

OHIO HAZING LAW

The State of Ohio's Hazing Law is set forth in Section 2307.44 of the Ohio Revised Code.

Section 2307.44

Any person who is subjected to hazing, as defined in division (A) of Section 2903.31 of the Revised Code, may commence a civil action for injury or damages, including mental and physical pain and suffering, that result from the hazing. The action may be brought against any participants in the hazing, any organization whose local or national directors, trustees, or officers authorized, requested, commanded, or tolerated the hazing. If the hazing involves students in a primary, secondary, or post-secondary school, university, college, or any other educational institution, an action may also be brought against any administrator, employee, or faculty member of the school, university, college, or other educational institution. If an administrator, employee, or faculty member is found liable in a civil action for hazing, then notwithstanding Chapter 2743. of the Revised Code, the school, university, college, or other educational institution that employed the administrator, employee, or faculty member may also be held liable.

The negligence or consent of the plaintiff or any assumption of the risk by the plaintiff is not a defense to an action brought pursuant to this section. In an action against a school, university, college, or other educational institution, it is an affirmative defense that the school, university, college or other institution was actively enforcing a policy against hazing at the time the cause of action arose.

Section 2903.31

- A) As used in this section, "hazing" means doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person.
- B)
 - 1. No person shall recklessly participate in the hazing of another.
 - 2. No administrator, employee, or faculty member of any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person.
- C) No administrator, employee, or faculty member of any primary, secondary, or post-secondary school or of any other educational institution, public or private, shall recklessly permit the hazing of any person.

Hazing Defined

"Hazing" refers to any activity expected of someone joining a group (or to maintain full status in a group) that humiliates, degrades or risks emotional and/or physical harm, **regardless of the person's willingness to participate**. In years past, hazing practices were typically considered harmless pranks or comical antics associated with young men in college fraternities.

Today we know that hazing extends far beyond college fraternities and is experienced by boys/men and girls/women in school groups, university organizations, athletic teams, the military, and other social and professional organizations. Hazing is a complex social problem that is shaped by power dynamics operating in a group and/or organization and within a particular cultural context.

Hazing activities are generally considered to be: physically abusive, hazardous, and/or sexually violating. The specific behaviors or activities within these categories vary widely among participants, groups and settings. While alcohol use is common in many types of hazing, other examples of typical hazing practices include: personal servitude; sleep deprivation and restrictions on personal hygiene; yelling, swearing and insulting new members/rookies; being forced to wear embarrassing or humiliating attire in public; consumption of vile substances or smearing of such on one's skin; brandings; physical beatings; binge drinking and drinking games; sexual simulation and sexual assault.

Some common definitions and examples of hazing are below:

In the Alfred/NCAA survey of college athletes, hazing was defined as:

"any activity expected of someone joining a group that humiliates, degrades, abuses or endangers, regardless of the person's willingness to participate. This does not include activities such as rookies carrying the balls, team parties with community games, or going out with your teammates, unless an atmosphere of humiliation, degradation, abuse or danger arises."

"Hazing is an activity that a high-status member orders other members to engage in or suggests that they engage in that in some way humbles a newcomer who lacks the power to resist, because he or she want to gain admission to a group. Hazing can be noncriminal, but it is nearly always against the rules of an institution, team, or Greek group. It can be criminal, which means that a state statute has been violated. This usually occurs when a pledging-related activity results in gross physical injury or death" (from Hank Nuwer's book *Wrongs of Passage* , 1999, p. xxv).

Hazing is defined by the FIPG (Fraternal Information Programming Group) as:

"Any action taken or situation created, intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the following: use of alcohol; paddling in any form; creation of excessive fatigue; physical and psychological shocks; quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside or inside of the confines of the chapter house; wearing of public apparel which is conspicuous and not normally in good taste; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and any other activities which are not consistent with fraternal law, ritual or policy or the regulations and policies of the educational institution."

1. If you have to ask if it's hazing, it is.
2. If in doubt, call your advisor/coach/national office. If you won't pick up the phone, you have your answer.
3. If you haze, you have low self-esteem.
4. If you allow hazing to occur, you are a 'hazing enabler.'
5. Failure to stop hazing will result in death..."

EXAMPLES OF HAZING

The following are some examples of hazing divided into three categories: subtle, harassment, and violent. It is impossible to list all possible hazing behaviors because many are context-specific. While this is not an all-inclusive list, it provides some common examples of hazing traditions.

A. SUBTLE HAZING:

Behaviors that emphasize a power imbalance between new members/rookies and other members of the group or team. Termed "subtle hazing" because these types of hazing are often taken-for-granted or accepted as "harmless" or meaningless. Subtle hazing typically involves activities or attitudes that breach reasonable standards of mutual respect and place new members/rookies on the receiving end of ridicule, embarrassment, and/or humiliation tactics. New members/rookies often feel the need to endure subtle hazing to feel like part of the group or team. (Some types of subtle hazing may also be considered harassment hazing).

Some Examples:

- Deception
- Assigning demerits
- Silence periods with implied threats for violation
- Deprivation of privileges granted to other members
- **Requiring new members/rookies to perform duties not assigned to other members**
- Socially isolating new members/rookies
- Line-ups and Drills/Tests on meaningless information
- Name calling
- **Requiring new members/rookies to refer to other members with titles (e.g. "Mr.," "Miss") while they are identified with demeaning terms**
- Expecting certain items to always be in one's possession

B. HARASSMENT HAZING: Behaviors that cause emotional anguish or physical discomfort in order to feel like part of the group. Harassment hazing confuses, frustrates, and causes undue stress for new members/rookies. (Some types of harassment hazing can also be considered violent hazing).

Some Examples:

- Verbal abuse
- Threats or implied threats
- **Asking new members to wear embarrassing or humiliating attire**
- **Stunt or skit nights with degrading, crude, or humiliating acts**
- **Expecting new members/rookies to perform personal service to other members such as carrying books, errands, cooking, cleaning etc**
- Sleep deprivation
- Sexual simulations
- Expecting new members/rookies to be deprived of maintaining a normal schedule of bodily cleanliness.
- Be expected to harass others

C. VIOLENT HAZING : Behaviors that have the potential to cause physical and/or emotional, or psychological harm.

Some Examples:

- Forced or coerced alcohol or other drug consumption
- Beating, paddling, or other forms of assault
- Branding
- Forced or coerced ingestion of vile substances or concoctions
- Burning
- Water intoxication
- Expecting abuse or mistreatment of animals
- Public nudity
- Expecting illegal activity
- Bondage
- Abductions/kidnaps

- Exposure to cold weather or extreme heat without appropriate protection.