

Education Code

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§ 37.151. Definitions

In this subchapter:

- (1) "Educational institution" includes a public or private high school.
- (2) "Pledge" means any person who has been accepted by, is considering an offer of membership from, or is in the process of qualifying for membership in an organization.
- (3) "Pledging" means any action or activity related to becoming a member of an organization.
- (4) "Student" means any person who:
 - (A) is registered in or in attendance at an educational institution;
 - (B) has been accepted for admission at the educational institution where the hazing incident occurs; or
 - (C) intends to attend an educational institution during any of its regular sessions after a period of scheduled vacation.
- (5) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, club, or service, social, or similar group, whose members are primarily students.
- (6) "Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes:
 - (A) any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
 - (B) any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - (C) any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
 - (D) any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and
 - (E) any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.152. Personal Hazing Offense

- (a) A person commits an offense if the person:
 - (1) engages in hazing;
 - (2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;
 - (3) recklessly permits hazing to occur; or
 - (4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge in writing to the dean of students or other appropriate official of the institution.
- (b) The offense of failing to report is a Class B misdemeanor.
- (c) Any other offense under this section that does not cause serious bodily injury to another is a Class B misdemeanor.
- (d) Any other offense under this section that causes serious bodily injury to another is a Class A misdemeanor.
- (e) Any other offense under this section that causes the death of another is a state jail felony.
- (f) Except if an offense causes the death of a student, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service, subject to the same conditions imposed on a person placed on community supervision under Section 11, Article 42.12, Code of Criminal Procedure, for an appropriate period of time in lieu of confinement in county jail or in lieu of a part of the time the person is sentenced to confinement in county jail.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.153. Organization Hazing Offense

- (a) An organization commits an offense if the 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.
- (b) An offense under this section is a misdemeanor punishable by:
 - (1) a fine of not less than \$5,000 nor more than \$10,000; or
 - (2) if the court finds that the offense caused personal injury, property damage, or other loss, a fine of not less than \$5,000 nor more than double the amount lost or expenses incurred because of the injury, damage, or loss.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.154. Consent Not a Defense

It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.155. Immunity From Prosecution Available

In the prosecution of an offense under this subchapter, the court may grant immunity from prosecution for the offense to each person who is subpoenaed to testify for the prosecution and who does testify for the prosecution. Any person reporting a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution is immune from civil or criminal liability that might otherwise be incurred or imposed as a result of the report. Immunity extends to participation in any judicial proceeding resulting from the report. A person reporting in bad faith or with malice is not protected by this section.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.156. Offenses in Addition to Other Penal Provisions

This subchapter does not affect or repeal any penal law of this state. This subchapter does not limit or affect the right of an educational institution to enforce its own penalties against hazing.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 37.157. Reporting by Medical Authorities

A doctor or other medical practitioner who treats a student who may have been subjected to hazing activities:

- (1) may report the suspected hazing activities to police or other law enforcement officials; and
- (2) is immune from civil or other liability that might otherwise be imposed or incurred as a result of the report, unless the report is made in bad faith or with malice.

Added by Acts 1995, 74th Leg., ch. 260, § 1, eff. May 30, 1995.

§ 51.936. Hazing

(a) Subchapter F, Chapter 37, applies to hazing at an educational institution under this section.

(b) For purposes of this section, in Subchapter F, Chapter 37, "educational institution" means an institution of higher education.

(c) Each postsecondary educational institution shall distribute to each student during the first three weeks of each semester:

- (1) a summary of the provisions of Subchapter F, Chapter 37; and
- (2) a list of organizations that have been disciplined for hazing or convicted for hazing on or off the campus of the institution during the preceding three years.

(d) If the institution publishes a general catalogue, student handbook, or similar publication, it shall publish a summary of the provisions of Subchapter F, Chapter 37, in each edition of the publication.

Added by Acts 1995, 74th Leg., ch. 260, § 18, eff. May 30, 1995.

HAZING! IT'S AGAINST THE LAW!
(If you have to ask, it probably is...)

Hazing is a criminal offense in more than 38 states!
Insurance does not cover a felonious act!

*This list of hazing activities, including examples, is intended as a guide. It is **NOT** complete. Almost anything that pledged members have to do and initiated members don't it is hazing. Would you feel comfortable if the parents of your pledged members were present?*

1. Forced road trips off campus, kidnaps of pledged or initiated members. This prohibition is not intended to abolish trips to other chapters, fraternity headquarters, and the like. It is meant to abolish situations in which pledged or initiated members are left stranded in the middle of nowhere without any money, and any other similar activity
2. Any form of forced physical activities and exercise, whether extreme or not (e.g., push-ups, sit-ups or other calisthenics, runs, walks, etc.; whether on a regular surface such as land or a floor, or in some substance such as mud, snow, etc.)
3. Squirting pledged or initiated members with hoses or fire extinguishers
4. Scavenger hunts, whether or not such hunts promote theft, vandalism, destruction of property, and humiliating public acts
5. Paddling, paddle swats, or any other striking, beating, or hitting
6. Kidnappings; transporting a pledged or initiated member against his or her will
7. All-night work or study sessions
8. Forcing or requiring pledged or initiated members to ingest any liquid or solid matter, edible or non-edible (e.g., any alcoholic substance, chewing tobacco, goldfish, raw onions, spoiled food, etc.)
9. Dropping food (eggs, grapes, liver, etc.) or any other item into the mouths of pledged or initiated members
10. Requiring pledged or initiated members to wear unusual, conspicuous, embarrassing, or uncomfortable clothing, or clothing that is not normally considered to be in good taste (e.g., burlap underwear)
11. Uncomfortable or inconvenient sleeping arrangements, including sleeping outdoors
12. Pledged member-initiated member games designed to physically harm members of the pledge class
13. Pledged member shows performed in front of brothers or sisters
14. Sleep deprivation - waking up pledged members repeatedly during the night (pledged members must be allowed at least six continuous, uninterrupted hours of sleep each night, including during pre-initiation and initiation)
15. Humiliation in front of non-members by reference to pledgship
16. Verbal abuse such as calling a pledged member "scum" or "maggot"; yelling and screaming at pledged members
17. Line-ups of the pledge class, or grilling individuals or groups of pledged members with questions of any kind.
18. Preventing a pledged member from practicing personal hygiene, including making him or her wear the same clothes for a week
19. Jumping on the "nail" (which actually is a piece of aluminum foil)
20. Entering the fraternity house only through a window
21. Penalizing pledged members in any way for not having dates to specific events
22. Forcing an individual to participate in any activity or become involved in any situation that is in violation of federal, state or local laws; contrary to the person's genuine moral or religious beliefs; or contrary to the rules and regulations of the educational institution or the national fraternity
23. Carrying or wearing objects designed to make the pledged or initiated member look foolish
24. Physical or mental shocks, regardless of degree or nature
25. Unwarranted touching of the body
26. Ceremonial burials
27. Degrading games and activities
28. Public stunts of buffoonery
29. Tests of courage, bravery
30. Tests of stamina
31. Any situation that risks serious harm or damage to an individual, whether physical or mental
32. Any activity that might reasonably bring physical harm to the individual
33. Any activity that would degrade or otherwise compromise the dignity of the individual
34. Any activity that requires an unreasonable or inordinate amount of the individual's time, or in any manner impairs the individual's academic efforts
35. Any activity that makes the individual an object of amusement or ridicule
36. Subjecting pledged members to roughhouse practices
37. Dangerous stunts
38. Nudity at any time; causing a pledged or initiated member to be indecently exposed or embarrassed

39. Wearing or carrying items such as coconuts, helmets, burlap bags, paddles, or rocks
40. Throwing whipped cream, water, paint, etc. on a pledged or initiated member
41. Extremely loud music or many repetitions of the same music played at any time (including during pre-initiation week or between portions of the ritual)
42. Pushing, shoving or tackling pledged members
43. Rat Court, Kangaroo Court, or other individual interrogations
44. Memorization of stories, poems, or information not directly related to your fraternity
45. Putting pledged members in a room that is uncomfortable (noise, temperature, too small) at any time (including during pre-initiation activities or between portions of the ritual)
46. Personal errands run by pledged members for initiated members (servitude)
47. Assigning pranks such as stealing, painting objects, panty raids, or harassing another organization
48. Initiated members intentionally messing up the house or a room for the pledged members to clean
49. Pledged members not permitted adequate time for studies (including during pre-initiation or initiation period)
50. Deception prior to the ritual designed to convince a pledged member that he or she will not be initiated
51. Lengthy work sessions
52. Constantly, or many times a day, or routinely every day, asking pledged members to think about what to expect in the initiation ritual
53. Keeping information from the pledged members prior to initiation (date of initiation, time required each day for fraternity duties, etc.)
54. Pledged members expected to do anything exclusively for the entertainment of the initiated members
55. House duties and cleaning for pledged members that would not normally be assigned to members and that are not shared by initiated members
56. Pledged members expected to do anything that initiated members will not do with them
57. Black books, name lists, paddles, etc. on which signatures must be obtained. If these are solely for the purpose of getting to know each other and for no other purpose, and as long as the time and the place set for getting signatures are reasonable, this activity is not objectionable
58. Pledged member final examination or other written tests
59. Pledged versus initiated members in athletic contests that are purposefully unfair and do not promote friendly competition, or instead of teams composed from both groups
60. Proof that "every man must be a man"
61. Instilling humility in pledged members
62. Tradition: "We did it, why shouldn't they?"
63. The marking or branding of a pledged or initiated member
64. Preventing a pledged or initiated member from attending class
65. Running stairs while reciting material
66. Purposeless runs for the sake of creating unity
67. Pledged or initiated members vehemently booed or hissed at or demeaned when they make a mistake in recitation in front of the chapter
68. Having pledged members write lists of their faults, sins, believing they must read them to other members
69. Bracing and finger snapping in pledged members' ears
70. Any violation of Ritual instructions, procedures or statutes
71. Blindfolding pledged members (except for initiation if required by your Ritual)
72. Use of ice, water, fire, or food in a manner not consistent with their proper use
73. Any use of materials (nails, lumber, clothes, silverware, etc.) in any pledged member activity not consistent with their proper use
74. Excessive or particularly hard questioning of pledged member over fraternity information; abusive and extremely pressured questioning of any kind
75. War games or any other similar games
76. Hot or cold (ice) baths
77. Creation of excessive fatigue
78. Ditches
79. Goat rides
80. Ridiculous work assignments, e.g., cleaning floors with toothbrushes, etc.
81. Harassing other fraternities or sororities
82. Not being allowed to eat for any reason
83. Memorization of stories, poems, or information not directly related to your chapter (particularly when profanity is included)
84. Polling, dunking, or showering any member (pledged or initiated) because of an engagement or birthday
85. Any special pre-initiation activities that do not contribute to the development of the member.

Penalties for hazing are very severe. There is no room for error. If you think it's hazing, it probably is. Don't put yourself in a situation that could jeopardize the chapter or any member. This is a very serious matter.