

Anti-Hazing Policy

Responsible Office: Student Affairs

Relates to: All members of the College Community, including, but not limited to, Faculty, Staff, and Students.

I. Purpose

Methodist University prohibits all forms of Hazing and has developed a comprehensive Anti-Hazing Policy (the “Policy”) in compliance with the Stop Campus Hazing Act. The Anti-Hazing Policy prohibits all forms of Hazing—as a result, Hazing will not be tolerated at the University.

II. Scope

This Policy is applicable to all members of the University community including students, administrators, employees, faculty, staff, consultants, volunteers, and alumni who are affiliated with the University.

This Policy applies to any conduct between two or more people who are affiliated with the University, regardless of whether the conduct occurs on-campus or off-campus.

This Policy applies to the activities of Registered Student Organizations and unregistered organizations, regardless of whether or not such activity is University-sponsored. This Policy applies to all locations where University-sponsored or University-organized activities are taking place, including distance education, study abroad, service trips, experiential learning opportunities, athletic, club sport, or other group travel.

This Policy may also be applied to behavior conducted online, via e-mail, or through electronic media, in cases where the behavior is not protected by freedom of expression. The University does not regularly search for online information but may take action if such information is brought to the attention of university officials.

III. Prohibition of Hazing

A. North Carolina Law

It is unlawful for any student in attendance at any university, college, or school in this State to engage in hazing, or to aid or abet any other student in the commission of this offense. For the purposes of this section hazing is defined as follows: "to subject another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other

similar group." Any violation of this section shall constitute a Class 2 misdemeanor. (1913, c. 169, ss. 1, 2, 3, 4; C.S., s. 4217; 1969, c. 1224, s. 1; 1993, c. 539, s. 19; 1994, Ex. Sess., c. 24, s. 14(c); 2003-299, s. 1.).

B. Further Definition

In addition, this Policy further defines Hazing to include any act that is related to the initiation, admission or continued affiliation with any student organization or group, that endangers the mental, emotional, or physical health or safety of any individual.

Such acts of Hazing may include, but are not limited to:

Activities that might reasonably cause embarrassment, emotional harm, or negatively impact an individual's mental health or dignity, such as:

1. forced sleep deprivation,
2. exclusion from social contact,
3. public humiliation,
4. psychological shock, or
5. harassing, yelling, or cursing.
6. Activities that might reasonably cause physical harm, such as:
 - whipping,
 - beating,
 - branding,
 - extreme forms of calisthenics,
 - exposure to the elements without appropriate dress or for long periods of time, or
 - any other activity that creates a reasonable likelihood of bodily injury.
7. Activities that require the consumption of food, liquid, alcohol, drugs, or any other substance that subjects an individual to an unreasonable risk of harm.
8. Activities that unreasonably require an inordinate amount of an individual's time or impose requirements that might impair an individual's academic efforts.

9. Activities that restrict an individual's personal freedom or conduct, such as eating meals, using the phone, returning to or sleeping in their room, engaging in normal personal hygiene, etc.
10. Physically restraining, tying up, blind-folding, kidnapping, simulating kidnapping, or similar restrictions of an individual's movements or senses.
11. Compelling, requiring, or encouraging participation in any activity that is illegal, contrary to an individual's genuine moral or religious beliefs, or contrary to the rules and regulations of the College.
12. Compelling, requiring, or encouraging an individual to stand or walk in formation (i.e., line-ups).
13. Compelling, requiring, or encouraging an individual to carry heavy or awkward items, such as rocks, helmets, paddles, matches, etc.
14. Compelling, requiring, or encouraging public sex, public nudity, or indecent exposure.
15. New member education programs that run past the designated timeline for certain individuals without consent of the Inter-Greek Council (IGC). This includes falsely ending the program.

C. General Principles

1. Hazing can, and often does, violate a range of other University policies.
2. Hazing includes intentional, knowing, and reckless conduct.
3. It is not a defense to a charge of hazing that a student consented to the conduct in question.

IV. Penalties for Hazing Violations

A. University Penalties

Hazing is a serious offense and is subject to the full range of sanctions (reprimand, disciplinary probation, suspension, and expulsion). In addition, other educational activities may be required as conditions of the sanction. An individual, organization, or group may be subject to other outcomes in accordance with the applicable constituents, academic processes, groups in which the student is involved, or relevant governing bodies. The College has the right to act regardless of the actions of an organization's governing body.

1. Violations of this Policy by students and/or student organizations will be sanctioned in accordance with the Student Code of Conduct.

- Violations of this Policy by student organizations will be sanctioned by the Assistant Vice President for Student Affairs and Associate Dean of Students or a designated hearing panel in consultation with the divisional leader who has oversight for the organizations. The Assistant Vice President for Student Affairs and Associate Dean of Students may convene a formal hearing panel to recommend sanctions.
- A student or organization will have a right to an advisor of their choosing. The advisor will serve to counsel and support the student or organization. The advisor can be quietly present and confer with the student or organizational representative. However, the advisor is not permitted to represent the student or group in a conduct proceeding.

Suspension will be the minimum conduct sanction assigned to any student organization or student for any violation of this Policy that causes death, serious physical harm, or substantial risk of serious physical harm—this conduct includes, but is not limited to:

- Any activity that results in a need for medical attention at a hospital,
- Any activity that involves high risk or binge drinking (i.e., 4 or more drinks in an hour),
- Any activity that requires the consumption of food, liquid, alcohol, drugs, or any other substance and subjects an individual to an unreasonable risk of harm,
- Any activity that involves exposure to elements without appropriate dress or for long periods of time, and
- Any activity that involves using a vehicle while under the influence of alcohol or drugs or driving at high speeds.

Violations of this Policy are subject to referral to appropriate law enforcement, as well as to any regional and inter/national affiliated offices of student organizations (as applicable), for further action and prosecution.

Violations of this Policy by employees may result in corrective action or discipline (including termination) in accordance with applicable University policies.

B. Legal Penalties

In addition to penalties imposed by the University, individuals may also be criminally charged under state or federal law. Further, a victim of Hazing may file a civil action against

one or more individuals or against an organization. Hazing in North Carolina is a Class 2 Misdemeanor and carries a maximum period of incarceration of 60 days. If convicted of hazing, the defendant may also be subject to a period of supervised probation, costs of court, fines, and civil liability for consequential damages (See North Carolina Criminal Law Section 14-35) Such suits may result in civil penalties including monetary remedies.

C. National organization Penalties – In addition to the above, a student or organization may encounter additional sanctions imposed by national organizations.

Anti-Hazing Procedures

In addition to the procedures outlined in the Code of Conduct, in response to an incident or alleged incident of Hazing, the University will:

Preliminary Review: Upon receiving a report of Hazing, the University will, under the direction of the Assistant Vice President for Student Affairs and Associate Dean of Students, review the allegations, evaluate the need for interim measures (including preliminary suspension of organizational activities or temporary suspension or removal of persons, initiate an investigation as described in this Policy, where appropriate, notify an organization's leaders, advisors, or coaches, and perform such other functions as are reasonably necessary to effectuate this Policy and the Code of Conduct.

Interim Measures: The College will determine whether interim measures are needed to protect the safety and/or well-being of others. Interim measures may include suspension of organizational activities until an investigation and appropriate conduct resolution have concluded as well as suspension or removal of persons. Appropriate interested parties (leaders, advisors, coaches, volunteers, etc.) will be notified of any interim measures.

Investigation: Upon receiving a report of alleged Hazing, the Assistant Vice President for Student Affairs and Associate Dean of Students will timely assign the case to an appropriate investigator. As part of the investigation, the University will:

- Contact (if possible) the individual(s) who reported the Hazing.
- Contact the individual(s) alleged to have perpetrated the Hazing.
- Conduct interviews with all parties, including victim(s), the accused student(s), and any witness(es).

The investigator may, at their discretion, ask victim(s) to undergo a physical examination by a campus health center staff member or other appropriate health care professional, if allegations of physical abuse are part of the hazing investigation.

The investigator will provide a written investigative report to the Assistant Vice President for Student Affairs and Associate Dean of Students.

The University will make every effort to complete the initial investigation within a period of thirty (30) business days (excluding periods when the University is closed), barring extenuating circumstances.

Falsifying, distorting, intentionally omitting, or misrepresenting information is a violation of the Student Code of Conduct and other applicable University conduct policies.

Acts of retaliation or interference with the investigative process will be treated as further violations of University policy and adjudicated accordingly.

V. Disposition & Adjudication.

- Following an investigation, adjudication and hearing procedures shall be conducted pursuant to the Code of Student Conduct as it may be amended and modified from time to time. Nonstudents may be subject to companion investigations by Human Resources, if employees, or be subject to exclusion from the University's campus and educational activities and programs if not otherwise under the jurisdiction of the University.
- The Chief of Police will notify the appropriate law enforcement agency or agencies and document that the notification was made.
- A small body, typically comprised of the Vice President for Student Affairs, Chief Diversity Officer, the Title IX Coordinator, the Director of Campus Safety, and Assistant Vice President for Student Affairs and Associate Dean of Students will review the report to identify intersections with other types of policy violations (i.e.: Title IX, Civil Rights, or employee misconduct).
- A summary report of any substantiated violations of this Policy, providing a description of the events, the names of any individuals (as permitted by FERPA) or organizations involved, and a description of any actions taken by the University will be maintained by the Assistant Vice President for Student Affairs and Associate Dean of Students, included in the University's bi-annual report, Clery report, and documented online in accordance to the Stop Campus Hazing Act.

VI. Reporting Requirements

A. Reporting Hazing

Report Hazing by contacting any of the following:

- Assistant Vice President for Student Affairs and Associate Dean of Students 910-630-7152, cbobbitt@methodist.edu
- Director of Campus Engagement 910-630-7022, amagras@methodist.edu
- Public Safety 910-630-7098

Anonymous reports of Hazing can be submitted [online here](#).

In the event of an emergency, call 911 and contact Public Safety at 910-630-7098.

B. Duty to Report

All University community members have a responsibility to report suspected Hazing to the Assistant Vice President for Student Affairs and Associate Dean of Students. The Assistant Vice President's Office is located on the second floor of the Berns Student Center in the Student Affairs Suite.

Immediately upon learning of potential hazing, all administrators, employees, faculty, staff, student employees, teaching assistants, consultants, volunteers, and alumni have a duty to report violations of this Policy and shall do so in a timely and reasonably complete manner.

In addition to the duty to report hazing as identified in the prior paragraph, if the conduct is reasonably believed to include criminal conduct, individuals have a duty to report such criminal conduct to law enforcement.

C. The University's Duty to Report

The Assistant Vice President for Student Affairs and Associate Dean of Students and Assistant Director of Public Safety will create and maintain a website that provides a report of substantiated violations of this Policy in accordance with the requirements of the Stop Campus Hazing Act, consistent with the University's privacy policy, and the requirements of the Family Educational Rights and Privacy Act of 1974.

The University will report violations of this Policy to law enforcement, when appropriate.

D. Amnesty

The University recognizes that students may be reluctant to report Hazing activities due to possible personal consequences. Therefore, a student who, in good faith, reports Hazing activity to the University and cooperates fully both with an investigation and with the conduct process might not be subject to sanctions related to their own participation in Hazing activity. The determination of the use of Hazing amnesty is at the sole discretion of the University.

If the University has reason to believe that a student has continued to engage in Hazing behaviors or has knowledge of behaviors that are not reported, the student may be held accountable for those behaviors. It is important to note that Hazing amnesty does not shield the student from criminal or civil action taken by law enforcement outside the University.

Good Samaritan/Medical Amnesty Policy

Every Methodist University student is expected to exercise personal responsibility for their own health and safety, and every Methodist student has a responsibility to care for one another; therefore, this policy has been designed to save lives and also applies to individual students who seek help for another student in need. This will allow students who may also be under the influence of alcohol, drugs or other substances to care for each other without worry of being charged with a violation of the Methodist University Code of Conduct themselves.

Students who seek assistance as provided in this Policy for an alcohol or drug related medical emergency in the course of complying with this Policy will not be charged with an alcohol or illegal substances violation of the Methodist University Code of Conduct. In order to use this Good Samaritan policy, a student must seek medical assistance for other students or oneself, participate in a meeting with the Dean of Students or designee and agree to comply with the conditions set by the Dean of Students or designee. If the conditions are met, the incident will not become part of the student's conduct record. However, students must meet with a Student Affairs staff member to determine if a counseling evaluation will be required. If the conditions are not met, the student's case will then go through the hearing process and the case will become a part of their conduct record.

This protection only applies to the Methodist University alcohol and drug policies. If other alleged violations are associated with the incident, then disciplinary action may be pursued through the Dean of Students Office.

When a person's health and/or safety is threatened or appears to be at risk from alcohol or drug consumption, the best course of action is to:

- Call 911;
- Call the Methodist University Public Safety Department at (910) 630-7577
- You may also seek assistance from a resident assistant (RA) and/or the residential coordinator (RC); or

•Cape Fear Valley Medical Center Emergency Room, 1638 Owen Drive, Fayetteville, NC 28304, (910) 615-8000

VII. Training and Education

The University will provide at least one program annually on Hazing prevention education to all members, prospective members, and anyone who is employed by or volunteers with any Student Organizations or Groups. The education may be provided in person, electronically, or both. The University will maintain a record of individuals who have completed the training.

VIII. Compliance with Applicable Laws and Regulations

The purpose of this Policy is to protect the University community by fully complying with applicable laws and regulations. If there is a conflict between this Policy and existing applicable laws and regulations, said applicable laws and regulations shall control, and this Policy will be deemed to have been amended to comply with the same without further action by the University. Moreover, if there is a conflict between this Policy and the University's Code of Conduct and other applicable policies and procedures, this Policy shall control; however, the University shall have reasonable discretion to resolve such conflicts via interpretations and modifications, which shall be immediately effective and binding upon the University Community.