate physical danger to a student or others must call University police at 740-826-8155 or dial 911.

- (C) The following individuals or groups of individuals are “mandatory reporters” who must immediately report knowledge of hazing as stated in Section 106 of this policy.
 - (1) any full-time or part-time employee of the University (including student employees and graduate assistants); or

 - (2) any volunteer or alumni acting in an official capacity who advises or coaches student organizations and/or student groups and who has direct contact with students.

Employees who are subject to separate, professional confidentiality obligations that generally prohibit release of information, without an individual's express consent or unless otherwise required by law are exempt from this provision.

- (D) The following resources are designated to receive reports of hazing:
 - (1) Dean of Students’ office at 740-826-8080;
 - (2) University Police at 740-826-8155;
 - (3) Anonymous, online reports may be made through the [University’s reporting page](#).
 - (4) Assistant Vice President of Human Relations and Risk Management at 740-826-8116; or
 - (5) In the event of an emergency, please contact University Police at 740-826-8155 or dial 911.

Making an intentionally false accusation of hazing is prohibited and subject to corrective or restorative action as enumerated in the Code of Student Conduct or other University policies.

Reports made pursuant to this Policy do not supersede or replace other reporting obligations. For instance, if the reported hazing activity also includes sexual misconduct, a Title IX report must be made, and the Title IX Policy will take precedence over any procedural aspects of this Anti-Hazing Policy.

106. Enforcement Procedures

- (A) Immediately upon receipt of a hazing report, the Office of Student Affairs will notify the law enforcement agency where the victim of the hazing resides or where the hazing is occurring or has occurred.

- (B) The Office of Student Affairs will coordinate all investigations into reports of hazing and may coordinate with or delegate to other University officials, who have appropriate training, certain aspects of the investigation or other enforcement procedures. The University will complete a prompt investigation within a reasonable time after the report has been received.

When law enforcement is involved, the University's cooperation with law enforcement agencies may require the University to temporarily suspend its own investigation while the law enforcement agency gathers evidence and initiates charges. The University will promptly resume its own investigation as soon as it is notified by the local law enforcement agency that it may proceed.

- (C) The Office of Student Affairs will assess the need for interim measures for groups or individuals, such as interim suspension or interim suspension of current group/organization activities. In the event of an interim suspension, all group/organizational operations will cease, and groups/organizations may be required to vacate a designated housing area on campus.
- (D) The University may charge an individual, group, or organization with a violation of this Hazing Policy via the Student Code of Conduct and/or other University rules, regulations, or policies. At the point when a formal conduct charge is made against a group/organization, the national or oversight organization, if any, shall be notified by the University.
- (E) The University will follow the Code of Student Conduct to resolve hazing charges made against students and the Employee Handbook to address hazing charges made against faculty, administrators, staff, or volunteers. A conviction for hazing under R.C. 2903.31 will be deemed a per se policy violation and will result in sanctions as determined under Section 108 of this policy.
- (F) Officers of groups/organizations found responsible for violating hazing policies may be held individually, jointly, and severally responsible for the group/organization's actions and may be sanctioned as such.

107. Sanctions

- (A) Any individual, group, or organization found responsible for hazing under this policy will be subject to sanctions.
- (B) The University will consider the following factors regarding sanctions:
- the nature, severity of, and circumstances surrounding the violation(s);
 - the individual, group, or organization's disciplinary history;
 - previous allegations or allegations involving similar conduct;
 - the need for sanctions/responsive actions to bring an end to the hazing activity;
 - the need for sanctions/responsive actions to prevent the future recurrence of hazing activity;
 - the need to remedy the effects of the hazing on the victim of the hazing and the University community;

- the impact on those directly involved; and
 - any other information deemed relevant by the Office of Student Affairs or Human Resources Office.
- (C) Sanctions include the full range of sanctions included in the Code of Student Conduct for students and in the Employee Handbook for faculty, staff, and volunteers.
- (D) An individual, group, or organization may be subject to other outcomes in accordance with any external constituents or groups in which the student is involved, or their governing bodies. For instance, a national Greek organization may impose its own sanctions against the local chapter. The University has the right to take action regardless of the actions of the governing body

108. Publication of Instances

The University will maintain a report of all hazing allegations in compliance with Ohio law. The University will update the report on the first business day of January and August of each year and will post the updated report on the University's website. To maintain an individual's rights under the Family Educational Rights and Privacy Act of 1974 ("FERPA"), the University will not identify individuals by name but will identify the group/organization with which the individuals are affiliated.

109. Miscellaneous

- (A) In addition to University policy violations and criminal responsibility, those who engage in hazing may be subject to civil liability under Ohio Revised Code Section 2307.44.
- (B) This Policy supersedes any previous policy(ies) addressing hazing. This policy will be reviewed annually, or as needed, by the Office of Student Affairs. The University reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. During the resolution process, minor modifications may be made to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. This Policy will be construed to comply with the most recent statutory or regulatory amendments and binding court decisions.