Hazing

Presented by

James L. Lincoln, MFA
jlincoln@depauw.edu
DePauw University

The 28th National Conference
On Law and Higher Education
February 17, 2007
Clearwater Beach, Florida
Hazing 1967 - Recipient?
Hazing 1997 - Respondent?
Hazing 2006 - Reflection? No Relief?

In 1967, I became a member of Omega Psi Phi Fraternity, Inc. I pledged during my sophomore year with a group of six. Initially “on line” for ten weeks, we quit due to extreme hazing including sleep deprivation, excessive paddling and physical abuse, intimidation, and humiliation. We were convinced to return and spent another seven weeks or so “on line” before becoming members of the fraternity. At no time did staff or faculty intercede or get involved.

In July of 1997, I came to DePauw University as Vice President for Student Services. By October 1997, I was responding to a hazing event that involved 38 pledges indirectly and a chapter of over 131 overall members, calls from alums all over the country, angry, upset parents, attorneys of parents and too, too many folks from the new media, including 20/20. The incident directly involved 13 active members and six pledges use of alcohol at an “unorthodox” ritual that included the branding of some pledges on the hip with cigarettes.

Today, after nearly 10 years at DePauw, I will provide some information on Greek life and hazing based on information from a number of sources as well as my experience at DePauw.

Who Started It? Joining Up, Becoming a member

The history of hazing is reflected on Hank Nuwer’s web site http://hazing.hanknuwer.com/ under “Quotable Quotes.” Here are some examples:

A. Bishop of Hippo St. Augustine on the "eversores" (translation: Overturners) who bedeviled new students at Cartage in the 4th Century. Confessions. "They [the hazers or eversores] were rightly called Overturners, since they had themselves been first overturned and perverted, tricked by those same devils who were secretly mocking them in the very acts by which they amused themselves in mocking and making fools of others."

B. Religious Reformer Martin Luther, a proponent of hazing. (Source: Smithsonian magazine, Sept. 1983), 1539, Wittenberg, "You'll be subjected to hazing all your life."

C. Author Mark Twain on cadet hazing: New York Times, January 20, 1901. Mark Twain spoke about hazing at West Point, and denounced the practice as a brutal one and men who indulge in it as bullies and cowards. "Why," he said, "the fourth class man who is compelled to fight a man from the first class hasn't a show in the world, and it is not intended that he should. I have read the rules provided to prevent such practices, and they are wholly deficient, because one provision is omitted. I would make it the duty
of a cadet to report to the authorities any case of hazing which came to his notice; make such reports a part of the vaunted West Point 'code of honor' and the beating of young boys by upper class men will be stopped.

“I … oppose compelling a little fellow to fight some man big enough to whip two of him.”

D. Author Ralph Ellison on initiations
"Many of the rites of passage, those rituals of growing up found in our society[,] are in the form of such comic, practical joking affairs--which we ignore in the belief that they possess no deeper significance. Yet it is precisely in their being regarded as unimportant that they take on importance. For in them we ritualize and dramatize attitudes which contradict and often embarrass the sacred values which we proclaim through our solemn ceremonies and rituals of nationhood."

Joining Up
The process of joining and becoming a member extends beyond fraternities, sororities and athletic teams. Some suggest more hazing takes place in high school as joining many clubs requires some sort of ritual or challenge.

Defining Hazing
I have provided a definition of hazing from the Student Handbook at DePauw:

Hazing is defined as any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student, or willfully causes the destruction or removal of public or private property for the purpose of initiation or admission into, or affiliation with, or as a condition for continued membership in, any student organization including athletic teams. The term shall include, but not be limited to, any physical force or coercion such as whipping, beating, tattooing, branding, paddling, forced calisthenics, exposure to the elements, treasure hunts, scavenger hunts, quests, road trips, forced consumption of food, liquor, drugs or other substances, or any forced physical activity which would subject the individual to mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in embarrassment or ridicule (i.e., publicly wearing apparel or haircuts that are conspicuous and not normally in good taste; engaging in public stunts; personal servitude, etc.), or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property. For the purpose of this definition, any activity as described in this definition upon which the initiation, or admission into, or affiliation with, or continued membership in an organization or on a team is directly or indirectly conditional, shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.
Also, as you are probably aware, on the StopHazing.org web site (http://www.stophazing.org/definition.html), “Educating to Eliminate Hazing” provides a definition and gives examples divided into three categories: subtle, harassment, and violent:

**Hazing Defined:** “Hazing” refers to any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional and/or physical harm, regardless of the person's willingness to participate. In years past, hazing practices were typically considered harmless pranks or comical antics associated with young men in college fraternities. Today we know that hazing extends far beyond college fraternities and is experienced by boys/men and girls/women in school groups, university organizations, athletic teams, the military, and other social and professional organizations. Hazing is a complex social problem that is shaped by power dynamics operating in a group and/or organization and within a particular cultural context.

Hazing activities are generally considered to be: physically abusive, hazardous, and/or sexually violating. The specific behaviors or activities within these categories vary widely among participants, groups and settings. While alcohol use is common in many types of hazing, other examples of typical hazing practices include: personal servitude; sleep deprivation and restrictions on personal hygiene; yelling, swearing and insulting new members/rookies; being forced to wear embarrassing or humiliating attire in public; consumption of vile substances or smearing of such on one's skin; brandings; physical beatings; binge drinking and drinking games; sexual simulation and sexual assault.

Some common definitions of hazing are below:

In the Alfred/NCAA survey of college athletes, hazing was defined as:

"any activity expected of someone joining a group that humiliates, degrades, abuses or endangers, regardless of the person's willingness to participate. This does not include activities such as rookies carrying the balls, team parties with community games, or going out with your teammates, unless an atmosphere of humiliation, degradation, abuse or danger arises."

“Hazing is an activity that a high-status member orders other members to engage in or suggests that they engage in that in some way humbles a newcomer who lacks the power to resist, because he or she want to gain admission to a group. Hazing can be noncriminal, but it is nearly always against the rules of an institution, team, or Greek group. It can be criminal, which means that a state statute has been violated. This usually occurs when a pledging-related activity results in gross physical injury or death” (from Hank Nuwer's book Wrongs of Passage, 1999, p. xxv).

Hazing is defined by the FIPG (Fraternal Information Programming Group) as:
"Any action taken or situation created, intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside or inside of the confines of the chapter house; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with fraternal law, ritual or policy or the regulations and policies of the educational institution."

1. If you have to ask if it's hazing, it is.
2. If in doubt, call your advisor/coach/national office. If you won't pick up the phone, you have your answer. Don't B.S. yourself.
3. If you haze, you have low self-esteem.
4. If you allow hazing to occur, you are a 'hazing enabler.'
5. Failure to stop hazing will result in death...
(Will Keim, Ph.D., "The Power of Caring")

The following are some examples of hazing divided into three categories: subtle, harassment, and violent. It is impossible to list all possible hazing behaviors because many are context-specific. While this is not an all-inclusive list, it provides some common examples of hazing traditions.

A. Subtle Hazing: Behaviors that emphasize a power imbalance between new members/rookies and other members of the group or team. Termed “subtle hazing” because these types of hazing are often taken-for-granted or accepted as “harmless” or meaningless. Subtle hazing typically involves activities or attitudes that breach reasonable standards of mutual respect and place new members/rookies on the receiving end of ridicule, embarrassment, and/or humiliation tactics. New members/rookies often feel the need to endure subtle hazing to feel like part of the group or team. (Some types of subtle hazing may also be considered harassment hazing).

Some Examples:

- Deception
- Assigning demerits
- Silence periods with implied threats for violation
- Deprivation of privileges granted to other members
- Requiring new members/rookies to perform duties not assigned to other members
- Socially isolating new members/rookies
- Line-ups and Drills/Tests on meaningless information
- Name calling
- Requiring new members/rookies to refer to other members with titles (e.g. “Mr.,” “Miss”) while they are identified with demeaning terms
• Expecting certain items to always be in one's possession

**B. Harassment Hazing:** Behaviors that cause emotional anguish or physical discomfort in order to feel like part of the group. Harassment hazing confuses, frustrates, and causes undue stress for new members/rookies. (Some types of harassment hazing can also be considered violent hazing).

Some Examples:

- Verbal abuse
- Threats or implied threats
- Asking new members to wear embarrassing or humiliating attire
- Stunt or skit nights with degrading, crude, or humiliating acts
- Expecting new members/rookies to perform personal service to other members such as carrying books, errands, cooking, cleaning, etc.
- Sleep deprivation
- Sexual simulations
- Expecting new members/rookies to be deprived of maintaining a normal schedule of bodily cleanliness
- Be expected to harass others

**C. Violent Hazing:** Behaviors that have the potential to cause physical and/or emotional, or psychological harm.

Some Examples:

- Forced or coerced alcohol or other drug consumption
- Beating, paddling, or other forms of assault
- Branding
- Forced or coerced ingestion of vile substances or concoctions
- Burning
- Water intoxication
- Expecting abuse or mistreatment of animals
- Public nudity
- Expecting illegal activity
- Bondage
- Abductions/kidnaps
- Exposure to cold weather or extreme heat without appropriate protection

Much of our challenge at DePauw involves students and others questioning just what is hazing and whether many of the activities that take place during orientation and even in some classes should be defined as hazing.

**The Law**
According to Hank Nuwar there’s a difference between having tough laws and enforcing them.

Forty-four states now have laws against the practice of hazing, 35 or so more than appeared on the books in 1969, the last year no fraternity, sorority or athletic death occurred in the United States. Most states have only misdemeanor hazing laws, allowing existing laws governing manslaughter and other crimes to be tacked on to hazing cases in which a death or serious injury occurs. No state has any where near the life imprisonment sentence that the Philippines has on its books as a possible [consequence] in the event of a hazing death.

Hazing was ruled to be a felony in the death of Chico State student Matt Carrington. Defendant Gabriel Maestretti, 22, received one year in jail for involuntary manslaughter.

Three undergraduate students at the University of North Carolina in 1912 were given three months each for manslaughter when first-year student Isaac Rand accidentally had his throat slit with a broken bottle, but they were given over to their parents' custody following a trial.

**Legal Consequences**


**Penn students guilty in '05 hazing incident:** A Municipal Court judge sentenced the pair to nine months' probation. They were cleared of conspiracy. (By Joseph A. Slobodzian, Inquirer Staff Writer)

Two University of Pennsylvania students were convicted yesterday and each sentenced by a Philadelphia judge to nine months' probation for their roles in an October 2005 fraternity hazing incident.

Kelechi Okenerke, 21, a senior premed student, and Lionel Anderson-Perez, 24, a graduate student, were convicted by Municipal Court Judge William A. Meehan of simple assault and harassment in the Oct. 12, 2005, incident involving E. Martyn Griffen, then a 20-year-old junior history major.

Meehan, however, acquitted the pair of the more serious charge of criminal conspiracy. And the judge dismissed a count accusing the pair of violating Pennsylvania's anti-hazing statute, ruling that the prosecution had not proved the fraternity involved - Alpha Phi Alpha - was a Penn-sanctioned fraternity.
Luther Weaver, Okenerke's attorney, said he would exercise his right to a new trial in Common Pleas Court.

Anderson-Perez's attorney, Vernon Chestnut, said his client had not decided whether to seek a new trial.

Assistant District Attorney Richard J. Boyd said that he was pleased with the verdict but that the acquittals on criminal-conspiracy charges were "almost bittersweet."

Both defense attorneys argued during yesterday's four-hour nonjury trial that the two students did not have the needed criminal intent to sustain a conviction.

Anderson-Perez did not testify in his own defense. Okenerke did, however, and contradicted the account Griffen - the friend he sponsored for membership in the Alpha Phi Alpha fraternity - gave of the event that left Griffen scarred and still undergoing physical therapy.

Griffen, of Little Rock, Ark., testified that he and three other pledges to the fraternity - the nation's first black fraternity on a college campus - were called into the living room of the frat house at 4055 Sansom St. because one had revealed fraternity secret rituals and violated rules governing pledges.

Griffen testified that the pledges were first slapped by members across their bare backs. But at one point, he said, a rubber band was put around the bicep of his right arm.

Okenerke, Griffen testified, repeatedly snapped the rubber band until a mark appeared on his arm. Anderson-Perez, Griffen testified, repeatedly punched him in his thighs until he could no longer stand.

Griffen yesterday showed the judge the 1.5-inch-by-3-inch scar on his arm. The judge also saw X-ray photos that showed "excessive bone growth paralleling the length of - and almost as wide as - the femur, the large bone in the thigh.

Okenerke, however, testified that he was not present for the hazing. He said the rubber-band incident occurred earlier, in his room in the frat house, when he was chastising his protege for letting his grades slip.

"I had a vested interest in him," Okenerke testified. "I vouched for him to come in [the fraternity]."

Okenerke said he was stunned when, after the semester resumed following the Thanksgiving break, he was served with a private criminal complaint filed by Griffen.

Okenerke testified that Griffen had never complained to him about the Oct. 12, 2005, incident, had become a full-fledged fraternity member, and socialized and danced at several parties.
Griffen said he delayed filing charges because he was "conflicted" about accusing a friend and fraternity brothers but was also depressed about the pain and rehabilitation he had to undergo.

Okenerke and Anderson-Perez were praised by a series of character witnesses for their academic and personal records.

Okenerke, of Voorhees, is on academic probation but attending classes at Penn.

Anderson-Perez, of New York, working on his master's degree in higher-education management, has been suspended for the semester and fired from his university job.

Griffen is now a senior at the university.

**11 convicted in frat hazing** (Nov. 29 2006 by Jay Dooma Balnig)

ELEVEN out of 22 accused in the September 2001 Central Philippine University-based fraternity hazing case were convicted Tuesday.

Judge Victor Gelvezon of Regional Trial Court Branch 36, in his 50-page decision, found the Junior Order of Kalantiao chairman and business manager guilty of violation of Republic Act 8049 or the Anti-Hazing Law.

Sentenced to suffer the imprisonment of 10 to 12 years are Omar Villarba and Lorly Totica, chairman and business manager, respectively.

The victim positively identified the two as among the persons responsible for the hazing.

Also found guilty and ordered to suffer an indeterminate penalty of imprisonment ranging from two to four years are members Donnalie Locsin, Hennie Bandojo, May Andres, Chester Roy Rogan, Sergio Cercado Jr and Wesley Corvera.

Emily Garcia, Nasty Jones Sumagaysay and Vincent Elben Gonzales, officers, were sentenced to imprisonment of four years to six years.

The case stemmed from the initiation rites conducted by the said frasority last September 15, 2001 in Rakrap Resort, Arevalo.

Complianant-victim Wilson Dordas testified that during that time, he underwent initiation with several other applicants.

During the initiation, the officers and members ordered them to memorize the frasority preamble.

Every time he fails to memorize, a corresponding punishment was given to him - physical contact including punches.
At around 5 a.m. the next day, he suffered from cuts, wounds and bruises.

While resting inside their home, his sister noticed that he wasn't feeling well. So, they brought him to Iloilo Saint Paul's Hospital.

The attending physicians discovered several damages in Wilson's internal organs, with the worst in his liver.

After the surgical operation, Wilson stayed at the Intensive Care Unit for at least two weeks. He incurred P120,000 in hospital bills.

Wilson's family sought the help of the National Bureau of Investigation and a case for violation of RA 8049 was filed against the 22 accused before the Iloilo City Prosecutors Office.

The suspects including those acquitted in criminal liability were also included in obligation to pay the victim of around P200,000 for damages as part of their civil liability.

To note, most of the accused were Political Science students of CPU during the said time and 11 of them are now enrolled in the College of Law of various schools.

Villarba is now in his final year as senior law student of Arellano College in Metro Manila.

It was reported that Sumagaysay and Espejo had already took their bar examination.

The 11 convicts were able to post P18,000 each for their provisional liberty pending their plea before the Court of Appeals in Manila.

**Hazing Charges Thrown Out --- PC Run Amok?** (Burlington, Vermont - November 28, 2006)

Was it political correctness run amok? UVM police charged several frat brothers with hazing -- but today the case did not hold up in court.

This was the first use of Vermont's two year old law that makes student hazing a civil offense punishable by a $1,000 ticket.

The law says authorities have to prove that the hazing could or did cause physical or mental harm to someone. The judge in this case ruled there was no evidence of any kind to support the claim made by UVM officials and police.
Magistrate Charon True of the Judicial Court said: "The evidence that I have in front of me does not meet the statutory requirement of proving hazing by clear and convincing evidence."

With that Magistrate Charon True dismissed the hazing charges filed eight months ago against the top officers of the FIJI fraternity. UVM officials suspended the fraternity based on rumors the pledges had been forced to dress up as Brokeback Mountain cowboys -- subjected to homophobic insults -- and forced to drink at a party in February.

Police then investigated and claimed the evidence confirmed the rumors.

But Tuesday in court -- with the four frat officers not present -- a judge threw out the hazing charges.

"There is no evidence of how much anybody drank. If drinking is the issue not the wearing of clothing suggestive of the principal characters in Brokeback Mountain, then I guess I've missed something," said the judge.

Lawyers for the frat officers said they had known from the outset the charges were foolish.

Dave Sleigh, one of the Defense Attorneys, said: "It was apparent given their best shot they didn't have anything and this case should never have been filed."

His colleague, Brad Stetler, added: "It's not yet illegal in Vermont to offend somebody but apparently the University has taken that position in this case that's where they went wrong."

Captain Lianne Tuomey of UVM Police services defended her departments actions saying they merely enforced the law as they saw it.

**Boy Arrested In Glastonbury School Hazing Incident** (By Peter Marteka, Courant Staff Writer, November 27 2006, 6:39 PM EST)

GLASTONBURY -- A 16-year-old Massachusetts boy was arrested today by detectives from the Glastonbury Police Department in connection with a string of hazing incidents that occurred at the A Better Chance home in August.

The boy, who was 15 years old at the time of the incidents, was arrested in Billerica and brought back to town. He will be presented at juvenile court Tuesday.

The teen was charged with hazing, risk of injury to a minor, third-degree assault, conspiracy to commit first-degree assault, disorderly conduct and cruelty to persons.

This marks the third arrest in the sordid hazing case. Last month, police arrested Bronx
teen Silvester Baez, 17, on the same charges. A 16-year-old was arrested several weeks ago on lesser charges and may be reinstated to the program. Baez was kicked out of the program and the status of the latest teen to be arrested is unclear.

Sgt. Richard McKeon said today that detectives expect to make a fourth and final arrest in the case.

One freshman, for example, told police that he had a pen stuck in his anus after being threatened by an older student.

According to the Baez arrest warrant, the Massachusetts teen took part in assaulting the freshmen with the pen, fists and hands and ping pong paddles.

The Glastonbury chapter is part of a national non-profit organization that identifies, recruits and develops leaders among academically gifted students of color. Two students remain in the chapter's program.

Institutional Proactive Response

A. Environmental approach used at DePauw
- New Member Education
- Coalition for a Responsible Community
- Hazing Task Force

B. 2005 - 2006 Hazing Incidents

Group Issue - Spring 2005

<table>
<thead>
<tr>
<th>BEHAVIOR</th>
<th>CONSEQUENCES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calisthenics in the basement wearing garbage bags (lasted a few hours)</td>
<td>Level 4 probation for one year</td>
</tr>
<tr>
<td>Poured cold water over new members’ heads</td>
<td>Membership review</td>
</tr>
<tr>
<td>New members yelled at</td>
<td>Substance-free in perpetuity</td>
</tr>
<tr>
<td></td>
<td>Weekly e-mail updates with national leadership</td>
</tr>
</tbody>
</table>
repeatedly

• Mattresses in stairwell - had to climb to the top

• Line-ups - one or two/week

• New trained advisory team

• Live-in adviser

• New “new member education program”
Group Issue - Spring 2006

BEHAVIOR

• Multiple line-ups while blindfolded
• Alcohol taped to hands and required to keep arms raised
• Told to drink alcohol taped to hands
• New members assigned to clean the house
• Formal rumble
• Personal servitude
• Designated “hazing night”
• Secretive, told not to tell

CONSEQUENCES

• Level 4 probation for one year
• 20% reduction in rush quota
• No alcohol during new member activities
• No initiation until Fall 2006
• New “new member education program” approved before continuing with program and initiation
• Advisory team created

C. Report on Anti-Hazing Policy, Practice and Research (prepared for Dr. Robert Bottoms, President of DePauw University by Norval Stephens)

D. Greek Fact-Finding Commission (http://www.depauw.edu/univ/greekfacts/)