

## A DOCUMENT ANALYSIS OF ANTI-HAZING POLICY

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*Every year students are physically, mentally, and/or emotionally injured due to hazing. Some injuries are so significant they result in student deaths, yet “hazing is an issue that has been largely overlooked and under studied” (Allan & Madden, 2008, p. 5). Hazing is institutionalized by organizations, clubs, and groups, as well as within campus policy. Student hazing experiences are different for the individual(s) involved, and institutional experiences vary as institutions have their own hazing definitions and policies. Through document analysis, we examined and critically analyzed the ambiguous anti-hazing policy at the state and federal levels.*

Hazing is a term with a broad definition that can encompass many different activities, events and incidents that individuals endure to gain entry to an organization, group, or team (McGlone, 2010). Although hazing practices are present in many organizational settings in United States’ culture from the military to athletic teams; marching bands to honor societies; and in fraternity and sorority life (FSL) organizations, this policy document analysis focused on providing a critical overview of anti-hazing law and policies at the state and federal level. It is important for college and university administrators and organizational advisors and leaders as well as researchers to be knowledgeable about not only policies, but the impact of hazing on their students and their campuses as well. Furthermore, it is critical for policy makers beyond campus to have a clear understanding of the effects of hazing in order to develop effective anti-hazing policies and laws at the state and federal level.

Throughout this paper we refer to hazing activities as habits instead of *traditions*. While the word tradition is steeped in history, pride, and organizational backstory, we seek to disrupt this idea when it comes to the role of hazing in the experience of organizational members. Instead, habits are simply actions, practices, and behaviors that we do repeatedly (Aarts & Dijksterhuis,

2000). Aarts and Dijksterhuis (2000) illustrated that we become what we repeatedly do, and that habits make us or break us. Comparably, Salinas and Boettcher (2018) provided examples of good habits, such as eating well and exercising on a regular basis; as well as bad habits, for example: hazing, smoking, or drinking to excess. And some habits do not matter, including: listening to a certain radio station or taking a specific route to work each day that develop from routine practice (Owen, Burke, & Vichesky, 2008). Yet, through the literature hazing is often referred as a tradition (Stillman, 2017; Véliz-Calderón & Allan, 2017).

In contrast to habits, traditions are the inherited and established customs, beliefs, and values that have been passed from generation to generation and align with espoused organizational values. Traditions are important to help identify barriers and obstacles to successfully create organizational and institutional change (Kezar, 2003). Therefore, we argue against this notion of tradition and challenge individuals who practice habits of hazing to reflect on how hazing is learned based on lived experiences and replicated *without intention*. While traditions are the *intentionally developed* and established foundations upon which organizations pride themselves. Traditions serve the purpose of working to build a sense of connection, healthy bonds between members

(Véliz-Calderón & Allan, 2017), and a strong community built on common goals, interests, and beliefs.

Through document analysis, we bring together a diversity of experiences and perspectives that highlight the context and complexity of hazing within the military, on athletic teams, among marching band members, and in the context of fraternity and sorority life (FSL) organizations (Ellsworth, 2006). To advance the development and growth of organizations and institutions as well as the safety of members, hazing education is essential, strong policies are required, and hazing habits must be effectively addressed and stopped (Owen et al., 2008). No one should be humiliated, degraded, demeaned, or intimidated by perpetrators (Véliz-Calderón & Allan, 2017).

For the purposes of our policy analysis we have intentionally used the term “perpetrator” - defined by Oxford dictionaries as “A person who carries out a harmful, illegal, or immoral act” (Perpetrator, n.d.) to refer to an individual who humiliates, degrades, abuses, or endangers others in the form of a hazing activity. The purpose of this policy document analysis is to examine and critically analyze the ambiguous anti-hazing policy at the state and federal levels.

### **Hazing Defined**

Hazing activities have occurred and been acknowledged for centuries, yet there continues to be no universally accepted hazing definition (McGlone, 2010). While hazing is illegal in 44 states (Allen & Madden, 2008; Bailey & Hughey, 2013; State Anti-Hazing Law, 2000), the term hazing can have different definitions and can be perceived differently by individuals, organizations, and institutions (Ellsworth, 2006). As a result, in order to define hazing multiple viewpoints must be considered. For example, a perpetrator might have a different definition than the individual being hazed. An administrator may define hazing differently than a coach. Or, a college or university policy

might define hazing differently than the state law. Additionally, some definitions may only consider physical (non-sexual) activities as hazing while others include mental and physical (including sexual) acts (McGlone, 2010).

### ***Hazing in Existing Literature***

*Hazing defined.* According to McGlone (2010), hazing activities can be organized into two main categories: physical and mental. The physical form of hazing may include beatings, branding, paddling, excessive exercises, drinking alcohol or other substances, using drugs, and sexual activities. Sexual assaults are included here because simulated sex acts, sodomy, and forced kissing are sometimes included in hazing processes. In essence, some sexual acts are physical assaults, but physical assaults in the hazing process can include things other than sexual assaults.

Mental hazing is often overlooked or goes undetected, but it can be as serious and dangerous as physical hazing. Mental hazing can be more difficult to report because not only are there no physical marks, but also expressing mental or emotional distress can be very difficult. Types of mental hazing may include verbal abuse, being blindfolded, being restrained, and being locked in confined spaces (Salinas & Boettcher, 2018).

Both physical and mental hazing activities may include but are not limited to: alcohol consumption, sexual activities, paddling, physical and psychological shocks, fatigue, scavenger hunts, blindfolding, being locked-in a confined space, involuntary road trips, morally degrading or humiliating activities, and any other behaviors that are inconsistent with the organizational, institutional, or state policies and laws (Ellsworth; 2006; Keim, 2000).

The results of these hazing activities can be exhausting, humiliating, degrading, demeaning, and intimidating, with significant physical and emotional discomfort (Lipkins, 2006). Allan and Madden (2008) defined hazing as “any activity expected of someone joining or participating

in a group that humiliates, degrades, abuses, or endangers them regardless of a person's willingness to participate" (p. 2). Lipkins (2006) further defined hazing as,

A process, based on a tradition [habit] that is used by groups to discipline and to maintain a hierarchy (i.e., a pecking order). Regardless of consent, the rituals require individuals to engage in activities that are physically and psychologically stressful. (p. 13)

Similarly, Finkel (2002) defined hazing as "committing acts against an individual or forcing an individual into committing an act that creates a risk for harm in order for the individual to be initiated into or affiliated with an organization" (p. 228). The effect of the stress of these activities required for joining a group – despite their common practice and the ongoing use of these habits for community building – are negative. Researchers have found that individuals at colleges and universities "perceive hazing as harmful" (Campo, Poulos, & Sipple, 2005, p. 146).

Hazing activities can have negative physical and mental effects in both the short and long-term on the well being of individuals. Researchers found that while the severity of initiation increases the attractiveness of a group, it also generated feelings of frustration, loneliness, and depression for those being hazed (Finkel, 2002; Hollman, 2002; Lipkins, 2006). In other words, the more challenging the hazing process for an organization, the more people who aspire to be members and the more those members experience isolation and other mental and emotional distress through the process. Moreover, severe feelings of shame, self-blame, and post-traumatic stress can be experienced by victims of hazing practices along with adverse effects on a student's academic performance (Maxwell, 2011).

*History of hazing.* Understanding the complexity of this issue is challenging, as the history of hazing goes back centuries. In ancient

Greece and Rome, rituals for educating and mentoring boys were done through hazing practices (Finkel, 2002; Lipkins, 2006; Nuwer, 2001). Lipkins (2006) found that those activities included kidnapping, requiring sexual favors, and slavery. During the Middle Ages (1000 - 1399), European college students were systematically hazed as a part of the transition into and membership within higher education (Lipkins, 2006; Salinas & Boettcher, 2018). For example, new college students drank urine, and endured physical torture such as scraping skin off their ears. Lipkins (2006) wrote that school administrations believed beating, humiliation, and servitude were good ways to teach obedience in educational settings. Martin Luther, in the sixteenth century, claimed that hazing "strengthened the student and prepared him for the obstacles of adulthood," (Lipkins, 2006, p. 3).

In the 1660s, Oxford University students who came to Harvard University introduced beating, humiliation, and servitude, and other hazing practices (i.e. wearing special clothes, running personal errands), as ways to teach obedience to their peers. These practices were adapted, published by Harvard sophomores and distributed to first year students. In 1781 Harvard's Phi Beta Kappa fraternity began using hazing practices and activities, which are still present across the nation in the FSL system (Lipkins, 2006). Since the 1660s, hazing has been reported and spread to other colleges and universities across the United States.

Syrett (2009) argued that hazing has changed over time. He further purported – specifically about fraternity hazing – that "fraternity men's behavior is a product of various historical phenomena that are specific to time and place" (p. xi) and that the version of masculinity in our culture today (that informs fraternity behavior) is different than what is has been in the past. Nuwer (2018) highlighted increasing scholarship and a growth in hazing prevention organizations in the past 40 years as evidence of the ongoing

issues facing organizations on (and beyond) college campuses. Nuwer's (1990) previous scholarship asserted that hazing deaths are not a series of isolated incidents, but rather a cultural issue in the context of organizational intake and membership.

### *Hazing Examples*

Biemiller (2018) highlighted several recent hazing-related deaths. Timothy Piazza<sup>1</sup> and Andrew Coffey<sup>2</sup> hoped to be engineers. Maxwell Gruver<sup>3</sup> was an aspiring sportswriter. Matthew Ellis<sup>4</sup> was a business administration major. Each of these young men's lives was cut short because of hazing activity in 2017. In each case the men were pledging fraternities on campus. In each case alcohol was involved. In each case the fraternity chapters were closed or suspended. In three cases other students have been charged.

Compared to the past, hazing today is "more frequent, more demanding, more violent, and much more sexual" (Lipkins, 2006, p. 4). Parks, Jones, Ray, Hughey, and Cox (2014) found that White fraternities and sororities have more issues with sexual hazing; White fraternities have more issues with mental and physical hazing; and Black fraternities and sororities have more issues with violent hazing. Hazing is frequent and relevant today; it continues to occur in high school and college student organizations (fraternities, sororities, cheerleading, band, choir, speech, debate, athletic teams, honor societies) and even in church groups. Examples of hazing incidents in the 2010s that involved physical and sexual brutality include:

- In the fall of 2011 at Florida A&M University, Robert Champion was hazed and killed during the Marching 100 band trip to the Florida Classic at the Orland Citrus Bowl (Gast & Levs, 2011;

Grasgreen, 2011).

- In September 2012, Maine West High School soccer coaches were accused of sanctioning the sexual assault of three soccer players in a hazing ritual. Hazing was sanctioned by the coaches, who ordered the team do a "campus run," code for hazing. The three boys were shoved to the ground and beaten by the older senior soccer players (Seidel, 2012; Huffington Post, 2012; Silverberg, 2012).
- In September 2012, the University of Iowa received complaints of hazing and sexual assault allegations in 2008 and 2009 against Sigma Alpha Epsilon, Iowa Beta Chapter. The chapter was closed and removed from the university, and over 60 members were suspended (Heldt & Carlson, 2012).
- In 2013 Chun "Michael" Deng died after suffering brain trauma as a result of trying to get through a line of brothers as part of a hazing practice of Pi Delta Psi at Baruch College. Deng was hit repeatedly, pushed, tackled, and beaten, (Bever, 2017).
- In March of 2016, Wheaton College football player Charles Nagy was abducted by several other football players, bound by duct tape, beat, threatened to be sodomized, and left him half naked with tears to both shoulders that required surgery, (Gutowski & St. Clair, 2018).

Each hazing story carries similar themes from students and their loved ones about the painful and tragic consequences of hazing. That said it is impossible to collect and track every hazing experience. There currently exists no centralized governmental clearinghouse<sup>5</sup> to report, sort, collect, and maintain records on hazing activities across the country.

In addition, even if such a database at the

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<sup>1</sup>Mr. Piazza was pledging Beta Theta Pi at Pennsylvania State University.

<sup>2</sup>Mr. Coffey was pledging Pi Kappa Phi at Florida State University.

<sup>3</sup>Maxwell Gruver was pledging Phi Delta Theta at Louisiana State University.

<sup>4</sup>Matthew Ellis was pledging Phi Kappa Psi at Texas State University.

<sup>5</sup>Hank Nuwer's Hazing Clearinghouse (<http://www.hanknuwer.com>) is the most comprehensive source that provides an overview of hazing deaths.

federal level did exist, reports of hazing are limited. Among students who witness hazing, 36% said they would not report it because they do not know whom to tell, and 27% would not report hazing because students are not sure how to handle hazing and the reporting process correctly (Alfred University, 2000). Given the limitation of the available data, we discuss our strategies around collecting more data in the following section.

### ***Role of Administrators and Advisors***

Despite knowledge of the problems of hazing, hazing culture persists in higher education. Ultimately, organizations seek ways to foster senses of community, belonging, brotherhood, sisterhood, and other connections among members. Hollman (2002) wrote, "Campus administrators must acknowledge the importance of rites of passage and find ways to meet the psychological and sociological needs of group membership while addressing the problems of hazing" (p. 17). Regardless of extensive educational programming and anti-hazing awareness, Hollman (2002) explained, "hazing is an addiction and must be treated as such. College and university administrators can no longer ignore, deny, or enable hazing and alcohol abuse" (p. 18). Nuwer (2001) further developed this concept in the book, *Wrongs of Passage*,

For hazing to continue to survive within the education system, as it has for thousands of years, requires dependence and tolerance — the two common characteristics of addiction ... on the parts not only of perpetrators and the hazed but also of those who supervise them. (pp. 114–115)

So what is the role of administrative leaders — staff and faculty working with these organizations — in disrupting hazing culture on campus? Allan and Madden (2008) found that often "coaches, advisors, friends, and family have knowledge of hazing in some cases" (p. 25). Therefore, it is essential for college and university

administrators, family members, coaches and advisors to understand the signs and symptoms of hazing and be knowledgeable of hazing policy and law. Additionally, these individuals must be actively engaged in training and education related to group or team development. Coaches, advisors, peer leaders, and family members must be equipped to provide student(s) with support around hazing prevention and the have the ability to challenge hazing behaviors as they emerge. Finally, there must be both organizational and individual accountability combined with additional education in the face of hazing activities in organizations.

The literature in this section makes a case for our work. Researchers agree that hazing is an issue with physical and mental health implications (Campo, Poulos, & Sipple, 2005; Finkel, 2002; Hollman, 2002; Lipkins, 2006). As incidents continue in various organizations on campuses across the country, there is a need for common definitions and policies on campus, in the state, and at the federal level around hazing. Our scholarship serves as one resource where information is compiled to better inform the dialogue around policies and laws related to hazing.

### **Methods**

We used document analysis to analyze the anti-hazing state law policies in effect as of March 2017, and we provided different hazing cases to put these policies into specific contexts. Atkinson and Coffey (1997) referred to documents as social facts used in socially organized ways. In the case of this study, the social facts of the documents are being used to gain a deeper understanding of hazing. To determine whether policies, laws, and processes are effective, it is essential to have events by which to test them. In the case of this scholarship, we have chosen test cases through which we can examine the effectiveness of existing legislation and policy. Document analysis is a qualitative research

procedure used to evaluate text (printed and electronic material). Documents contain data — words, images, etc. — that are analyzed to foster learning and understanding (Corbin & Strauss, 2008). This form of analysis is applicable and particularly appropriate for qualitative case studies such as those referenced in this work. Yin (1994) wrote that this approach is being used to provide rich descriptions of a single phenomenon — in the case of this scholarship that single phenomenon is hazing.

As this study sought to understand the ways in which hazing is addressed through law and policy, document analysis proved to be a particularly effective approach. As Merriam (1988) wrote, “Documents of all types can help the research uncover meaning, develop understanding, and discover insights,” (p. 118). In addition, this study sought to identify common language around hazing and common means of addressing hazing behavior. Comparing documents across states and policies across institutions and organizations helped inform that work.

In seeking a broad understanding of hazing from a policy perspective, document analysis was effective. This method also helped surface additional questions and areas for exploration related to the topic. As Bowen (2009) wrote, “documents provide background and context, additional questions to be asked, supplementary data, a means of tracking change and development, and verification of findings from other data sources” (p. 30). In the case of hazing when those involved may be reluctant to talk or restricted as to what they can discuss about pending cases, document analysis is also a way of filling voids of information. Bowen (2009) added, “Moreover, documents may be the most effective means of gathering data when events can no longer be observed or when informants have forgotten the details” (p. 30).

### **Data Collection**

The data collection process for this document analysis study included three forms to examine

and critically analyze the often-vague anti-hazing policies that currently make up much of state and federal law: (a) search of the literature; (b) examination of both hazing law and policy; and (c) review of hazing events in the news. Document analysis is informed by examining data (i.e. text) as a way to gain understanding and make meaning of a phenomenon.

The documents used for this evaluation were current and historical, including: published scholarship, manuals of state laws and policy, newspaper articles, press releases, and annual reports. The content data was organized into categories related to public policy on hazing, state definitions, and organization hazing practices as mostly cited in newspaper articles, press releases and annual reports (i.e. military, athletics, and fraternity and sorority life). Through the data collection, the authors critically analyzed all data collected and determined the relevance of documents to the research problem and purpose (Bowen, 2009). Based on the sources, we determined the “authenticity, credibility, accuracy, and representativeness of the selected documents” as related to the purpose of the study (Bowen, 2009, p. 33).

### **Public Policy on Hazing**

The persistence of both hazing law and policy as well as the continuation of hazing incidents over time provides evidence that having formal policies and laws does not necessarily change behavior. Hazing is prevalent in today’s society, in part because the anti-hazing policies and laws are unclear (Hosansky, 2013). Allan and Madden (2008) showed in their national study that 1.5 million high school students are hazed each year, 40% of athletes who reported being involved in hazing behaviors report that a coach or advisor was aware of the activity, and more than one in five students reported that they have personally witnessed hazing. The stakes are literally life and death for research in this area, and it is critical to analyze the definition, policies, and

implications of hazing. That said, because there is no centralized tracking of hazing in higher education, it is difficult to discern how this practice affects college students. The numbers on hazing deaths are inconsistent at best. According to Alvarez (2015) between 2005 and 2015 more than 60 students died in hazing related incidents. However, Chamberlain (2013) reported that there were only 35 deaths related to hazing between 2000-2013.

### **State Definitions**

Forty-four states have anti-hazing laws; the exceptions being Alaska, Hawaii, Montana, New Mexico, South Dakota, and Wyoming (Allen & Madden, 2008; Bailey & Hughey, 2013; Hazing Statutes, 2007; State Anti-Hazing Law, 2000). Hazing Statutes (2007) showed evidence that 22 states with anti-hazing laws use the same language to define hazing. Alabama, Colorado, Connecticut, Delaware, Florida, Iowa, Kentucky, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New York, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Utah, West Virginia, and Wisconsin's state laws define hazing as ... "any activity in which a person intentionally or recklessly endangers the physical health [or safety of an individual] for the purpose of initiation into or admissions into, affiliation with, or continued membership with any organization" (e.g., Nebraska § 28-311.06).

The other 22 states that have anti-hazing laws use different terminology and definitions of hazing can vary from state to state (Dixon, 2001). For example, Indiana law defines hazing as "forcing or requiring another person: with or without the consent of the other person; and as a condition of association with a group or organization; to perform an act that creates a substantial risk of bodily injury" (Hazing Statutes, 2007, p. 24). Indiana's state law definition of hazing recognizes that regardless of a person's willingness to participate in any events to be part of a group, and that *hazing is only physical*. In Arkansas hazing "is limited to those actions

taken and situations created in connection with initiation into or affiliation with any organization" (Hazing Statutes, 2007, p. 11). While Indiana limits hazing to physical acts, Arkansas limits its definition to the *initiation process*. Both state definitions use broad terminology to identify where hazing can occur, such as in groups or organizations; while other anti-hazing state policies specify that hazing includes customary athletic events, contests, and competitions.

Indiana, New Jersey, New York, and Texas proposed supplemental notes to legislation concerning hazing. In 2007, Indiana Senate Bill 343 proposed more severe punishments for hazing occurring in a highway work zone. New Jersey Assembly Bill 1173 proposed in 2006 to revise the law concerning hazing; to upgrade criminal penalties, provide certain immunities, and create civil offense and require written policies. In 2007, New York proposed Assembly Bill 2795, which called for increases in severity of hazing charges and punishments in several areas including making it a felony charge when a hazing injury results in an injury or death. And, in 2007 hazing was added to an additional section of the education code of the Texas Senate Bill (Hazing Statutes, 2007). Furthermore, hazing may constitute additional criminal violations such as sexual assault, physical assault, and domestic abuse (Hennessy & Huson, 1998).

As a result of recent incidents, states are taking action when it comes to hazing legislation and punishments. Examples include 'Tim's Law' named for Penn State student Tim Piazza in Pennsylvania. Daub (2018) wrote, "The proposed legislation, known as 'Tim's Law,' could result in third-degree felony charges and up to seven years in prison in the case of injury or death, as well as property confiscation from the Greek groups responsible" (para. 2). Similarly, Senate Bill 91 in Louisiana would allow for civil penalties to be issued to perpetrators of hazing as well as colleges and universities and national organizations lacking clear anti-hazing policies (Anderson, 2018). Finally, in response

to the hazing death of Baruch College student Michael Deng, New York State Assemblyman David Weprin has proposed a bill to prohibit physical contact and physical activity during organizational initiation (Monteverdi, 2018).

### ***Lack of Federal Guidance***

There is currently no federal legislation regarding hazing practices. However, it is important to keep in mind there are federal protections granted to persons that overlap into hazing behaviors. Issues of protected class come into play when those engaging in hazing practices use language, target individuals, or engage in other behaviors targeting members of a protected class. As the Office of Civil Rights (OCR) stated in its Dear Colleague Letter (2010) on bullying in academic settings:

The label used to describe an incident (e.g., bullying, hazing, teasing) does not determine how a school is obligated to respond. Rather, the nature of the conduct itself must be assessed for civil rights implications. So, for example, if the abusive behavior is on the basis of race, color, national origin, sex, or disability, and creates a hostile environment, a school is obligated to respond in accordance with the applicable federal civil rights statutes and regulations enforced by OCR.

Again, currently the impetus is on institutions and states to manage hazing issues. Federal guidance is lacking, which may inform why national statistics are also absent from the dialogue. Without federal requirements, there is little reason for organizations, institutions, or states to track hazing incidents in and beyond higher education.

### **Organizational Hazing Practices**

While federal oversight is missing and state law provides broad oversight for hazing, the bulk of the responsibility for hazing oversight rests with organizations themselves. Clubs, groups,

and organizations implement their own policies, practices, and rituals related to the induction and acclimation of new members. These processes vary not only by organizational type, but also between similar organizations. For example, not all athletic teams foster community through hazing. Similarly, as discussed above, not all FSL organizations utilize hazing and those that do haze do not all haze in the same ways. Here we explore different organizational types and the role of hazing in their development.

### ***Hazing in Athletics***

While some organizations – FSL organizations and the military – may use hazing practices to foster connections, the scenario can be very different in athletics. Athletes compete for positions on a team. Hazing can potentially be used to impact certain athletes making teams or earning starting positions (Hosansky, 2013).

Hazing in athletics has a long history and begins when an athlete tries out for a team, continues through practice, competition, and season after season. These behaviors can surface as hazing habits, humiliation, and victimizing new team members (Peluso, 2006). Athletic teams haze in a variety of ways including: requiring new members to carry equipment or run errands for coaches or more senior players; being forced to pay for senior player or team meals; being forced to dress up in drag; or being given unflattering haircuts. Sport hazing can be more violent and unpleasant than other student organization hazing activities (Hosansky, 2013).

Hazing Statutes (2007) showed that 26 of the 44 states with anti-hazing laws either do not reference athletics in the context of hazing or single athletics out as uniquely different from hazing. For example, Alabama, Arizona, Arkansas, California, Colorado, Florida, Michigan, South Carolina, Tennessee, and Washington's anti-hazing laws state, "hazing does not include customary athletic events or other similar contest or competition" (e.g., Florida § 1006.63). Still other states used different

terminology and definitions to state that hazing does not apply to athletic teams of or within the college or university. Connecticut law states, “hazing shall not include an action sponsored by an institution of higher education, which requires any athletic practice, conditioning, or competition or curricular activities” (Hazing Statutes, 2007, p. 15).

### ***Military Hazing***

The military setting is unique among potential hazing environments as its members eat, sleep, live, and work with one another. As Pershing (2006) said of the experience at military service academies (much of which translates to other military organizations and settings):

A fundamental component of military training at DOD [Department of Defense] service academies is the indoctrination system for fourth classmen (freshmen), which includes traditions and rituals passed down through several generations. Because these systems are primarily student-run by upperclassmen (juniors and seniors), and since the distinction between hazing and legitimate military training has sometimes been ambiguous in the past, the fourth class indoctrination systems are subject to potential abuse. (p. 471)

With that in mind, hazing is relevant in military organizations at all levels. The settings range from military schools to basic training, and carries over into other official and unofficial military activities. As in other settings, the stress related to being hazed cannot only harm individuals, but can be so severe that individuals engage in self-harm behaviors as a means of escape.

On August 4, 2010, Army Pvt. Keiffer Wilhem of Willard, Ohio, killed himself, ten days after he arrived in Iraq with a platoon based out of Fort Bliss, Texas. Whilhem’s family said he was being bullied and hazed, including being forced to run for miles with rocks in his pockets (Seewer, 2009; Edmond Sun, 2009). Similarly,

Army Pvt. Daniel Chen of New York City was found dead from a self-inflicted gunshot wound on October 3, 2011. Chen was targeted with racially motivated taunts and physical attacks from his superiors and comrades before he died. According to Chen’s diary, he was dragged by soldiers across the floor, pelted with stones, and forced to hold liquid in his mouth while hanging upside down (Hawley, 2011).

Eight U.S. Army soldiers were charged in the death of Chen, five of the soldiers received demotions and brief prison sentences, two others received demotions but avoided prison, and the final soldier – Chen’s platoon leader was accused of failing to create “a climate in which everyone is treated with dignity and respect, regardless of race” and failure to “to prevent his subordinates from maltreating and engaging in racially abusive language.” (Semple, 2012, para. 6). The Chen case was reported as a hazing incident, and forced the military to review its hazing policies (Hosansky, 2013).

Additional responses to these types of cases have gained traction at the national level. U.S. Congresswoman Judy Chu and other house members introduced The Harry Lew Military Hazing Accountability and Prevention Act of 2012 to prevent hazing in the military, and to ensure that the Department of Defense has effective hazing and harassment prevention and accountability policies. The Harry Lew Military Hazing Accountability and Prevention Act of 2012 provided the Pentagon with the necessary tools to effectively address the problem of hazing and harassment in the armed services, to guarantee that our brave service members can safely and honorably defend the citizens and the Constitution of the United States (Chu et al., 2012).

### ***Fraternity and Sorority Life Hazing***

Of all hazing settings and scenarios, perhaps the most common and most stereotypical setting is in the context of fraternity and sorority life. As has been mentioned, hazing in an educational

context — particularly in settings involving secret societies or FSL organizations — has a long history (Lipkins, 2006).

While the rationale for many of these activities is the need to work through difficulty as a means of bonding and cultivating brotherhood or sisterhood, there are significant risks when college students engage in these behaviors. Hazing activities can be exhausting, humiliating, degrading, demeaning, intimidating, with significant physical and emotional discomfort (Lipkins, 2006). Hazing activities can cause harm or create risk of harm to the physical or mental health of individuals (UNL Office of Greek Affairs, 2013; Keim, 2000).

Specific demographics and history of a chapter can have an influence in the type of hazing in an organization, as well. Nuwer (2001) noted that in “the late ’80s and ’90s, pledging deaths in historically Black fraternities occurred as a result of beatings and physical tests of endurance, while pledging deaths in historically White fraternities were associated with alcohol-related incidents and so-called road trips” (pp. 176–177). Pledging is an ongoing element of recruitment and intake in many organizations and hazing is often a step in initiating members into a fraternity, sorority, or other organization (Ruffins, 1997).

Hazing Statutes (2007) indicated that Michigan, Texas, and Vermont are the only three states with anti-hazing laws that define “pledging” as a form of hazing. These states define pledging as “any action or activity related to becoming a member of an organization” (Hazing Statutes, 2007, p. 35). These states’ anti-hazing law make the assumption that hazing mostly occurs when *pledging* to an organization. This leaves much of the oversight for these groups with the national offices for organizations or with university policies where the student organization chapters are located.

### **A Special Case: The Obligation of Educational Institutions in Regard to Hazing**

Historically most hazing events are affiliated with educational institutions, including but not limited to, student, academic, honorary, athletic, and fraternal organizations (Allen & Madden, 2008). Due to the location of many reported hazing events, most states’ anti-hazing laws refer to hazing by persons at educational institutions. As such, there are special and specific expectations, guidelines, implications, and potential sanctions for colleges and universities when it comes to hazing practice. Michigan law states that educational institutions “shall not engage in or participate in the hazing of an individual” (Hazing Statutes, 2007, p. 35) and defines an educational institutions as a “public or private school that is a middle school, junior high school, high school, vocational school, college, or university located in this state” (Hazing Statutes, 2007, p. 35).

Educational institutions have played a major role in creating anti-hazing policies and laws. For example, on July 15, 1986, the board of trustees of the University of Kentucky and the University of Louisville adopted policies prohibiting hazing that intentionally endangers an individual’s mental or physical health. On August 1, 1995, the Board of Trustees of the University of West Virginia and the board of directors of the state college system created guidelines for anti-hazing policies. On January 1, 1996, the Board of Trustees of the Vermont state colleges adopted policies and procedures to ensure the enforcement of policies prohibiting harassment and hazing. The state of Maine allows the board of trustees of an educational institution to maintain public order, and prohibit hazing by any members affiliated with the institution, either on or off campus. And, Minnesota State Colleges and Universities were directed by the state to adopt a clear written policy on hazing (Hazing Statutes, 2007).

Despite this, hazing continues to be an

ongoing problem for college and universities. Kaplin and Lee (2009) introduced legal guidance for college and university professionals:

Given the existence of state laws against hazing, and the lack of any rational relationship between hazing that exposes a student to danger and the educational mission of the institution, it is likely that courts will expect institutions to prevent hazing to make hazing a violation of the students' code of conduct, and to hold students who engage in hazing activities strictly accountable for their actions, whether or not they result in physical or mental injury to students. (pp. 600 – 601)

State laws hold colleges and universities responsible for regulating student conduct and monitoring the behavior of every student on campus (Kaplin & Lee, 2009).

For example, the Arizona hazing prevention law outlines that “every public educational institution in this state shall adopt, post and enforce a hazing prevention policy. The hazing prevention policy shall be printed in every student handbook for distribution to parents and students” (Hazing Statutes, 2007, p. 10).

Similar to Arizona anti-hazing law, Florida, Kentucky, Maine, Massachusetts, Oklahoma, Texas, and Vermont have state laws that hold the educational institution responsible for adapting, posting, and enforcing a hazing prevention policy printed in the institutions' student codes of conduct. These codes set forth the specific authority and responsibilities of the institution in maintaining discipline, establishing guidelines that facilitate a civil campus community, and outlining the educational process for determining students' responsibilities for alleged violations of institutions' regulation (Student Disciplinary Regulations, 2012).

### **Disrupting Hazing Practices**

Challenging hazing practices and harmful habits continue within many student, campus,

fraternal, academic, honorary, athletic, and military organizations nationwide. While many assume that severe hazing practices, pranks, and acts are stereotypes from the past or are exaggerated by the media, hazing activities are still prevalent within FSL communities.

These ideas are contradicted by a study at Alfred University (1999). The study illustrated a regional context and the cultural hazing activities that occur in each area of the United States. Rural, residential campuses with Greek systems in Eastern or Southern states with no anti-hazing laws were the most likely to experience hazing. Eastern and Western campuses had the most alcohol-related hazing, and Southern and Midwestern campuses had the greatest incidence of dangerous and potentially illegal hazing (Alfred University, 1999). While each region may vary in severity or type of hazing, it is still present nationwide.

### ***Barriers to Reporting Hazing***

While many colleges and universities promote reporting hazing events to police, there are barriers to reporting hazing through the criminal process. Due the diverse definitions contained in specific federal and state anti-hazing laws, reporting hazing becomes a challenge for individuals as there is no clear process to know and understand the implications of hazing. Allen and Madden (2008) found that “25% of coaches or organization advisors were aware of the group's hazing behaviors; 25% of the behaviors occurred on-campus in a public space; in 25% of hazing experiences, alumni were present; and students talk with peers (48%, 41%) or family (26%) about their hazing experiences” (p. 2). This is important to note as many individuals are aware of hazing events but do not report them.

Failing to report hazing activity can be a result of more than a lack of familiarity with the process or with state or federal legislations. Not reporting can also be due the lack of awareness of the process of reporting hazing, and the effects after a hazing case is reported. In addition,

individuals may be afraid of the consequences of getting their team or group in trouble, being afraid of the negative consequences that occur to individual students; fear of the larger team or group finding out who reported the incident(s); being afraid of being hurt by a member of their team or group; or not knowing where to go to report the hazing activity (Allen & Madden, 2008).

### ***Hazing Penalties***

When individuals do choose to report hazing, the outcomes can vary significantly. Just as there are many different definitions of and contexts for hazing there are also different charges, penalties, and punishments for individuals and organizations that commit hazing. As an illustration: if an individual is convicted of hazing in Rhode Island, the individual can be fined a maximum of \$500 dollars, imprisoned for 30 days to a year, or both. The penalty for a school official is a fine of not less than \$10 dollars and not more than \$100 dollars. Whereas in Utah hazing can be a class C (fine not exceeding \$750), class B (fine not exceeding 1,000), or class A (fine not exceeding \$2,500) misdemeanor. Additional penalties can include imprisonment of up to 15 years for felony charges in some states (Hazing Statutes, 2007). Yet, all state laws are unclear about hazing penalties. Unless a hazing victim dies then there will be a long investigation as it occurred in Pennsylvania, after the death of Tim Piazza in February 2017 at Penn State University. In this case, five members of Beta Theta Pi fraternity were charged with involuntary manslaughter (Deak, 2018).

### ***Additional Consequences of Hazing***

Beyond the criminal or organizational sanctions imposed on individuals and groups, there are other significant consequences of hazing that affect large numbers of students in the country each year. Allen (2012) stated that 47% of high school students experience hazing, and 55% of college students experience hazing

(Allan & Madden, 2008). Alfred University (1999) found that more than 250,000 college students have experienced some form of hazing to join a college athletic team. Some were forced to destroy property, make prank phone calls or harass others, others participated in drinking competitions or alcohol related events including consumption of alcohol on recruitment visits, and others were humiliated and deprived of sleep for extended periods of time.

### ***Disruption Strategies***

While hazing continues and as institutions, organizations, and individuals wrestle with ways to eliminate hazing practice, there are resources available that can prove helpful to advisors, leaders, and administrators. Resources, conference information, training, and other resources are available at:

- Anti Hazing Collaborative — <http://www.nohaze.org/>
- HazingPrevention.Org — <https://hazingprevention.org/>
- Stop Hazing — <https://www.stophazing.org/>
- The Novak Institute for Hazing Prevention — <http://www.novaktalks.com/novak-institute-for-hazing-prevention5>

Additionally, specific institutions and organizations have their own anti-hazing programming, resources, and information.

### ***Implications for Practice***

Colleges and universities should not limit responses but instead treat hazing just as any other serious crime. In an effort to maintain transparency regarding judicial actions, the college or university should release a monthly update with aggregate data on judicial actions taken on hazing cases and report all hazing incidents according to state and federal entities. Strategies must be broad to address the many aspects of hazing, but must be careful of being too broad or too inclusive (Hollmann, 2002).

Currently, some colleges and universities' hazing policies and anti-hazing state laws are too broad, with an unclear definition of what hazing is and what hazing penalties are. While other colleges and universities' and state laws only focus on anti-hazing within students' organizations, such as: fraternities and sororities, and athletics. Hazing practices are present in many aspects of American culture from the military, to athletic teams, to marching bands, to honor societies. Hollmann (2002) has offered eight specific strategies that institutions should explore in *Hazing: Hidden Campus Crime*.

Communication is essential. First, examine policy and regulation definitions of hazing that are currently in place. Consistent language leaves little room for misinterpretation of the definition of hazing. Second, institutions must communicate clearly and provide educational programs. Institutions must provide a clear message of consequences and the seriousness of hazing activities on campus. Institutions should provide training for student leaders, staff, and faculty on confronting hazing behaviors.

Monitoring behavior is a key element in the next items on the list. The third aspect highlighted is that institutions need to focus on attacking high-risk alcohol consumption both in hazing activities and across campus. Fourth, monitor activities of student organizations to better understand what is being seen and said within these organizations.

Once communication and monitory strategies are in place, follow up is essential. The fifth strategy is to investigate and enforce law and policy related to any report of hazing. In an effort to support the second strategy, the institution must treat hazing and all reports of hazing in a swift manner both in investigation and disciplinary response.

Sixth, build relationships with local and national organizations. Specifically, institutions should work closely with organizations and their leadership to utilize language that is consistent with the organization's goals, the institution's

goals, and the definition of hazing. Other organizations might consist of conference and athletic organizations to apply pressure where the institution cannot.

Finally, the seventh and eighth strategies are alternative teambuilding initiation and student leadership education and transition, respectively. These are framed around providing alternative approaches to the customs and traditions that persist in the organization, both with guidance from the institution but more importantly from the students and leaders that represent the organization.

Though these strategies are broad, they provide a basic understanding of ways in which institutions can begin to approach issues that can be damaging and harmful with hazing (Hollmann, 2002). These strategies are broad to cover any organization affiliated or unaffiliated with the institution. Institutions must focus on a cultural change to the habits of hazing.

Penalties, punishments, and charges for individuals and organizations that commit hazing crimes are different based on the institutional policies, and state and federal laws. All individuals and organizations must know that hazing carries a number of risks including: a civil lawsuit, criminal prosecution for an illegal act, discipline or sanctions from the national organization, discipline or sanctions from the college or university, and possible loss of insurance coverage (UNL Office of Greek Affairs, 2013).

### **Implications for Future Research**

Hazing continues to be an issue in higher education and other contexts. It is imperative for the safety of students and the success of the extracurricular educational experience that research continue around hazing law and policy, hazing practices, and the impact of hazing on individuals and groups. To change the culture and habits of hazing in schools and organizations, to protect individuals from being hazed, states

should develop common and clear anti-hazing policies and laws. If policies and laws are put in place, students would be more likely to report and to tell others about hazing incidents (Dixon, 2001).

Most hazing scholarship focuses on FSL contexts. It is important to study hazing in other settings to better understand the role it plays across college campuses and throughout other organizations in our culture. Specifically, research in the areas of military organizations, marching and other bands, athletics, and non-FSL student organizations is important. Similarly, studies on the development of community, brotherhood, sisterhood, and group bonding without the use of hazing practices can help foster successful and healthy organizations in the future.

In addition, case studies are needed to help members, advisors, leaders, administrators, and legislators explore the concepts of hazing. Case studies based on actual events combined with fictional situations can inspire more dialogue around this critical issue. These can be used proactively to educate members. That education is essential given that the leadership of organizations changes each year as new students come onto campuses.

## **Conclusion**

All states need to develop and propose policies and laws against hazing (Hosansky, 2013). College and university administrators need to be aware of the danger, seriousness, and prevalence of hazing on campus and in organizations. Furthermore, administrators need to be aware of the many different aspects of hazing and how they relate to legal issues, student development, and student awareness. Hazing is a crime that has serious dangers and consequences. It is important to be knowledgeable and active members in the community of the institutional policies related to hazing.

It is important for campus and university administrators to be aware of the potentially

harmful implications of hazing practices that can occur within the student organizations, athletic teams, and other groups that students with which they work are involved. By understanding what implications hazing practices have for a student's success on campus, administrators and practitioners can be better equipped to provide support or referrals for victims of hazing activities, while challenging harmful habits and practices. In this document analysis, we have examined the broad definition for hazing, the types of hazing practices that occur, and how state and federal laws are unclear. We encourage others to practice document analysis to fully understand the trends of a phenomenon, as we have demonstrated in this document analysis of hazing.

College and university administrators need to confront the hazing epidemic with tenacity, courage, and a deep sense of responsibility for the survival of the institutions, and student success. The dignity of those seeking admission into student organizations must be safe and respected at all times in order to achieve organizational missions and adhere to foundational beliefs and core values. College and university administrators must remember that hazing is a crime at the state and institutional level.

In addition, administrators need resources to educate staff and students. From educating student leaders during the process of recognition and funding of student organizations to providing severe and educational sanctions when policies are violated, administrators must work with these groups to ensure the safety of students. The same holds true for working with organizational advisors, coaches, and other staff leaders who engage in extracurricular experiences with students.

This training must be based on clear and accessible policy provided by the institution to administrators, staff, and students alike. In order for it to be effective, policy must be enforced. Enforcement must include consistent outcomes and high levels of accountability for individuals

and organizations when policies are violated.

Only when policies are clear and consistent, when leaders are educated, and when students are aware of expectations, policy / law, and outcomes can we provide for the safe experiences of students in higher education. Joining an organization should be a highlight of any student's experience in college. Enjoying the benefits of membership should be earned, but earning those privileges should never include physical, mental, or emotional harm. Until there is clear legislation as well as clear campus policy, our students continue to be at risk.

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