

## **Association of Fraternity Advisors Legal Issues Committee**

### **Your Duty to Report Hazing**

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As a fraternity and sorority advisor you have been selected to work with great students and aid in providing them with a positive fraternity or sorority experience. However, with this privilege comes great responsibility. Advisors have to be able to provide guidance, attend chapter meetings, executive board meetings, and council meetings. In addition, advisors have a duty to report hazing.

### **Hazing**

There are only six states that do not have laws that address hazing. “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” (Hazing Defined). We should all be aware of what hazing is and that fact that it is probably happening on our campus in fraternities, sororities, and other student organizations. Addressing hazing is one of the most important roles for an advisor. Advisors can be held responsible for the student’s actions regarding hazing as there are a multitude of state laws and statutes that address hazing. As an advisor it is your responsibility to be aware of the laws in your area.

### **Duty to Report**

Six states have laws addressing the failure to report hazing. As an example, the Commonwealth of Massachusetts addresses the issue of duty to report. Massachusetts general law chapter 269, section 18 states “Whoever knows that another person is a victim of hazing... shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official...” (Duty to report hazing, 1985 & Supp. 1987). The purpose of this law is to not only protect the victim but to also protect the witness. It could also be argued that this law is in place to promote reporting incidents of hazing, which in turn benefits the advisor due to the fact that a failure to exercise this responsibility may mean that the advisor would be held responsible for their inactions.

When looking at cases regarding hazing you can find numerous examples that address the advisor’s failure to report hazing:

- *Kenner v. Kappa Alpha Psi*, a court of appeals remanded the case for trial due to the fact that the advisor was not actively engaged in preventing an event where a new member was severely beaten (*Kenner v. Kappa Alpha Psi*, 2002).
- *Morrison v. Kappa Alpha Psi*, the state university failed to exercise reasonable care and, breached the duty owed to the student who was allegedly injured in a hazing incident. Evidence was given that the university had prior knowledge of hazing

incident from the same organization. However, the university failed to investigate these incidents. The evidence supported the fact that the national fraternity breached its duty to protect against and prevent hazing (*Morrison v. Kappa Alpha Psi*, 1999).

- *Ballou v. Sigma Nu General Fraternity*, recognizing a claim regarding the death of a Sigma Nu new member on hell night from excessive drinking at the University of South Carolina; holding Sigma Nu national responsible (*Ballou v. Sigma Nu General Fraternity*, 1986).

A former police officer at the University of Louisiana at Lafayette, Channing Credeur, was accused of knowing about hazing incident at Sigma Nu but doing nothing about it. Credeur was roommates with a friend of the new member and was informed about the hazing after the new member went to the friend's house the day he decided to quit the fraternity. Credeur was booked with malfeasance in regard to the hazing incident at the Sigma Nu fraternity (Burgess, 2005).

### **Reflecting on duty**

As you reflect on the cases presented above, an advisor's duty to report hazing should now be more evident. Hazing may be a "tradition" in our fraternities, sororities, and other student organizations, however, this does not mean that hazing should continue. We are reminded of this through the Texas A&M bonfire. The bonfire was a campus tradition that dated back to 1909 and a tradition that was deeply ingrained in the culture of the university. However, the institution was able to change this tradition and it is now remembered by a memorial that was dedicated on November 18, 2004.

Advisors should take on the challenge of changing the campus culture and traditions regarding hazing. Tools are available to help! Take advantage of all of the resources that are available from CAMPUSPEAK, stopHazing.org, your institution, inter/national fraternity and sorority offices, and your peers and colleagues. One day instead of talking about how to eliminate hazing maybe we will finally have it eliminated.

### **References**

*Ballou v. Sigma Nu General Fraternity*, 352 S.E.2d 488 (SC Ct. App. 1986).

Burgess, Richard. (2005, May). Ex-ULL officer faces charge in hazing case former frat pledge says complaint ignored. *The Advocate*.

Duty to report hazing, Massachusetts general laws chapter 269, section 18. (1985 & Supp. 1987).  
*Kenner v. Kappa Alpha Psi*, 808 A.2d 178. (PA Ct. App. 2002).

*Morrison v. Kappa Alpha Psi*, 738, So.2d 1105, 114 (LA. Ct. App. 1999).

StopHazing.org (n.d.). *Hazing defined*. Retrieved June 9, 2005, from <http://www.stophazing.org/definition.html>.