

## **Berkeley College Anti-Hazing Policy**

### **Purpose**

Berkeley College (the "College") is committed to providing a learning environment that promotes mutual respect and civility and one that is free from hazing. In accordance with applicable state and federal laws, hazing, as defined below, is strictly prohibited at Berkeley College. Any individual and/or College student organization found in violation of this Policy will be subject to discipline. Criminal referrals and sanctions may also be imposed pursuant to applicable New Jersey (2C: 40-3) and New York (N.Y. Penal Law § 120.16 and § 120.17) anti-hazing laws. This Policy has been revised to comply with the Federal Stop Campus Hazing Act (S.2901, H.R. 5646)

### **Scope**

This Policy applies to any hazing, on or off campus, by any College student, College Student Organization (as that term is defined below) or any individual associated with a Student Organization.

### **Definitions**

**"Hazing"** means conduct (as described below) in connection with an initiation of applicants to, or members of, a Student Organization.

**"Student Organization"** means an organization at an IHE (such as a club, society, special interest group, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the IHE, whether or not the organization is established or recognized by the institution.

**"Student"** means an individual who attends or has applied to attend or has been admitted to Berkeley College.

### **Prohibited Conduct**

#### **Hazing**

- 1) The term "hazing" means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that— (I) is committed in the course of an initiation into, an affiliation

with, or the maintenance of membership in, a student organization; and (II) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including:

- (a) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- (b) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- (c) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- (d) causing, coercing, or otherwise inducing another person to perform sexual acts;
- (e) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- (f) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
- (g) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

2. Consent by a person being hazed is not a defense to a hazing charge.

### **Reporting and Investigating Hazing Violations**

If you are aware of, or have a reasonable basis to suspect, a violation of this Policy, you should promptly report the alleged violation to the College Student Development and Campus Life Department. Allegations will be investigated pursuant to the Student Code of Conduct, as well as this Policy. If the hazing violation involves a College associate, you should report the matter to the College Human Resources Department, and Human Resources shall jointly investigate the allegation with Student Development and Campus Life.

### **Discipline for Hazing Violations**

Sanctions imposed by the institution following a finding of responsibility after a hazing investigation may include, but are not limited to, oral or written warning/probation, mandatory counseling, education and training requirements, no-contact orders, changes

to academic or working arrangements (if applicable), revocation of campus privileges, suspension (length of which, and reinstatement conditions, shall depend upon the nature and severity of the offense) and dismissal/termination. A Student Organization which violates this Policy may be subject to disciplinary sanctions including deactivation or rescission of permission for the Organization to operate at the College.

Violations of this Policy may also be referred to law enforcement authorities for further investigation and/or charges, if appropriate. Discipline imposed in connection with violations of this Policy shall be in addition to any civil or criminal sanctions that may be imposed separately by law enforcement authorities.

### **Campus Hazing Transparency Report**

The College shall publish a bi-annual report of all violations of this Policy which are reported to the College. The report will be updated and made publicly available on the College's website on the Public Safety webpage by January 1 and August 1 of each year. If no hazing violations are reported to the College, the College shall not post a report.