Messenger College Hazing Policy

Any form of hazing is inconsistent with the principles of Christianity, the values and policies of Messenger College (MC), the MC Code of Conduct as outlined in the Student Handbook and is a violation of federal and state law. MC has a "no tolerance" policy in reference to hazing and is committed to properly training students, staff, and faculty to prevent, report, and properly handle any incidents of hazing.

A full copy of the Federal and Texas law may be requested by emailing studentdevelopment@messengerollege.edu.

However, included in this policy as a reference, "hazing" is generally defined by Texas law (Texas Education Code Subchapter F. Section 37.151 Subsection 6: A-E) as:

"Hazing" means any intentional, knowing, or reckless act, occurring on or off the campus of an educational institution, by one person alone or acting with others, directed against a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization if the act:

(A) is any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;

(B) involves sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other similar activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(C) involves consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance, other than as described by Paragraph (E), that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;

(D) is any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code; or

(E) involves coercing, as defined by Section 1.07, Penal Code, the student to consume:

(i) a drug; or

(ii) an alcoholic beverage or liquor in an amount that would lead a reasonable person to believe that the student is intoxicated, as defined by Section 49.01, Penal Code.

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The federal Stop Campus Hazing Act (Higher Education Act of 1965 Section 485 F Sections 1-5) also defines hazing in a similar manner and expands the definition of a student organization to include 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."

Additionally, federal law requires that institutions of higher learning such as Messenger College develop hazing statements and polices that provide an institutionally approved definition of hazing, the process used to investigate hazing, and the capacity to provide appropriate information on local, state, and tribal laws related to hazing.

Messenger College developed training that promotes awareness and provides hazing prevention strategies while "promoting strategies for building group cohesion without hazing."

Any incidents of hazing will be included in the annual security reports.

Given the serious nature of hazing and Messenger College's responsibility to ensure that no hazing occurs in its education programs, all students, staff, and faculty are required to stop all forms of hazing or suspected hazing and must immediately report all incidents or suspected incidents of hazing to the Director of Student Development Compliance (herafter DSDC) or his/her designee. Failure to do so could result in civil and criminal penalties as well as institutional penalties including but not limited to suspension, dismissal from the institution, and termination of employment.

Investigation:

Students can report hazing by using the incident report form in the student portal. Any student who believes he/she has been the victim of hazing should immediately report the incident in person or via email to the DSDC or his/her designee. Upon receiving a written and signed formal hazing complaint, the DSDC will commence an investigation. The DSDC will contact all parties in writing to inform them that a hazing incident has been reported and is currently under investigation. The letter will include a summary of the hazing allegations and contain appropriate warnings to all parties about retaliation, influencing or tampering with witnesses, and the concealing or destruction of evidence. Failure to comply with these warnings could result in additional disciplinary action including but not limited suspension or expulsion.

After issuing the hazing incident notice letter, the DSDC will immediately commence an investigation. The DSDC or his/her designee will issue relevant written requests for information and evidence to all parties and witnesses and will interview all parties, witnesses, and collect all relevant evidence. All interviews will be recorded. Once the DSDC or his/her designee completes the investigation, he/she will within 10 days of completing the investigation issue a report of investigative findings, which will include appropriate references to all evidence presented, gathered, and considered during the investigation. The report should fairly outline and summarize all evidence collected during the investigation but should not make any final

determinations or draw any conclusions about actual hazing violations. Final determinations and conclusions concerning hazing fall under the jurisdiction of the President's Cabinet. Once that investigative report is complete, the DSDC will forward the investigative report to the parties and the President's Cabinet.

Right to an Advisor:

Parties may choose an advisor to accompany each party to all meetings, interviews, and hearings. Parties are free to choose any eligible and available person to serve as their advisor. The parties may have only one advisor.

The advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to have advise, support, and/or consult with them throughout the investigation and disposition process. Additionally, parties have the option to forgo having an advisor in the initial stages of the case, but they must have an advisor during the hearing process, and that advisor must be present at the hearing.

The advisor's role during the investigation phase is "passive" during the that phase of hazing case. Please note that if the advisor causes a major disruption and or drastically impairs the investigation, the DSDC can dismiss the advisor. If the party wishes to select a new advisor, they may do so as long as it is in a reasonable time frame as determined by the DSDC during the investigative phase. Failure to choose a new advisor will not stop the investigation.

Hearing:

The President's Cabinet will review the investigative report and set a hearing date at least 10 days from receipt of the final investigative report. The Cabinet should alert the DSDC, and he/she should send written notice to all parties and witnesses that contains the date and time of hearing and requesting their presence at the hearing.

All hazing hearings will be in person hearings and will be conducted by the President's Cabinet. The hearing should be recorded. A party may request a virtual hearing, but such a request will not be granted unless the requesting party can demonstrate that there are extreme extenuating circumstances and compelling reasons to grant a virtual hearing. Parties or their advisors will be given the opportunity to make an opening statement, and advisors will be given the opportunity to present witnesses, cross-examine all opposing witnesses, and present relevant and permissible evidence presented, gathered, and considered during the investigation process as permitted at the discretion of the President's Cabinet.

At the conclusion of the hearing the President's Cabinet will deliberate to determine if there is clear and convincing evidence that supports the conclusion that hazing occurred. Within 30 days the President's Cabinet will issue a written decision outlining its findings and case disposition to the DSDC, the parties, and their advisors. The decision should include a list of the hazing allegations at issue in the case; appropriate references to all evidence presented, gathered, and

considered during the hearing; a summary of the findings of fact supporting the panel's final determination which address each misconduct allegation in the complaint with a discussion and conclusions regarding application of the MC's Hazing Policy and Student Code of Conduct; a statement of any and all disciplinary sanctions that will be enforced against the parties; an explanation of any remedies that will be provided to the parties (if applicable).

Training and Prevention:

The DSDC is responsible for developing hazing awareness and prevention training for all students, faculty, and staff. The DSDC or her designee will provide this training to all students, faculty, and staff at least once each semester.

Faculty and staff training will be conducted at the faculty and staff in-service meeting at the beginning of each semester and must include the definition of hazing, the broadened definition of student organization, the duty of every member of the staff to immediately report any instances of suspected hazing to the DSDC, manner in which hazing can be reported, penalties for failing to report or stop hazing, practical application/case studies which help faculty and staff recognize, prevent, and immediately stop any observed hazing, and MC's process of investigating hazing. Furthermore, the DSDC must email the MC hazing policy to all staff and faculty at the beginning of each semester.

Student training will be conducted each semester during student orientation and must include the definition of hazing, the broadened definition of student organization, the duty of every student to immediately report any instances of suspected hazing to the DSDC, a member of the MC staff, or a MC faculty member, the manner in which hazing can be reported, penalties for failing to stop and report hazing, practical application/case studies that helps students to recognize, prevent, and immediately stop any observed hazing, and MC's process of investigating hazing. Furthermore, the DSDC must email the MC hazing policy to all students at the beginning of each semester.

Reporting:

Consistent with state and federal laws and regulations, the DSDC will maintain a "Campus Hazing Transparency Report" that documents all instances of hazing. The report should include:

- The name of the student organization involved.
- The report should not include any personal identifying information about the parties. involved. Instances of non-organizational hazing should be designated as such.
- A general description of the hazing violation.
- Whether the hazing violation included alcohol or drug use.
- The findings of the institution.
- A discussion of all sanctions upon organizations and/or individuals.
- The dates of all alleged hazing incident(s).

- The date the investigation was initiated.
- The date the investigation was concluded.
- The date that the parties and/or organization were provided with the findings.

This report must be updated each year in January and June and after the disposition of any hazing case under this policy.

The "Campus Hazing Transparency Report" must be posted in the Consumer Information section of the MC website. The DSDC must request its posting and ensure that it is re-posted on the website after each update to ensure it reflects the institution's most up-to-date information concerning hazing. If the institution has no hazing incidents, the DSDC must create a report outlining no incidents of hazing and ensure that report is posted on the MC website.

All hazing incidents will be included in Cleary Act reporting.

Nothing in this policy is intended to or should be construed as a waiver of any other MC policies and procedures including the *Student Handbook* and Code of Conduct. Failure to find an offense of hazing under this policy does not preclude MC from enforcing its other policies and procedures.

DSDC will provide his/her report to the President of Messenger College. The president may provide that report to the President's Cabinet. The President of Messenger College may include findings of that report in his report to the Board of Governors when applicable and necessary for board oversight.