

AP Seminar

1/25/18

### Hazing and the Law

In February of 2017, Penn State sophomore, Timothy Piazza, died as a result of a collapsed lung, ruptured spleen, and irreparable brain damage. After a night of forced pledge drinking, the consumption of mass quantities of alcohol with intent to ‘induct’ Piazza into the Penn State chapter of Beta Theta Pi, intoxicated Piazza fell down stairs, and the other fraternity members failed to call an ambulance or authorities until 12 hours after he had fallen (Snyder, 2017). As of November of 2017, seventeen Beta Theta Pi fraternity members have been charged in connection with the event, charges ranging from giving alcohol to a minor to involuntary manslaughter and aggravated assault, as well as hazing (Shapiro, 2017). Hazing is a buzzword without a solid definition, a word that without context is hard to apply. Merriam-Webster defines hazing as “the action of hazing; especially: an initiation process involving harassment.”. However, this does not begin to define its ramifications in current society. A 2008 University of Maine National Study reported that 55% of university students report being hazed at some point in their college careers (Allan et al, 14). The Penn State case has brought the question of hazing law and it’s meaningful prevention of tragedies like this back into the limelight. On every legal level, the legal definition of what constitutes as hazing and what the punishments should be are under scrutiny. But perhaps most importantly what can legally be done to further prevent hazing deaths.

One of the major questions of this debate is what exactly can be defined as hazing in a court of law. In Pennsylvania state statute § 5352 regarding hazing outlines a “ definition” some

of the actions that can be defined as hazing, it includes any brutality of a physical nature—whipping, beating, branding, etc—forced consumption of any food, liquor, or drug, sleep deprivation, embarrassing situations or conduct, or destruction or removal of public or private property (Anti Hazing Law, P.L. 229, No. 31 Cl. 24) . However, in other states, such as Indiana, hazing is vaguely defined as the conditional or consensual coercion of another person “to perform an act that creates a substantial risk of bodily injury.” (Hazing; good faith reporting). Currently, only 44 states have legal definitions and laws and statutes regarding hazing. Montana, New Mexico, South Dakota, Wyoming, Alaska, and Hawaii all do not have hazing laws (Interactive: Where is Hazing a Crime). In the states that do have hazing laws, there is a distinct difference state to state regarding punishments on a state level. As defined by Pennsylvania statute § 5352, hazing is a misdemeanor of the third degree, a charge punishable by up to one year in prison a fine of up to \$2,000. However, in California, hazing can either be a misdemeanor or a felony based on the severity of the event, as defined by California Penal Code. In the event or hazing resulting in a death or injury is a misdemeanor or felony, punishable by a fine and jail time (PENAL CODE Chapter 9. Assault and Battery [240 - 248]). In fact, most punishment varies highly from state to state.

This is one of the major controversies in hazing law, what the implications of state-by-state variances in punishment and the question of what is too much and too little as far as disciplinary action. In the Piazza Case, William Brennan, the attorney for one of the Beta Theta Pi fraternity brothers, states that he believes that the charges are too severe for the crime and stated, “Not every tragedy is a crime”(Snyder). In an equal but opposite measure, Hank Newer, an associate professor of journalism and an expert in hazing with several books released

on the subject states, “Hazing cases are not the same state to state, and that it has been a shame, in my opinion, no legislator has put together a bipartisan and effective and constitutional anti-hazing bill,” (Dostis). Some are seeking hazing laws that are fairer towards defendants, and others believe they should be far more severe so as to prevent hazing.

Regardless or not if a state has hazing legislation, most universities have their own hazing policies. Pennsylvania State University uses a nearly identical definition based on the state statute, and also informs students that there are state laws regarding hazing (Hazing Information, Penn State Student Union). At the University of New Mexico, despite the state itself not having a hazing law or statute, the university outlines its hazing definition in a similar manner (UNM Policy Against Hazing). In addition to state charges, colleges will include their own punishments. Duke University’s hazing policy is outlined very clearly with three levels of severity. The punishments for these are also clearly defined: “disciplinary probation, social suspension, suspension of charter, restrictions on member recruitment and/or group activity, removal of the individual from the group, loss of housing privileges, suspension, and/or expulsion” on a basis of severity of the infraction (Duke Policies: Hazing). However, even on a university level, this is under scrutiny, Dillard College President, Walter Kimbrough, said in a 2012 article for Presidency magazine that he believes more steps need to be taken on the behalfs of universities to create zero tolerance hazing protocols; concise definitions with concise punishments. He states, “Bear in mind that if ‘zero tolerance’ does not mean suspension or expulsion, it is not truly a zero-tolerance policy.”. However, Kimbrough also states that he believes there is a difference between what should be in university jurisdiction and what should

be in the hands of authorities, thus again leading into the question of the uneven state to state hazing laws.

With both a university and state level of hazing policy called into question in light of the Piazza case, the idea for new federal legislation has been introduced, including the REACH bill. The REACH act proposed by Representative Patrick Meehan would create a national definition for hazing (Snyder). It would require universities to report hazing incidents to authorities as well provide on-campus hazing education. So as to take into account all opinions in this argument a comprehensive study is being done into on-campus crime and hazing reports to better understanding hazing trends. (Carter)

As of the current era, it can be seen that recent events and a past that supports a disturbing trend in hazing deaths and injuries has spurred a new era of debate regarding hazing law. Though there are those who support hazings' place in Greek life on campus, overwhelmingly there is a movement to better define and punish it so as to prevent further tragedies on a meaningful, national scale.

Word Count: 1104

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