



Texas New Anti-Hazing Statute

The law expands the scope of activities that constitute hazing and imposes criminal liability on individuals, colleges, universities, secondary schools, and organizations, such as fraternities and sororities. Effective September 1, 2019.

What You Need to Know:

- A person commits hazing when he or she performs, solicits, encourages, directs, aids, permits, or participates in any of the following acts for the purpose of pledging, initiation, affiliation with, participation in, holding office, or maintaining membership in the organization:
 - (1) Activity that induces, causes, or requires an individual to violate state law;
 - (2) Involves consumption any food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the individual to a risk of emotional or physical harm;
 - (3) Involves acts of a physical nature, including whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or similar activity that subjects the individual to a risk of mental or physical harm;
 - (4) Endure acts of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct that could result in extreme embarrassment.
- A person also commits the offense of hazing if he or she has firsthand knowledge of hazing and fails to report it in writing to the educational institution.
- A hazing offense that results in the death of an individual is a felony.
- Fines against an organization range up to \$10,000 if the organization condones or encourages hazing, or if an officer or any combination of members, pledges, or alumni commit or assist in the offense.
- If you see something, say something. An individual who immediately contacts law enforcement or campus security for medical attention may be immune from civil and criminal liability.
- Consent to hazing is not a defense.

Action Items for National Organizations and Local Chapters:

1. Advise members of the definition of hazing and the corresponding criminal penalties. For instance, the definition of hazing is broad and includes actions such as forced or coerced consumption of any foods or liquids (not just alcohol).
2. Advise members that they could face criminal liability if they know of hazing and fail to report it in writing to their college or university.
3. Advise members of potential civil and criminal immunity if they immediately report a hazing incident. Full requirements for immunity can be found [here](#).
4. Remind members that consent to hazing is not a defense.
5. Ensure that risk management policies reflect the updated definition of "hazing."
6. Remind members that penalties apply to actions against active members, not just new members (i.e. "pledges").
7. It goes without saying, but advise national and local leaders and advisors not to intentionally, inadvertently, or otherwise promote hazing. Again, take note of the *broad* definition of hazing.