



Hazing Report

December 16, 2019

TO: All Students, Faculty and Staff
FROM: Dr. George Williams, Jr., Vice President for Student Affairs
RE: Hazing Report

Our Lady of the Lake University (OLLU) does not tolerate hazing on the part of students, faculty or staff, whether on or off campus. OLLU is committed to complying with the Texas Hazing Law, (Texas Education Code Section 51.936 and Chapter 37, Subchapter F) which requires OLLU to publish a summary of the law and distribute a copy, or provide a link on the university's website to a detailed report of organizations that have been disciplined for hazing or convicted of hazing on or off campus during the previous three years. This report must be made available to the entire student community no later than the 14th day before the first class day of each fall or spring semester. In compliance with this law, OLLU provides the following Summary of Texas Hazing Law and Hazing Report.

Summary of Texas Hazing Law

Definitions

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 by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

- (A) is 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) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar 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) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), 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) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or
- (E) involves coercing, as defined by Section 1.07, Texas Penal Code, the student to

consume:

- (1) a drug; or
- (2) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, of the Texas Penal Code.

Personal Hazing Offense and Penalties

- (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 Vice President of Student Affairs, or other appropriate official of the institution.
- (B) The offense of failing to report the hazing offense is a Class B misdemeanor.
- (C) Any other offense under this section which 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 when an offense causes the death of an individual, in sentencing a person convicted of an offense under this section, the court may require the person to perform community service for an appropriate period of time in lieu of confinement in county jail.

University Disciplinary Rules

The law does not restrict the right of OLLU to enforce its own rules against hazing, and OLLU will take disciplinary action for violations of the Student Code of Conduct that constitutes hazing regardless of whether public authorities prosecute students under the state hazing law.

Organization Hazing Offense

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. Initiations or activities by organizations may not include any feature which is dangerous, harmful or degrading to the student. A violation of this prohibition renders both the organization and participating individuals subject to discipline.

Consent Not A Defense

Hazing with or without the consent of the student is prohibited by OLLU. Both the individual(s) inflicting the hazing and the person submitting to the hazing are subject to disciplinary action. The fact that an individual consented to or acquiesced in a hazing activity is not a defense to prosecution of an offense under the hazing law, and neither will it be under OLLU's disciplinary process.

Immunity from Prosecution or Civil Liability Available

- (A) 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.
- (B) Any person who voluntarily reports 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 reported hazing incident if the person:
 - (1) reports the incident before being contacted by the institution concerning the incident or otherwise being included in the institution's investigation of the incident; and
 - (2) as determined by the dean of students or other appropriate official of the institution designated by the institution, cooperates in good faith throughout any institutional process regarding the incident.
- (C) Immunity under subsection (b) extends to participation in any judicial proceeding resulting from the report.
- (D) A person is not immune under Subsection (b) if the person:
 - (1) reports the person's own act of hazing; or
 - (2) reports an incident of hazing in bad faith or with malice.

Offenses in Addition to Other Penal Provisions

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

The hazing law enacted by the Texas legislature may be viewed in its entirety at the "Texas Legislature Online" Web site at: <https://www.legis.state.tx.us/> and select "Statute" in the additional searches section. In the drop-down boxes, select Education Code, Chapter 37, sections 37.151 through 37.158 and Chapter 51, section 51.936.

For information regarding the OLLU Student Code of Conduct, please visit https://www.ollusa.edu/consumer-information/_resources/2019-2020-student-handbook.pdf

Hazing Report

In compliance with Texas law, OLLU must publish a detailed Hazing Report, no later than the 14th day before the first class day of each fall or spring semester, containing the following information:

- (A) the name of the organization disciplined or convicted;
- (B) the date on which the incident occurred, or the citation was issued, if applicable;
- (C) the date on which the institution's investigation into the incident, if any, was initiated;
- (D) a general description of:
 - (1) the incident;
 - (2) the violations of the institution's code of conduct or the criminal charges, as applicable;
 - (3) the findings of the institution or court; and
 - (4) any sanctions imposed by the institution, or any fines imposed by the court, on the organization; and
- (E) the date on which the institution's disciplinary process was resolved or on which the conviction became final;
 - (1) must be updated to include information regarding each disciplinary process or conviction not later than the 30th day after the date on which the disciplinary process is resolved or the conviction becomes final, as applicable; and
 - (2) may not include personally identifiable student information and must comply with the Family Educational Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g).

OLLU must also provide to each student who attends the OLLU student orientation a notice regarding the nature and availability of this report, including the report's Internet website address. OLLU must also include a Summary of the Hazing Law in the general catalogue, student handbook.

Disciplined Organizations

The following organization(s) have been disciplined for hazing and/or convicted for hazing as of the last three years when the sanction was complete.

Name of Organization	Date Incident Occurred	Date Investigation Initiated	General Description	Date Disciplinary Process was Resolved
Omega Delta Phi Fraternity Inc, Beta Mu Chapter	Spring 2018	October 17, 2018	The chapter was found in violation of the university's Anti-Hazing policy and determined that members were engaged in hazing of prospective members. The organization was placed on a one-year probation and required to complete a Chapter Enhancement Plan.	November 26, 2018

To report an act of hazing, please contact any of the following offices or submit an incident report online at:

https://ollusa-advocate.symlicity.com/public_report/index.php/pid125058?

Student Affairs Office

104 Providence Hall
411 S.W. 24th Street
San Antonio, TX 78207-4689
Phone: 210-431-3954

Office of Student Leadership and Development

25 Worden Building
411 S.W. 24th Street
San Antonio, TX 78207-4689
210-431-3931

University Policy Department

Walter Center G-04
411 S.W. 24th Street
San Antonio, TX 78207-4689
210-431-4022