

Antihazing Policy

Accommodations for individuals with disabilities in accessing these policies are available upon request by emailing accessiblepolicy@wcupa.edu.

Purpose and Scope

I. ANTIHAZING POLICY

The University prohibits hazing. This policy applies to acts conducted on or off-campus if such acts are deemed to constitute hazing under this Policy, Pennsylvania law, or Federal law. Hazing is dangerous and detrimental to the self-esteem and physical well-being of students who are targeted by the activity. Hazing degrades the values of the involved organization and creates an environment of disrespect that contradicts the University's commitment to and statement of civility.

It is not a defense to any alleged violation of this policy that the consent of a person to participate in suspected hazing activity was sought or obtained; or that the suspected hazing conduct was sanctioned by the University or an organization.

II. DEFINITIONS

- A. HAZING – A person (individually or with others) or organization, who who intentionally, knowingly or recklessly,
1. for the purpose of initiating, admitting or affiliating an individual into or with an organization, or
 2. continuing or enhancing an individual's membership or status in an organization,
- regardless of the willingness of such other person or persons to participate, do any of the following:

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- a) Cause, coerce, or otherwise induce another person to consume any food, drink, liquid, alcoholic liquid, drug, or other substances which subjects the individual to a risk of emotional or physical harm.
- b) Cause, coerce, or otherwise induce another person to endure brutality of a physical nature, which may include but is not limited to whipping, beating, branding, paddling, kicking, striking, pushing, shoving, tackling, calisthenics, electronic shocking, placing of a harmful substance on someone's body, or exposure to the elements.
- c) Cause, coerce, or otherwise induce another person to endure any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- d) Cause, coerce, or otherwise induce another person to endure brutality of a mental nature, which may include but is not limited to activity adversely affecting the mental health or dignity of the individual, which may include, but not limited to sleep deprivation, confinement, exclusion from social contact, or conduct which could result in extreme embarrassment or degradation;
- e) Cause, coerce, or otherwise induce another person to perform sexual acts or enduring brutality of a sexual nature;
- f) Cause, coerce, or otherwise induce another person to endure any other activity that creates a reasonable likelihood of bodily injury to the student;
- g) Engages in any activity against a person that includes a criminal violation of local, state, tribal, or federal law or University policy or rule;
- h) Engages in any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law or University policy or rule.

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B. Aggravated Hazing: A person commits the violation of aggravated hazing if any of the above actions results in serious bodily injury or death to the individual, either from actions of reckless indifference to their health and safety, or by actions that cause, coerce, or force the consumption of an alcoholic liquid or drug.

Note: Hazing shall not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

C. STUDENT GROUP – to comply with the Pa General Assembly Antihazing Statute Chapter 28 and the Stop Campus Hazing Act 118th Congress (2023-2024), the University will work with two definitions to meet the mandatory reporting requirements specific to each.

1. “Student Group” Consistent with Pennsylvania’s Timothy J. Piazza Anti-Hazing Law (18 Pa. C.S. §§ 2808-2809), any organized group of students that has complied with or is in the process of complying with the University’s requirements for registration, recognition, or is formed through University academic, athletic, or auxiliary department, or is funded by Student Services Incorporated.
2. For the purposes of reporting and classifying hazing statistics under The Jeanne Clery Campus Safety Act (Clery Act), a student organization is more broadly defined as an organization in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

D. Campus Security Authority (CSA), defined under the Jeanne Clery Campus Safety Act, places CSAs into four categories depending upon the function of their position: Those four categories are:

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- A member of the campus police/security department. Example: University Police and Police Safety
- Individuals responsible for campus security in some capacity but not members of a campus police/security department. Example: an individual who is responsible for monitoring the entrance to university property.
- People or offices that are not members of a campus police/security department but are identified in policy as individuals to which students and employees can report criminal offenses to them or their office. Examples of such places at WCU are: The Office for Diversity, Equity and Inclusion (ODEI), Residence Life and Housing, and the Office of Student Conduct.
- An official of an institution with significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial proceedings. Other examples of Campus Security Authorities at WCU are Athletic administrators, coaches, athletic Trainers, summer sports camp staff, Faculty advisors to student organizations, Resident Assistants, and Directors of Fraternity and Sorority Life.

III. IMPLEMENTATION OF POLICY

- A. The Office of Student Engagement will ensure that every student organization that has a new member process will be informed of the definition of hazing, be given a copy of this policy and any applicable local, State, Federal, and Tribal laws on hazing. Additionally, these student organizations will be informed of reporting measures and will be given primary prevention strategies. Any student, sanctioned group, or recognized groups wishing to proceed with a membership intake/new

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member process must first secure in writing approval from the appropriate office after adhering to the appropriate procedures.

- B. The Department of Public Safety will require all Campus Security Advisors (CSA), as defined in the Clery Act, to be trained on the policy, definitions, and procedures for reporting as outlined by the Office of Student Engagement.
 - 1. University employees or University volunteers who act as sponsors, counselors, advocates or advisors of any organization are CSA's and are therefore required to know and abide by the Antihazing Policy.

IV. JURISDICTION AND PROCEDURES

Hazing is a crime in the Commonwealth of Pennsylvania. Reported incidents of hazing will be handled as a criminal investigative priority. WCU Police or the law enforcement agency with primary jurisdiction will be provided priority access to crime scenes, victims, witnesses or items of evidence, etc., according to criminal procedure. This does not preclude the University from taking interim action(s) as deemed necessary for the protection of an individual(s), suspension of organizational activities and/or persons associated with an organization, including employees while the criminal investigation proceeds. Furthermore, the University will initiate its internal administrative process as soon as possible.

All WCU students, employees, advisors, and organizations are responsible for abiding by this policy, both on campus and off campus, including privately-owned facilities and/or property. Organizations are responsible for any activity in violation of this policy by any individual or group associated with the organization unless it is proven that the group or individual activity was independent of and occurred without the knowledge and/or consent of the organization. Such responsibility will apply equally to situations in which one or

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more individuals associated with the organization knew or should have known of the activity and failed to make every reasonable attempt to prevent or stop it.

Reports of hazing activity or behavior believed to involve hazing, as defined, should be reported to the WCU Police Department or the law enforcement agency where the activity occurred. Persons may also report the activity to the Office of Student Conduct, the Office of Equal Opportunity and Compliance or anonymous text (256-928-2273), an anonymous tip phone line (610-436-3100), or online reporting form. Persons may also call the University Police at 610-436-3311.

Upon notification of an allegation of hazing, the Office of Student Conduct or the Office of Equal Opportunity and Compliance will immediately notify the WCU Police Department to ensure investigative integrity for any criminal activity is preserved.

Policy Violation Allegations:

- A. Allegations of student violations of this policy should be referred to the Office of Student Conduct.
 - 1. In all cases of alleged violations of this policy, the organization advisor, University department/associate, and/or general headquarters of the organization (when applicable) will be notified.
 - 2. During the period of formal investigation or adjudication of alleged violations of this policy, all new member-related activities, organization activities, and/or University recognition/sponsorship of the organization may be summarily suspended.

- B. Allegations of antihazing policy violation by an employee or university volunteer should be referred to the Office of Human Resources for administrative follow-up in accordance with employment law and current collective bargaining agreements.
- C. Allegations of violations of this policy by university volunteers should be referred to the Office of Student Engagement.
- D. It is not a defense to any alleged violation of this policy that the consent of a person to participate in suspected hazing activity was sought or obtained; or that the suspected hazing conduct was sanctioned by the University or an organization.
- E. The University reserves the right to adjudicate any organization or University-recognized or -sponsored organization or associated individuals therein for any action (or inaction in a situation where the organization has a duty to act – for example, failing to intervene when a policy violation and/or crime is occurring) that an ordinary, reasonable, intelligent individual or group of individuals know or should know may result in corrective or disciplinary action.
- F. The charging of policy violations at WCU against an organization does not preclude the charging of policy violations at WCU against an individual student or the filing of civil and/or criminal charges against the organization and/or individual.

V. SANCTIONS:

Any sanction imposed by the University will be in addition to a penalty that maybe imposed for violation of the criminal laws.

A. Students or Student Groups

A list of sanctions and conditions can be found in the West Chester University Student Code of Conduct, www.wcupa.edu/code.

B. Employees and University Volunteers

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Engaging in hazing not only harms students or other individuals, it has serious negative repercussions for the University as a whole and will not be tolerated. A range of possible sanctions for employees will depend upon applicable employment law and discipline protocols as defined in collective bargaining agreements.

C. Non-University Volunteers

A range of possible sanctions for volunteers, either permanently or for a specified term, may include exclusion from the organization, exclusion from organizational activities and events, exclusion from all university owned or controlled property, exclusion from university activities or events, or no-contact orders.

VI. AMNESTY

West Chester University Office of Student Conduct will extend medical amnesty to students and/or groups who are referred to the Office for violations when they meet the requirements set forth in the WCU's Medical Amnesty Policy. WCU has not authority to grant amnesty for any criminal charge by law enforcement. Additionally, the Office may extend consideration to students who offer substantial cooperation with an investigation.

VII. University Antihazing Program

The University will maintain an Antihazing Program within the Office of Student Engagement for the purpose of ensuring the University's rules, organizational training, antihazing policy dissemination, as well as reporting mechanisms are implemented and maintained. The Office of Student Conduct will ensure the University's rules, enforcement, penalties, and annual reporting, are maintained in accordance with state and federal law.

This policy is implemented by several key offices throughout the University. These offices include but are not limited to:

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- Academic Departments with student organization oversight
- Athletics
- Campus Recreation
- Fraternity and Sorority Life
- Public Safety
- Student Conduct
- Student Engagement

The Division of Student Affairs will appoint a multidivisional taskforce to design and implement an annual antihazing prevention program.

VIII. Reporting

West Chester University will post the required reports consistent with state and federal law.

IX. References:

PA State Code Chapter 505 Student Personnel
Pa General Assembly Antihazing Statute Chapter 28
Stop Campus Hazing Act 118th Congress
The Jeanne Clery Campus Safety Act (Clery Act)
Department of Education Title IX Final Rule
WCU Student Code of Conduct
WCU Sexual Misconduct Policy

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