

THE LOUISIANA BOARD OF REGENTS UNIFORM POLICY ON HAZING PREVENTION

I. POLICY STATEMENT

The Board of Regents (BOR) does not condone hazing in any form at any postsecondary education institution in the state. All Louisiana postsecondary institutions shall prohibit hazing and take all reasonable measures to address hazing, including without limitation: adoption of effective policies; clear communication to campus organizations, students and other stakeholders of laws and policies; prompt and faithful enforcement thereof; education; and training. All Louisiana postsecondary institutions shall be committed to providing a supportive educational environment free from hazing, one that promotes its students' mental and physical well-being, safety and respect for one's self and others. All Louisiana postsecondary institutions shall implement policies and procedures in compliance with this policy and shall take prompt and appropriate action to investigate and effectively discipline those accused of such conduct in a manner consistent with all applicable laws.

II. INTRODUCTION

In accordance with Acts 635, 637 and 640 of the 2018 Regular Session of the Louisiana Legislature ("Louisiana Hazing Laws"), the Louisiana Board of Regents ("BOR") hereby adopts this Uniform Policy on Hazing Prevention ("Policy") applicable to all Louisiana postsecondary education institutions. This Policy aims to enhance the Legislature's efforts to establish statewide mandatory requirements and is designed to help postsecondary institutions create and maintain safety for all students who participate in the institutions' activities, programs, groups, teams, organizations and Greek-lettered associations.

All institutions subject to this Policy shall adopt an institutional policy in accordance with all applicable laws and this Policy. Each institution's policy must comply with applicable laws and regulations, and must be amended to reflect any subsequent changes to laws and regulations. BOR recognizes that Louisiana's postsecondary institutions all possess unique characteristics (e.g., presence of Greek life, athletic teams, band and other such organizations vs. the lack thereof; commuter vs. residential campuses; large vs. small campuses, presence of campus police and residential advisors vs. the lack thereof). Thus, it is within the purview of each institution's governing board to review, evaluate and apply this Policy in a manner that ensures that it adequately aligns with each institution's campus characteristics and resources, provided that the interpretation and implementation are in furtherance of the requirements of this Policy and do not result in substantive changes to the Policy. Institutions may also develop supplementary procedures to further support the implementation of this Policy. However, while all Louisiana postsecondary education institutions may develop individualized policies on hazing prevention, the mandatory provisions of this Policy establish the minimum requirements with which all institutional policies must comply.

Each management or other governing board on behalf of each of its member institutions shall establish policies and procedures in full compliance with this Policy and implement such policies no later than the beginning of AY 2018-19. Each management board must review the policies of each of its member institutions for compliance with this Policy and applicable laws and regulations and upon verification of such compliance, this management board shall forward the institutional policies to BoR by September 15, 2018.

For purposes of this Policy, the definitions of key terms and other mandatory provisions shall remain consistent with those in Acts 640 and 635 and 637 of 2018, codified at R.S. 17:1801.1, R.S. 14:40.8 and R.S. 14:502 respectively. BOR will amend this Policy to reflect any subsequent changes to these statutes. In cases of any inconsistency, the statutory provisions shall supersede any such inconsistent provision in this Policy. The

statutory provisions and this Policy shall supersede any inconsistent provision in an institution's policy.

III. DEFINITIONS

Postsecondary education institution, education institution, or institution is any postsecondary education institution in this state supported wholly or in part by public funds.

Hazing means any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

- (i) The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.
- (ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

Consent is not a defense.

Hazing includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

- (i) Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.
- (ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.
- (iii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the

physical health or safety of the individual or causes severe emotional distress.

- (iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

For purposes of this Policy, hazing shall not include a physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the postsecondary education institution.

Organization is a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution, including the national or parent organization of which any of the underlying entities provided for in this definition is a sanctioned or recognized member at the time of the hazing.

Pledging is any action or activity related to becoming a member of an organization, including recruitment and rushing.

Appropriate authority includes:

- (i) Any state or local law enforcement agency.
- (ii) A 911 Public Safety Answering Point as defined in Title 33 of the Louisiana Revised Statutes of 1950.
- (iii) Emergency medical personnel.

Reckless behavior is an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity.

Serious bodily injury is bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

IV. COMPLIANCE WITH LAWS

Each institution's policy must comply with applicable laws and regulations, and must be amended to reflect any changes to such laws and regulations, including but not limited to the following:

- (A) Act 635 of the 2018 Regular Session of the Louisiana Legislature, which creates the crime of criminal hazing, provides definitions and exceptions, and establishes exceptions and penalties;
- (B) Act 637 of the 2018 Regular Session of the Louisiana Legislature, which creates an obligation to offer reasonable assistance, including seeking medical assistance, to someone who has suffered serious bodily injury caused by reckless behavior, including hazing; and
- (C) Act 640 of the 2018 Regular Session of the Louisiana Legislature, which prohibits hazing at Louisiana's postsecondary institutions, requires BOR to adopt a uniform policy on hazing prevention, requires postsecondary institutions to adopt and expand on BOR's uniform policy in a manner consistent with the laws and BOR policy.

Failure to comply with any applicable laws and regulations, including those listed above, shall constitute a failure to comply with this Policy. Each management or other governing board, as the entity with the authority over its member institutions, shall make all due diligence efforts to ensure its member institutions' compliance with applicable laws and regulations, including those listed above.

While the provisions of the laws listed above are mandatory components of the institutional policy, the best practices listed in Section VI below are BOR's guidance to the institutions on the implementation of hazing laws. Institutions may supplement the provisions of this Policy as necessary, but any such supplemental provision shall comply with the laws and this Policy.

V. MANDATORY PROVISIONS TO BE INCLUDED IN INSTITUTIONAL POLICY

In addition to the definitions and other provisions in compliance with laws and regulations, including those listed above, all Louisiana postsecondary education institutions shall implement the following measures to prevent and address hazing, beginning in fall 2018, unless otherwise noted:

A. Prevention and Education Programs

1. Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.
2. In addition to the requirement of providing educational information in the form of a handbook as provided in the previous paragraph, beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.
3. Each organization as defined above in this Policy and in R.S. 17:1801.1 shall provide annually at least one hour of hazing prevention education to all members and prospective members. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students receiving such education evidenced by an attestation of the student receiving the education.
4. The hazing prevention education required under the provisions above shall include the information about criminal penalties for the crime of criminal hazing. Information shall also be provided to organizations on their obligations under the law, including the duty to investigate and report; and on the possible loss of funding and other penalties applicable to organizations under the Hazing Laws.

B. Duty to Seek Assistance

In accordance with Act 637 of 2018, codified at R.S. 14:502, each institution's policy shall require any person at the scene of an emergency who knows that another person has suffered bodily injury caused by an act of hazing shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Each institution's policy and educational information shall include the criminal penalties for failure to seek assistance in violation of R.S. 14:502.

C. Enforcement of Laws, BOR Policy and Institutional Policy

Each institution shall implement and enforce with full fidelity and consistency the Hazing Laws as listed above, this Policy and the institution's own policy. Failure to enforce or inconsistencies in enforcement shall constitute violation of the Hazing Laws and this Policy.

VI. RECOMMENDED BEST PRACTICES

In addition to the mandatory components of institutional policies and practices, each institution is encouraged to follow best practices, some of which are outlined below:

A. Ongoing Prevention and Awareness Campaigns

Ongoing prevention and awareness campaigns may consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to hazing prevention. An example of such an initiative or program is joining institutions across the country in the observance of National Hazing Prevention Week.

B. Data Collection and Analysis

Institutions are encouraged to create task forces to gather, analyze and understand institutional data on hazing. Effective hazing prevention presupposes an understanding of the cause, identifying any trends that the data show and assessment of the risk factors as well as protective measures. To support institutions' efforts to address hazing through data collection, analysis, information on trends and strategies, a list of available resources is provided in Appendix A.

C. Effective Intervention

In collaboration with relevant organizations and student bodies, each institution is encouraged to develop intervention strategies and measures appropriate to the context specific to that institution and to the various organizations affiliated with it. The role of bystander intervention and social norming is key to hazing prevention and is recommended as part of campus intervention strategies. In support of state laws to combat hazing, bystander intervention training and social norming should be part of any education and training aimed at preparing faculty, staff and community members to understanding hazing issues and statistics on campus.

D. Response Plan

Institutions are encouraged to convene teams with the necessary expertise, including coaches, resident advisors, Greek-lettered organization officials, alumni and coaches. Each year before the beginning of the academic year, the teams should develop a response plan delineating the procedures for handling any hazing incident.

E. Complete and Accurate Information to Parents and Other Stakeholders

Institutions are encouraged to include, as part of the information on campus-sanctioned groups, statistical data on the instances of hazing, penalties or other disciplinary actions taken against an organization and/or its members in recent years for hazing-related incidents. For instance, any brochures given to prospective members of a Greek organization should include statistical data on hazing and any sanctions against the organization and/or its members.

APPENDIX A

ADDITIONAL RESOURCES

1. Hazing Prevention Presentation at the 2018 Louisiana Board of Regents Campus Safety Conference
<https://regents.la.gov/divisions/legal-external-affairs/la-safe/lasafe-presentations/>
2. Stop Hazing (<https://www.stophazing.org/>)
3. *We Don't Haze* Discussion Guide for Students:
https://www.stophazing.org/blog/sdm_downloads/discussion-guide-for-students/
4. *We Don't Haze* Discussion Guide for Faculty/Staff:
https://www.stophazing.org/blog/sdm_downloads/discussion-guide-for-facultystaff/
5. *We Don't Haze* Companion Prevention Brief for College and University Professionals:
https://www.stophazing.org/blog/sdm_downloads/companion-prevention-brief-for-college-and-university-professionals/
6. *We Don't Haze* Bystander Intervention Handout:
https://www.stophazing.org/blog/sdm_downloads/bystander-intervention-handout/
7. HazingPrevention.Org (www.hazingprevention.org)
8. National Hazing Prevention Week Resources
<https://hazingprevention.org/home/prevention/national-hazing-prevention-week/>
9. Cornell University Hazing Information Site (<https://hazing.cornell.edu/>)
10. Fraternal Law Partners Greek Anti Hazing Hotline
<http://fraternallaw.com/contact/anti-hazing-hotline/>
11. National Federation of State High School Associations Hazing Information:
<https://www.nfhs.org/hazing.aspx>
12. Hazing Prevention Bibliography:
<http://hazingprevention.org/wp-content/uploads/HPO-bib.pdf>