

Hazing Policy

Policy number: 609
Policy owner: Vice President for Student Affairs

Date of initial publication: October 20, 2015
Date of latest revision: February 11, 2022

SECTION I. PURPOSE

The University of St. Thomas unconditionally opposes hazing and strives to provide an environment free from the humiliation and danger of hazing.

SECTION II. SCOPE AND APPLICABILITY

This policy applies to students and to student clubs and organizations. In addition, the policy applies to the following individuals, whether or not they are students at St. Thomas:

- all participants in St. Thomas study abroad programs or other St. Thomas travel programs, including VISION trips;
- all persons residing in St. Thomas residential housing, whether or not currently enrolled or working at St. Thomas; and
- all persons who are not officially enrolled for a particular term but intend to return to St. Thomas and/or prospective students.

The individuals identified above are “covered persons.” This policy applies to hazing that occurs on or off campus, regardless of where the hazing occurs.

SECTION III. DEFINITION OF HAZING

Hazing is any act, committed on or off campus, that is humiliating, intimidating or demeaning, or endangers the health and safety of a person who is seeking to join, affiliate with, participate in, obtain a leadership position with, or maintain membership in any team, group, or organization. Hazing includes active or passive participation in such acts and occurs regardless of any party’s willingness to participate in the activity.

Hazing takes many forms. Some forms may be subtle—for example, occasional name calling or other behaviors that emphasize a power imbalance between prospective members and continuing members or alumni of the group or team. Other forms are much more serious and severe, such as behaviors that cause emotional anguish or physical discomfort to the victim and behaviors that cause physical and/or emotional harm, such as beating, branding, excessive exercise, and forced or coerced alcohol consumption. All forms of hazing are prohibited by this policy.

Hazing may include, but is not limited to, the following:

1. Forced or coerced calisthenics, exercise, or running;
2. Nudity or degrading apparel;
3. Physical punishment (e.g., paddling, hitting, beating, pushing, shoving, or tackling);
4. Exposure to uncomfortable environments (e.g., excessive or repetitive noises, yelling or screaming, bright lights, extreme temperatures, confining quarters);
5. Lack of continuous sleep or sufficient sleep;
6. Required eating of repulsive or spoiled food;

7. Forced road trips, abandonment, “dropping,” or kidnapping;
8. Personal servitude, unreasonable chores, or lengthy work sessions;
9. Assigning “pranks” such as stealing, defacing objects, or harassing another person or organization;
10. Not providing sufficient study time;
11. Using or causing others to use derogatory or degrading names, yelling or screaming, using obscenities;
12. Manipulating or creating situations that involve hypocrisy, deception, or double standards (e.g., telling a person they failed when, in fact, they did not; expecting the person to do anything requested by an active member);
13. Activities that endanger mental or physical health or involve the forced or coerced consumption of liquor or drugs;
14. Conduct that is a crime under local, state or federal law;
15. Academic dishonesty (e.g., cheating, plagiarism, knowingly furnishing false information, forgery);
16. Engaging in or simulating sexual acts;
17. Sexual harassment or other unlawful harassment;
18. Requiring or coercing conduct that is conspicuous and not within community norms; or
19. Alteration or unauthorized use of university documents, records, identification or property.

SECTION IV. HAZING PROHIBITED

St. Thomas prohibits all forms of hazing. A covered person violates this policy if the person:

1. Engages in hazing;
2. Solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
3. Intentionally, knowingly, or recklessly permits hazing to occur; or
4. Has firsthand knowledge of the planning of a specific hazing incident or firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report this knowledge in accordance with the complaint procedures below.

A team, group, or organization violates this policy if the team, group or organization condones or encourages hazing or if an officer or any combination of members, pledges or alumni of the organization commits or assists in the commission of hazing. An organization may include an unofficial club.

Because of the socially coercive nature of hazing, a person’s implied or expressed consent to an act of hazing is not a defense.

Violations of this policy will result in disciplinary action and may result in criminal prosecution. In addition, individuals may be sued in civil court for mental or physical harm that results from hazing.

If alleged hazing conduct violates this policy and other St. Thomas policy, such as the Sexual Misconduct Policy, the Student Conduct Code, or the Statement on Offensive Behavior, St. Thomas will consider and respond to the conduct under all applicable policies.

SECTION V. REPORTING HAZING

Any individual who believes they were the victim of hazing, or any student, staff, or faculty member who personally observed or has knowledge or belief of conduct that may constitute hazing, is expected to report the possible hazing immediately to the Dean of Students Office, Public Safety, or anonymously by e-mailing PSTIPS@stthomas.edu or calling (651)-962-TIPS (651-962-8477, or 2-8477 on campus).

St. Thomas strongly encourages individuals to report all hazing that may violate criminal laws to the police. St. Thomas will assist complainants of potentially criminal hazing with notifying law enforcement authorities. Reporting hazing to St. Thomas does not require the individual to report the incident or file charges with the police.

Upon request by the police, Public Safety will assist the police in obtaining, securing, and maintaining evidence in connection with potentially criminal hazing conduct.

SECTION VI. NO RETALIATION

St. Thomas prohibits retaliation against individuals for good faith reports of hazing. No student or employee will be reprimanded or retaliated against for initiating an inquiry, submitting an assertion or complaint in good faith, or participating in an investigation related to a claim of hazing. St. Thomas will take steps to prevent retaliation and will take strong responsive action if retaliation occurs. Any conduct constituting retaliation or reprisal is subject to disciplinary action up to and including dismissal and expulsion.

St. Thomas may impose sanctions if it determines a student or employee knowingly initiated in bad faith a claim of hazing, knowingly provided false information, or intentionally misled a St. Thomas representative during an investigation of hazing allegations or a related complaint.

Appendix A to Hazing Policy

Response and Resolution Process

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The provisions below describe the process St. Thomas generally follows to investigate and adjudicate reports of hazing. These provisions are intended to be flexible so as to allow St. Thomas to fulfill its educational mission and maintain a safe, non-discriminatory learning environment. The Dean of Students has discretion to authorize departures from these provisions when warranted by the circumstances.

SECTION I. ON-CAMPUS PLACES TO REPORT HAZING

Dean of Students
Room 241, Anderson Student Center
www.stthomas.edu/deanofstudents
(651) 962-6050

Department of Public Safety
www.stthomas.edu/psps
24-Hour Emergency – (651) 962-5555
Department of Public Safety - (651) 962-5100 (non-emergency)

Anonymously by e-mailing PSTIPS@stthomas.edu
or calling (651) 962-TIPS (651-962-8477)

SECTION II. RESPONSE AND RESOLUTION OF HAZING REPORTS

When St. Thomas becomes aware of possible hazing, it will take steps promptly to protect the parties and respond.

A. INTERIM ACTION

The Dean of Students and/or their designee(s) (each a “Responsible Individual”) may take interim action(s) as they deem reasonably necessary and appropriate to protect the St. Thomas community. For example, the Responsible Individual(s) may prohibit any person accused of hazing from physically entering or being on St. Thomas property or may change a complainant’s or respondent’s on-campus residency, student status, or work or class schedule. When allegations of hazing are made against a team, group, or organization, the Responsible Individual(s), in consultation with appropriate St. Thomas administrators, may impose restrictions on the activities and events of such team, group, or organization.

B. INVESTIGATION AND DETERMINATION

The Responsible Individual(s) will make a preliminary review of the complaint to determine whether the incident of alleged hazing merits further investigation.

1. If after the preliminary review, the Responsible Individual(s) determine circumstances do not warrant further investigation or process, the matter will be closed.
2. If after the preliminary review, the Responsible Individual(s) determine further investigation is warranted, the Responsible Individual(s) will initiate a factfinding investigation into the matter. The investigation will be conducted by one or more factfinder(s) designated by the Responsible Individual(s). The investigation will include, at a minimum, notice to a responding individual, club or organization of the reported hazing and an opportunity for the individual/club or organization to respond to the report and share their perspective on what occurred.
3. The factfinder(s) will weigh the evidence and determine whether it is more likely than not (a “preponderance of the evidence” standard) this policy was violated and by whom. The outcome and conclusions of such an investigation shall be documented in a written report submitted to the Responsible Individual(s).

C. RESPONSIVE ACTION BY ST. THOMAS

The Responsible Individual(s) will review the factfinder’s report. If it is determined the acts alleged in the written report do not rise to the level of hazing, or there is not enough information to determine hazing has occurred using a preponderance of the evidence standard, the matter will be closed. If it is determined that it is more likely than not that hazing occurred, the Responsible Individuals will work with the appropriate St. Thomas administrators to determine what, if any sanctions will be imposed or other action will be taken by St. Thomas.

Not all forms of hazing will be deemed equally serious offenses, and St. Thomas may impose different sanctions depending on the severity of the offense, taking into account any previous conduct violations. For individual violations, such sanctions may range from a formal warning up to and including suspension or expulsion from St. Thomas. For team/group/organization violations, such sanctions may range from a formal warning up to and including withdrawal of formal recognition of the team, group, or organization by St. Thomas. Findings of a policy violation may lead to individual sanctions and team/group/organization sanctions based on the same hazing incident.

In cases in which the Responsible Individual is considering a possible sanction of suspension or expulsion of a student or withdrawal of recognition of a team, group or organization, the Responsible Individual may, if they choose, appoint a Student Conduct Board to review the factfinder’s report and make a recommendation regarding sanctions.

Such sanctions and determinations shall be recorded in writing and maintained by the Responsible Individual(s) in accordance with applicable record retention requirements.

D. APPEAL PROCESS

Determinations of policy violations and sanctions may be appealed using the process below.

1. Grounds for Appeal

An individual, club or organization found responsible for violating this policy may appeal the results of the formal process if they believe:

- a. a procedural error occurred that substantially affected the outcome of the process;
- b. the decision was arbitrary and capricious;

- c. significant new factual material not available to the factfinder(s) that could have affected the original outcome was discovered; however, intentional omission of factual information by the appealing party is not a ground for appeal; or
- d. the sanction or other response by St. Thomas was excessively severe.

2. Submitting an Appeal

A signed, written request for an appeal must be submitted to the Appeal Officer (see below) within ten (10) working days following the date of notification of the outcome of the investigation.

3. Appeal Officer

The Vice President for Student Affairs is the Appeal Officer. In cases involving a potential conflict of interest or other issue preventing the designated individuals from serving as an Appeal Officer, St. Thomas may appoint an alternate Appeal Officer.

4. Consideration of Appeal

The Appeal Officer may consider the appeal directly or the Appeal Officer may, at their discretion, appoint an appeal board (consistent with the procedures herein). The appeal board (or Appeal Officer, if no appeal board has been appointed) will not rehear the case but will consider whether it is more likely than not the above-listed grounds for appeal have been satisfied.

The appeal board (or the Appeal Officer, if no appeal board has been appointed) will review the appeal, the fact-finding report, and consider any previously undiscovered evidence (if discovery of new evidence is a ground for appeal). In addition, the appeal board (or the Appeal Officer, if no appeal board has been appointed) may meet with the parties and consider other additional information at the discretion of the appeal board or Appeal Officer.

If an appeal board is used, the appeal board will provide the Appeal Officer with a written report of its findings of whether the above-listed grounds for appeal have been satisfied and, if so, a recommendation as to whether St. Thomas should remand the matter or take any different or additional action than originally determined. Such report shall be provided to the Appeal Officer no later than fifteen (15) working days following submission of the appeal. The Appeal Officer will give careful consideration to the recommendation of the appeal board, but shall not be bound by it.

The Appeal Officer will notify the appellant in writing of the appeal board or hearing committee's findings and recommendation and the final disposition of the appeal within ten (10) working days following receipt of the appeal board's findings and recommendations. If no appeal Board is used, the Appeal Officer shall issue a written decision stating the Appeal Officer's findings and the final disposition of the appeal within ten (10) working days following receipt of the appeal. The Appeal Officer's decision shall be final.

5. No Further Appeal

Appeals arising out of alleged violations of this policy must be made under this appeal process and are not eligible for consideration under faculty, staff, or student grievance policies or processes.