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## Policy SA002: Anti-Hazing Policy

Recommended for Approval by:

*Susanne Fenske*

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Susanne K. Fenske, Ph.D.

Vice President for Institutional Effectiveness, Student Affairs and University Police

Approved by:

*R. Lorraine Bernotsky*

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Dr. R. Lorraine Bernotsky, Acting President

**Effective Date:** 6/9/2023

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### A. Intent

It is the policy of Pennsylvania Western University (PennWest) that any student(s), group(s) of students or student organization(s) (including but not limited to: athletics, club sports, band, choir groups, student organizations and honor societies) affiliated with PennWest are prohibited from engaging in any form(s) of hazing activities. This policy prohibits hazing on or off campus.

### B. Definition(s)

**Hazing:** A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

- Violate federal or state law;
- Endure brutality of a physical or sexual nature, such as striking in any manner, whipping, beating, branding or exposing to the elements;
- Force consumption of food, liquor, drugs or other substances;
- Endure other forced physical activities that would adversely affect the health or safety of the person coerced;

- Endure activities that would subject the student to extreme mental/emotional stress, such as sleep deprivation, forced exclusion from social contacts, forced conduct that would be demeaning or result in extreme embarrassment, or any other forced activity that could adversely affect the mental health or dignity of the individual.

For purposes of this section, any activity as described above, or any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student or other individual shall be presumed constitute hazing if it is required as part of an initiation or admission into or affiliation with any group, club or organization. The willingness or consent of an individual to participate in such activity notwithstanding.

Hazing does not include customary athletic events or other similar contests or competitions, or any activity or conduct that furthers a legal and legitimate objective.

**Student Organization** a student organization that has been officially recognized through the Student Government recognition Process.

### C. Policy

Any student(s), student organization(s), or programs affiliated with PennWest, on campus or off campus, that are found responsible for hazing will be subject to appropriate sanctions by PennWest.

These sanctions may include counseling, probation, educational activities, suspension, dismissal or expulsion of said person(s) and/or organization(s) and/or the revoking of permission for the University-sanctioned organization(s) to operate on any PennWest campus or to otherwise operate under the auspices of the University. In addition to any sanction, a hold may be placed on a student's registration pending compliance with the current Student Code of Conduct of which this regulation becomes a part.

Penalties imposed by the University are University sanctions and do not serve as a defense for student(s), group(s) of students or student organization(s) from any penalty imposed for violation of criminal laws of the Commonwealth of Pennsylvania. This includes, but is not limited to, such criminal penalties prescribed in the Timothy J. Piazza Anti-Hazing Law (18 Pa.C.S.A. § 2801 et seq.).

**1. CONSENT NOT A DEFENSE** It shall not be a defense that: the consent of the victim to participate was obtained; the conduct or activity that resulted in the death or injury of the person was not part of an official University organizational event or was not otherwise sanctioned or approved by the University organization; or, the conduct or activity that resulted in death or injury was not done as a condition of membership in a University organization.

**2. SAFE HARBOR/LIMITED IMMUNITY** This policy does allow "safe harbor" criteria – that is, limited immunity that will protect individuals from prosecution for involvement in a hazing incident if they were involved in seeking assistance for someone in need of help because of hazing.

**3. RECOGNIZED STUDENT ORGANIZATIONS** All existing University-sanctioned organizations are required to amend their existing by-laws to include an anti-hazing section, and all future University-sanctioned organizations must include the same in their by-laws. A copy of the by-laws shall be kept on file with the Student Association Inc. (SAI). The university Anti-Hazing Policy will be provided to advisors and members of all university-sanctioned organizations each academic year with the expectation that advisers and/or officers will review the policy with all members. The University

Office of Student Conduct will keep records of all hazing incidents and complete an annual report regarding these issues that will be submitted to the Office of Social Equity.

**4. REPORTING VIOLATIONS** Any person, including trustees, administrators, faculty, staff, students, members of direct support organizations, vendors, guests and volunteers having knowledge of or receiving information regarding any activity that may constitute hazing or a violation of this policy are strongly encouraged to contact the PennWest campus of incident Police Department within 24 hours. Failure to report any hazing activity may constitute a violation of this policy and result in appropriate discipline.

It shall be expressly prohibited for any person, including trustees, administrators, faculty, staff, students, members of direct support organizations, vendors, guests and volunteers to retaliate against a person because that person has been a victim of hazing, reported hazing, refused to participate in hazing, assisted in the investigation of hazing, or participated in the prosecution of any alleged hazing.

Any person who has experienced retaliation for reporting any activity that may constitute hazing or a violation of this regulation shall have the right to file a retaliation complaint with the Office of Student Conduct for the campus of incident.

The Office of Student Conduct will assist the Office of Social Equity in preparing and submitting required reports of hazing per state law.

#### **D. Procedure(s)**

Any violations of this policy alleged against students/student organizations will be processed pursuant to the Student Code of Conduct, and the Office of Student Conduct and will handle the investigations and adjudication of all complaints. Any violations of this policy alleged against non-students will be processed according to the appropriate University policy and/or practice.

#### **E. Related policies**

Timothy J. Piazza Anti-Hazing Law (18 Pa.C.S.A. § 2801 et seq)

Student Code of Conduct

Student Organization Operation Policy

#### **E. Contact Information:**

- PennWest California Police (724) 938-4299
- PennWest Clarion Police (814-393-2111
- PennWest Edinboro Police (814) 732-2921
- PennWest California Dean of Students Office (724) 938-4439
- PennWest Clarion Dean of Students Office (814) 393-1918

- PennWest Edinboro Dean of Students Office (814) 732-2920

**F. Policy Review Schedule**

All policies will be reviewed every two years or on an as needed basis if a change in Board of Governors, PASSHE or Pennsylvania law would create the need for an immediate change.