

my sister
my responsibility



a program by zeta tau alpha
preventing and confronting hazing

Legal Aspects of Hazing

*Developed by Dave Westol,
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Learning Objectives:



1. To understand the criminal and civil law aspects of hazing
2. To understand accountability for hazing for members and officers

Technical Requirements:

None

Handouts:



What is Hazing? (in the Resources section)
Case Study

Time Needed:

40 minutes

Group Size:

All members with Executive Committee, new member educator and assistant new member educator present and participating

Physical Setting:

Classroom or meeting room on campus

Room Set Up:

Chairs arranged in a circle/square if possible

Preparation:

Look up the university and state hazing policies and add them to the What is Hazing? handout in the Resources section to create a handout that includes all three. Be sure to review these in advance to gain a clear understanding of each and any differences between them.

INTRODUCTION (5 minutes)

The facilitator(s) should introduce himself/herself, welcome and thank everyone for attending the session.

Desired Outcomes



This program and our discussion today will help us better understand the criminal and civil consequences of hazing under the law and how we could be accountable as members and officers, and as individuals and an organization.

As we talk today, remember that there are no dumb questions. My role is to educate—that's the main focus. We are not here to debate the position of our organization on hazing or argue about the definition of hazing. I am going to teach you about the legal ramifications of hazing.

WHAT LAWS AFFECT US IN TERMS OF HAZING? (10 minutes)

There are two types of law that address hazing cases — criminal and civil law.

Criminal law: More than 40 states have statutes that prohibit hazing.



Note to the Facilitator:

- Distribute the What is Hazing? handout. Ask members to volunteer to read the state's hazing law.

Review the state's hazing law.

You can be charged for hazing as an individual. Convictions may include providing alcohol to minors, assault and battery, or aggravated assault as well as hazing violations.

A criminal conviction may remain on your record for a number of years, depending upon the state and the significance of the crime.



- How do you think that could affect you in the future?
- What are things that you plan to do after college that such convictions could really interfere with?

These convictions can have far-reaching effects upon your career, especially if your plans include graduate school, law school, medical school or teaching. If charged or convicted for hazing, you would likely have to disclose this to prospective employers or on applications. This could severely hurt your chances of achieving the type of future you are passionate about.



- If you had two female candidates of approximately equal experience and skills, and one woman has a conviction for hazing on her record, which would you select?

In preparation:

- Look up the university and state hazing policies. Put them on the What is Hazing? handout for participants to keep.
- State hazing policies can be found on www.stophazing.org.
- Do not print/read the entire law – summarize it to create a more clear understanding.

Civil law: The primary cause of action in hazing cases against chapters, alumnae corporations and undergraduates is negligence. This means that your actions affect you and our organization and others!

In order to establish negligence, the plaintiff—the individual or entity bringing the action—must show that there was a duty to do something or not to do something, that there was a breach or failure of duty by the defendant(s), that there was a relationship or nexus between the failure and damages, and that the plaintiff suffered damages.

Damages can be physical, psychological and emotional and can include pain and suffering. Some states allow for punitive damages as well—a warning to others that they should not engage in this behavior. For this reason, hazing behavior should be actively discouraged.



- How can we actively discourage hazing within our organization?

CASE STUDIES (15 minutes)

Let's talk about some real examples of hazing and the law.

In one fraternity at the University of Oregon, new members were dropped off outside of the town where the school is located and told to walk back to campus. A new member was struck by car while walking down the middle of a two-lane road. He sued five officers—two settled prior to trial—the President, Treasurer and New Member Educator all went to trial. The new member (plaintiff) is awarded various amounts ranging from \$27,500 to \$35,500 by jury. These amounts would have been higher but it was noted that he was also negligent for putting himself at risk—the amounts were reduced by 12.5 percent, still resulting in those hefty fines

- Why do you think five key chapter officers were named?

That is usually done to attach assets of the chapter (like the house) to pay damages if needed. In other words, it is a corporate concept—if it can be shown that the officers knew or had reason to know of the hazing, and they knew it was wrong but did nothing to prevent it, then the chapter as an entity may be held liable.

- Does our organization liability insurance provide coverage to women if hazing is involved?

Many policies have specific exclusions for hazing, i.e., insurer will not pay for attorney or damages if imposed.

To quote ZTA's insurance policy "If an insured [person] intends to harm someone, they will not be afforded protection by the policy." Therefore, members who haze would be excluded from coverage. Individual members, officers and others would be "on their own" paying for attorneys, paying for damages awarded to the plaintiff, and more.

As individual members, these are big costs that could come your way if you choose to go down this path.

Note to the Facilitator:

- Some members may say, “But the plaintiff put himself in harm’s way by walking down the middle of the road.” True, hence, the reduction in the final amount by 12.5 percent. But, the jury also found that he would not have been out there had it not been for the hazing.
- Distribute the Case Study handout. Go over the article: either ask different members to help read it aloud or ask participants to read it quietly and point out key points and quotations.



Here is another case – this one is from a sorority chapter at Missouri State University where the chapter closed after hazing practices were revealed. The article provides some excellent examples of hazing practices that might lead to liability. The excuses offered by the members and a parent have one thing in common—they will not stand up in a court of law.

These are real situations. In both, officers were named as defendants in civil hazing cases as is frequently done because they have a higher duty to eliminate hazing than the so-called average member. The purpose of the program is not to frighten or discourage officers but instead to encourage each one of us to confront negative behavior and set an example of sisterhood.

Individuals who participate in hazing activities should also face consequences within the chapter. These members should be held accountable for violating ZTA policies and the sisterhood we strive to create.

- How can they be held accountable in the chapter?

The ZTA Judicial process is in place for such accountability. This is a confidential process that helps sisters to hold each other responsible for upholding Zeta’s values and policies. A member charged with participating in hazing would have a meeting with the judicial committee and the member who believes she is responsible. They would discuss what happened and look to holding responsible members accountable and educating them.

CLOSURE (10 minutes)

Remember the key aspects of civil and criminal law. In a civil case, the plaintiff usually seeks monetary compensation for damages—in this case, for physical or psychological injuries that resulted from an illegal activity.

In criminal law, the burden upon the prosecution is much heavier—beyond a reasonable doubt—but two states—California and Florida—have “biggie-sized” their laws to include felony level hazing and more local prosecutors and district attorneys are using the laws.

Note to the Facilitator:

- This serves as the springboard for the final few minutes of questions. It reviews legal aspects of hazing and gets the attention of members and officers.
- Be firm in your approach. Be prepared for pushback from those who believe hazing is an entitlement for members.
- This would be a good time to remind the chapter who the Judicial Chairman is and how to approach her about a concern.



Spend the last few minutes on discussion and questions. Call on the officers with questions such as:

- How does this make you feel in terms of relying upon your sisters to do the right things with the new members?

You can turn that around by asking members:

- What will you do to help eliminate hazing?
- How could hazing impact us? Individually and collectively?

The room may be quiet at this point, which usually means that those in attendance are thinking about the legal consequences.

- Does anyone have additional questions?

Note to the Facilitator:

- Use the “A question can be asked in twenty seconds” rule. Those who believe in hazing will use as much time as possible to insert an argument into a question. Maintain momentum by keeping questions to 20 seconds or less.
- If you do not know the answer to a question, write it down to contact a national officer about it. Share the answers at the next meetings of the group.

Legal Aspects of Hazing: Case Study

Sorority chapter closes after hazing incidents

*The name of the sorority has been changed to Alpha Beta Gamma. All source names have been changed.

Springfield News-Leader // January 16, 2008 // By Steve Koehler

A Missouri State University sorority was disbanded for playing drinking games, leaving blindfolded women in a cemetery, and forcing a woman to get an application from a strip club.

The national council for Alpha Beta Gamma yanked its charter, shuttering the local chapter for four years and leaving about 50 members to find a new place to live. It is reportedly the first MSU sorority forced to close.

Complaints about the chapter surfaced in mid-November after someone reported seeing a woman wearing the sorority's name being led blindfolded into a house. The investigation that followed focused on allegations of hazing, drinking and student conduct violations.

The sorority, which had been on campus since 1945, had about 140 members including the 54 who lived in three-story brick house on Main Street. The decision to revoke the charter means that new members will lose the \$800 each paid in fees and can't pledge with another sorority.

Mary Smith, a sophomore member of the sorority, said MSU and the chapter's national governing board "ruined us" over minor incidents.

"We didn't think at all that we'd be kicked off for anything so petty," said Smith. "We didn't feel what we had done was that big a deal. What happened (to us) we didn't deserve."

University officials disagree.

Leslie Lane, assistant director of student activities for fraternity and sorority life at MSU, said the incidents were severe. "I don't believe at all that these are minor things," she said. "Blindfolding women and leaving them in a cemetery is hazing."

Other allegations ranged from taking blindfolded women to a cave and to the basement of a house where they were interrogated. Pledges who refused the hazing were verbally abused, Lane said.

"The possibility of injury both mentally and physically is present," she said.

Katie Karroll, a sophomore member of the sorority, pointed out that about 50 of the 60 prospective members involved in the incidents stayed with the sorority after the initiations. That fact, she said, shows that what took place wasn't that bad. "It wasn't like they had to jump off a cliff," she said. "It was all in good fun."

Karroll said the group's national governing board and MSU acted too harshly over "little things."

"What we did they considered hazing but we didn't. It wasn't considered that. We didn't believe it was hazing," Karroll said. "No one complained."

Drinking

In one incident, the sorority reportedly held an unregistered event — or "walk-off" — with over 40 members traveling to a rural site. At that event, alcohol was consumed and drinking games were played, which is against conduct rules.

Karroll said drinking by members — which she said included some minors — was done off-campus at an informal party.

Legal Aspects of Hazing: Case Study

"A bunch of us were hanging out," Karroll said. "It was not in the house. In our eyes, we tried to keep everything as clean as possible. We don't drink in the house or do anything in the house. All Greeks drink when underage. We never did it irresponsibly."

Smith said that underage drinking is common.

"Anyone knows college and high school kids drink," she said. "The (Greek) rules don't go with the times there are now. They're outdated."

Jim Jacobs, associate dean of students, said rules regulating fraternity and sorority activities apply whether events are inside the house or off campus. He said alcohol is banned from new-member events.

A check of Springfield police records shows seven criminal reports from the house since October 2006, including three for liquor violations.

Investigation

The initial report of a blindfolded woman wearing the Alpha Beta Gamma clothing being led into a house, triggered the two-month investigation.

University officials contacted the sorority leaders about the report and were told that the members involved had been disciplined.

However, Jacobs said, the university quickly learned of other incidents involving the sorority. "Information started tumbling into the university and what we were hearing was serious," he said.

MSU officials contacted the national headquarters of the sorority with their concerns. The national group owns the building on MSU's campus and sent officials to investigate.

Last week, the national office revoked the charter for the local sorority. The chapter appealed the decision to revoke the charter but was unsuccessful.

"The decision to close the chapter for failure to comply with national policies was made by the executive council of Alpha Beta Gamma," according to a news release. "The closing of the chapter is not an easy decision. We value the contributions ... members have made over the years and when conditions are appropriate for our return, Alpha Beta Gamma will actively seek the opportunity to become a productive and viable chapter at Missouri State University." National leaders would not comment to the News-Leader about the incident.

Bill Brinker, whose daughter was in the sorority, said he talked to MSU officials and national board members during their campus visit last week.

Brinker said the rules regulating sororities may be too intrusive. He pointed out that members are in trouble for having a party at a beach house with both members and non-members.

"Where do you draw the line and stop regulating the girls' lives away from the sorority?" he asked.

Suspension

Shortly after the investigation got underway, MSU informed the sorority that it was suspended as a student organization. That meant it could not engage in any social or recreational activities or recruit any new members.