

# FRMT News

The FRMT Risk Management Newsletter, Prepared by Kirklin & Company, LLC.

**Volume 7**

Fall 2000

## HAZING: Know the Consequences of Your Actions

Reprinted with permission by Manley, Burke, Lipton & Cook. A Legal Professional Association

What is hazing and what are the consequences of it? Hazing is defined as “any action taken or situation created intentionally, whether on or off fraternity premises, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. What many students don’t realize is that hazing not only violates the risk management policy, but it is also a crime. Depending on the state of its occurrence, one can be fined or even imprisoned if found guilty.

The following is a compilation of current state statutes that outlaw hazing. Although a particular state may not have enacted a specific hazing statute, often actions that constitute hazing may be prosecuted under other criminal statutes, such as assault or reckless endangerment statutes.

**Alabama** – Class C Misdemeanor – prohibits “(a)ny willful act which recklessly or intentionally endangers the mental or physical health of any student.” It includes any willful act in striking, beating, or maiming, as well as attempting or threatening to do the same, and prohibits encouraging, aiding, and assisting in hazing. An additional punishment for knowing participation or knowing permission by students or institutions is the forfeiture of and ineligibility to receive public funds and scholarships.

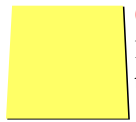


*What many students don't realize is that hazing not only violates the risk management policy, but it is also a crime.*

**California** – Hazing is defined as an initiation process likely to cause physical harm or personal degradation. The punishment for committing or conspiring to haze is a misdemeanor with a fine between \$100 to \$5,000 and/or up to one-year imprisonment.



**Colorado** – Class 3 misdemeanor – prohibits reckless endangerment of the health or safety of others for the purpose of initiation. Statute became law on July 1, 1999.



**Florida** – Three separate statutes governing state universities, community colleges, and public and private colleges whose students receive state financial aid. All institutions must adopt a written anti-hazing policy complete with penalties. Those penalties shall be in addition to any penalty imposed for a violation of the criminal laws of Florida.



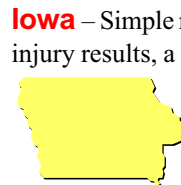
**Georgia** – Misdemeanor of a high and aggravated nature – prohibits any possible activity which endangers the physical health of a student, regardless of a student’s willingness to participate in connection with initiation.



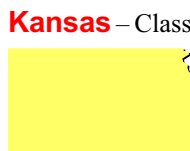
**Illinois** – Class A misdemeanor unless the hazing results in the death or great bodily harm, then Class 4 felony – prohibits the knowing performance of an act by a person at an educational institution that is not sanctioned by that institution, or the act results in bodily harm to any person.



**Indiana** – Misdemeanor and felony penalties depending on severity. Offers immunity for the good faith reporting of hazing or participation in a judicial proceeding. Hazing is defined as an act required for membership that encompasses a substantial risk of bodily harm.



**Iowa** – Simple misdemeanor, or if serious bodily injury results, a serious misdemeanor. Hazing is defined as forced activity that endangers the physical health of a student for the sake of initiation.



**Kansas** – Class B misdemeanor – prohibits intentionally encouraging another person to perform an act, which could reasonably be expected to result in great bodily harm for initiation purposes.



**Kentucky** – Places the burden on universities and colleges to enact anti-hazing policies. Penalties to be included are expulsion or suspension. Organizations, if sponsors of hazing, may be expelled from operating on campus.



**Louisiana** – Prohibits any method of initiation that is likely to cause bodily danger or physical punishment. Statute applies at educational institutions “supported wholly or in part by public funds.” Punishment includes fines from \$10 to no more than \$100 and/or imprisonment of 10 days to no more than 30 days, in addition to expulsion from the educational institution.

**HAZING, Continued on page 3**

# LOSS PREVENTION CHAPTER ADVISING TOOLS

Jordan B. Lotsoff, Hartford Specialty Casualty, Senior Account Executive,  
Member of Delta Upsilon International Board of Directors, Northern Illinois University '88

## **INFORMATION HELPS TO INCREASE UNDERSTANDING AND REDUCE LOSSES**

As advisors to undergraduate fraternity chapters, you know those undergraduates who are aware and understand Loss Prevention have fewer losses and ultimately save money on Insurance costs. Unfortunately many alumni don't know where to start, or what tools are available to them for addressing Risk Management or Loss Prevention Issues. Here are three tools to use in Loss Prevention advisement.

### **Tool #1 Familiarize your Chapter Leadership with the Loss Prevention Policies**

Having and reading the Fraternities Rules and Guidelines on Loss prevention is the best place to start. An officer meeting or retreat would be a good setting for accomplishing your goals. When going over the policies, you will not want to miss the following:

- Make sure that members have their own copy of the Loss Prevention Policies.
  - Even though the officers may already have a copy of the policies, they often do not read or refer to it, let alone review it with the rest of the chapter.
- Go over each section of the policies individually.
  - A thorough review of the document will give the undergraduates an understanding of how important each section is. This will also broaden the focus onto all of the policies. If you do not do this undergraduates often focus on one or two policies they are most concerned with and ignore the rest.
- Site-specific examples on each section as to what can go wrong if the Loss Prevention Policies are not followed.
  - For instance, you can discuss how not giving a copy of the policy to all the members may result in a good member acting in a way he would not normally if he knew what was expected of him. Sound reasoning behind the policies causes undergraduates to accept them. In turn, those you directly advise can more easily share this understanding with the rest of the undergraduates.

### **Tool #2 Reinforce with Local Officials**

Work to reinforce what you have done so far by inviting local campus officials, Fire and/or Police Departments to help. Chapter Leadership can become involved here by extending the actual invitations to local officials to speak directly to the chapter on loss prevention issues. Often, if you simply give your guest speakers a bit of direction, they are more than happy to oblige. For example, ask a representative from:

- The Local Fire Department to talk about Fire, Health and Safety issues in the Chapter house.
- The Local Police Department to talk about Alcohol and drugs.
- Campus Counseling to discuss Sexual Abuse and Harassment.

As an additional benefit, doing this may also help with community relations for the chapter.

### **Tool #3 Use The General Fraternity Headquarters**

For extra support, use the General Fraternity Headquarters. This organization is often an under utilized resource that can make your job easier. Headquarters staff can help with specific examples for you to use in discussing each section of the Loss Prevention Policies. They can also help in giving you some topics for the Local officials to discuss that are invited to the chapter. In addition, most Fraternity Headquarters have other resources available, such as videos that discuss the problems and solutions regarding Alcohol, Sexual Abuse, Life Safety, Hazing and most likely more. Call or write to the Fraternity Headquarters for more details on what your organization has to offer.

### **Conclusion**

These useful tools will aide in advising your local chapter in Loss Prevention. Not only will these tools make your job easier and more enjoyable, they will make the Chapter you advise a better, safer place to be.

---

## **FRMT, Ltd.**

A Bermuda Reinsurance Company working in partnership with the Royal Global insurance organization to compliment the risk management programs of each member fraternity, such as the publishing of this risk management newsletter, and providing the following member fraternities with a comprehensive liability insurance program:

Acacia	Delta Tau Delta	Phi Kappa Theta
Alpha Epsilon Pi	Delta Upsilon	Pi Kappa Phi
Alpha Gamma Rho	FarmHouse	Pi Lambda Phi
Alpha Kappa Lambda	Kappa Alpha Order	Psi Upsilon
Alpha Tau Omega	Kappa Delta Rho	Theta Xi
Chi Phi	Phi Kappa Psi	Zeta Beta Tau
Delta Chi	Phi Kappa Tau	Zeta Psi

---

## **BE YOUR INTERFRATERNAL BROTHERS' KEEPER**

The 21 member fraternities of the FRMT, Ltd. program are in business together. Loss experience of any one member fraternity will affect the future insurance costs of all 21 member fraternities. If a member of any FRMT, Ltd. member fraternity, undergraduate or alumnus, is aware of unsafe behavior being practiced by any other member fraternity, please provide this information to the administrative office of your national fraternity. Please forward it to the attention of the Executive Director/ Executive Vice President.

## HAZING Continued from page 1

**Maryland** – Misdemeanor with a fine not to exceed \$500 or imprisonment for no more than 6 months – prohibits reckless or intentional subjecting of students to the risk of serious bodily injury for the purpose of initiation.



**Massachusetts** – An organizer or participant of hazing shall be fined no more than \$3,000 and/or imprisoned no more than one year. Failure to report an incident of hazing shall be punished by a maximum fine of \$1,000. Student organizations are responsible to acknowledge annually the receipt of notification of state hazing law.



**Minnesota** – Prohibits acts causing a substantial risk of harm to a student for the purpose of initiation. School boards and school sports leagues must adopt written anti-hazing policies and anti-violence education.



**Mississippi** – A fine of up to \$1,000 punishes the substantial risk of injury to a person. If an injury does result then the punishment is increased to a fine of \$2,000 and/or imprisonment for up to 6 months.



**Missouri** – Class A misdemeanor, Class C felony if the act creates a substantial risk to the life of the person. Educational institutions must adopt written policies prohibiting hazing by student organizations.



**Nebraska** – Class II misdemeanor. Any organization whose members commit hazing may be fined up to \$10,000. Alumni organizations and any organization, which own the house or real estate of a student organization, are specifically excluded.



**New Jersey** – Hazing is a disorderly person's offense; however if the hazing results in serious bodily injury, then the person is guilty of a crime in the fourth degree called aggravated hazing.



**New York** – Class A misdemeanor if physical injury occurs. Second degree hazing for the substantial risk of bodily injury.



**North Carolina** – Class 2 misdemeanor – prohibits anyone from abusing or harassing a student or subjecting the student to personal indignity. Aiding and abetting is also punishable. Coupled with criminal punishment, a perpetrator must be expelled from the college or school.



**Ohio** – 4<sup>th</sup> degree misdemeanor – prohibits mental and physical harm in initiation. Victims of hazing may commence a civil action for hazing. Civil liability for hazing extends to local and national directors, trustees, and officers who authorized or tolerated hazing. Educational institutions may use an anti-hazing policy as an affirmative defense. Certain governmental immunity is waived for educational institutions in hazing cases. University officials as well as national fraternity officials may be liable under certain circumstances.



**Oklahoma** – Punishment for an organization is a fine up to \$1,500 and suspension of rights up to one year. The punishment for an individual is a fine up to \$500 and/or imprisonment up to 90 days. Prohibits dangers to physical and mental health.



**Oregon** – Organizations may receive a fine up to \$1,000 while individuals may receive a fine up to \$250. Hazing is defined as an intentional act.



**Pennsylvania** – 3<sup>rd</sup> Degree Misdemeanor. Educational institutions with the power to grant associate or higher degrees must adopt an anti-hazing policy.



**Rhode Island** – Misdemeanor with a fine of no more than \$500 and/or imprisonment of no less than 30 days and no more than 100 days. Defined as any conduct or method of initiation that endangers physical or mental health.



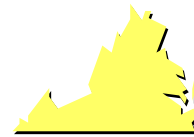
**Tennessee** – The hazing prohibition is restricted to organizations sanctioned by an institution of higher learning. Such educational institutions must adopt a written anti-hazing policy.



**Texas** – Class B misdemeanor, Class A if results in bodily injury, state felony if results in death. An organization may be fined if it condones or encourages hazing. Medical personnel receive immunity from liability for reporting an incident of hazing if the report is made in good faith. Statutes apply to secondary educational institutions and institutions of higher learning only.



**Virginia** – Class 1 misdemeanor, unless the injury constitutes a felony. Definition does not include a connection to initiation. A victim has the right to civil action against transgressors, whether adults or infants. The president of any school or university receiving appropriations from the state treasury must report to an attorney for the Commonwealth for prosecution of any acts of transgressions of the statute.



**Washington** – Misdemeanor – any organization that knowingly permits hazing is strictly liable for harm caused to persons or property. Directors of organizations may be held individually liable. The definition limits hazing to students attending institutions of higher learning or post-secondary.



**West Virginia** – Amendment on March 20, 1999 requires the state board to promulgate anti-hazing rules for public school sponsored student organizations. Misdemeanor unless the acts constitute a felony.



**Wisconsin** – Class A misdemeanor if the act is likely to result in bodily harm to a person. Class E felony if the act results in great bodily harm or death of a person.



## KIRKLIN ON WEB

Kirklin & Company, LLC is proud to announce our website, [www.kirklin.com](http://www.kirklin.com) or [www.fraternalinsuranceonline.com](http://www.fraternalinsuranceonline.com). The website has been set up to provide our clients access to educational resources as well as on-line forms for various insurance needs. It also provides a synopsis of who and what is Kirklin & Company LLC. The following are some of the resources you can access.

- On-line property application
- Past Fraternal Property Management Association newsletters.
- On-line property and liability claim reporting.
- Information on various insurance needs
  - ◆ Boiler & Machinery
  - ◆ Crime
  - ◆ Directors' & Officers' Liability
  - ◆ General Liability
  - ◆ Member Accident
- Risk Management Resources
  - ◆ Property Self Inspection Forms
  - ◆ Special Event Planning
  - ◆ Sample Participant Release
  - ◆ 74 Non-hazing Activities
  - ◆ Understanding Personal Consequences (Actual examples)



We hope this new site is a valuable asset to you. We would appreciate any comments or suggestions that you may have after visiting our website. This website will be a work in progress, future changes will be based upon the needs of our clients. Please direct your thoughts for additions or changes to [nkirklin@kirklin.com](mailto:nkirklin@kirklin.com).

## PROPERTY INSURANCE

Kirklin & Company, LLC sponsors a property insurance program that in 99% of all cases provides FRMT member fraternities with broader insurance coverage at a lower premium.

*Need more information?*

Contact Suzanne Hass, ext. (1)203  
or email [shaas@kirklin.com](mailto:shaas@kirklin.com)  
at Kirklin & Company, LLC.

or visit our website at [www.kirklin.com](http://www.kirklin.com)  
Telephone: 800-736-4327 • Fax: 800-328-0522



**Kirklin & Company, LLC.**  
*Insurance and Risk Management Services*  
P.O. Box 540673  
Omaha, NE 68154-0673

For reproduction permission or other input to the editor contact [nkirklin@kirklin.com](mailto:nkirklin@kirklin.com).



*Founded to serve the needs of fraternal organizations. Committed to improving the risk management programs of its clients.*

Address Service Requested

Bulk Rate  
U.S. Postage  
**PAID**  
Omaha, NE  
Permit No. 446