

THE PENNSYLVANIA ANTI-HAZING LAW

Act 175 of the General Assembly makes hazing a criminal offense within the Commonwealth of Pennsylvania. "Hazing" is defined in the law as:

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual. For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding.

Hazing is deemed criminal misconduct and is made third degree misdemeanor, punishable by a year's imprisonment. 24 P.S. 5353 (Purdon's Leg. Service); 18 P.S. 1101. Colleges and universities are expressly authorized to suspend, expel, or fine students who engage in hazing, and to withhold grades and diplomas to compel payment of fines. 24 P.S. 5354(3) (Purdon's Leg. Service).

The object of the law is to ensure that no student at a Pennsylvania college or university, public or private, is subjected to physical or mental harm as a condition of joining, affiliation, or holding membership in fraternities, sororities, or other officially recognized student organizations.

An organization and its members are engaged in hazing if it engages in any activity, for purpose of initiation or continuing membership, which recklessly or intentionally endangers the physical or mental health of a student. This means any potentially dangerous forced physical activity; any activity which could cause a student to suffer extreme mental stress, as well as any form of forced activity potentially harmful to the mental health or dignity of a student.

Hazing activities include, but are not limited to, the following: whipping, beating, branding, forced calisthenics, exposure to the elements; forced consumption of any food; liquor, drugs (legal or illegal), or other substance; sleep deprivation, forced exclusion from social contact; conduct which could result in extreme embarrassment; and/or nudity, coerced sexual activity, confinement, physical restraints, or mental harassment.

An organization and its student members are also engaged in hazing if pledge, initiation, or continuing membership activities cause the willful destruction or removal of public or private property.

Act 175 provides that no student can consent to being hazed. Any activity falling within the definition of hazing activities is considered to be a forced activity, subjecting the organization and its members to the full range of penalties.

CLARION UNIVERSITY ANTI-HAZING POLICY

In compliance with Act 175 and in accordance with long-standing policy, Clarion University has the following regulation:

All activities of student groups and organizations, including pledging and initiations, shall be conducted in such a way as not to embarrass or injure participants or in any way adversely reflected upon Clarion University. Hazing and one-way initiation rides are prohibited. Conducting pledging activities at strip mine sites are prohibited.

In general, the following acts would constitute violations of the university regulation on hazing:

1. Conducting activities which are abusive and/or humiliating to participants.
2. Coercing participation in disagreeable, objectionable, and/or embarrassing activities, and
3. Engaging in activities defined by law as hazing.

Several factors need to be understood relative to violations of the university regulation. Firstly, the test for determining if an activity was abusive or humiliating does not rest solely on the reactions of the participants. If it is evident that such was the intent of the activity or the result of the activity, it would be hazing whether or not the participants believed the activity was hazing. Secondly, if continuation of pledging, initiation, or membership was contingent upon participation in an activity, that participation is in effect coerced. Should the activity be disagreeable, objectionable, or embarrassing to a participant, it would be hazing. Thirdly, the consent of the participant has no effect upon the determination of the activity being recognized as hazing.

Additional guidelines for determining the hazing potential of an activity are:

1. The activity is liable to be harmful because it involves improper or wrongful use of something.
2. The activity is liable to result in injury because the intent is to create an element of danger or fear.
3. The activity involves deliberate maltreatment of participants.
4. The activity is liable to be harmful due to negligence or lack of knowledge on the part of those conducting it.
5. The activity would be degrading of participants because it would subject them to public shame, scorn, or ill repute.
6. The activity involves something which the participants would not freely do because of its offensiveness or unpleasant elements.

It should be remembered that university regulations are also violated by:

1. Activities which are dangerous, either by their nature or the conditions under which they are conducted, and
2. Activities in which the possibility of injury to participants is evident.

Any organization found to have engaged in hazing may have its official recognition permanently revoked. Any student who participates in hazing may be fined, suspended, or expelled from the university. Hazing is also a criminal offense. Any student who participates in hazing may be arrested and prosecuted. Conviction may result in a jail term of one year in addition of any other applicable penalty under the Pennsylvania Crimes Code.