



**REVIEW AND RECOMMENDATIONS FOR THE
ENHANCEMENT OF NATIONAL PAN-HELLENIC
COUNCIL ORGANIZATIONS AT THE
UNIVERSITY OF LOUISVILLE**

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**Submitted to: James M. Mardis, Dean of Students and
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Introduction

During the Fall 2009 semester, Dean James M. Mardis of the University of Louisville's Office of the Dean of Students (hereafter referred to as ODS) formed and empowered a committee to review and offer suggestions as to how the University's chapter of the National Pan-Hellenic Council (hereafter referred to as NPHC) could be improved. The convening chair of this committee and final submitter of the report is Professor Ricky L. Jones from the University of Louisville's Pan-African Studies department.

The University of Louisville's NPHC chapter currently houses chapters of all nine nationally recognized historically black fraternities and sororities. The sorority chapters include: Alpha Kappa Alpha, Delta Sigma Theta, Zeta Phi Beta, and Sigma Gamma Rho. The fraternity chapters include: Alpha Phi Alpha, Kappa Alpha Phi, Omega Psi Phi, Phi Beta Sigma, and Iota Phi Theta. Currently, Alpha Phi Alpha and Phi Beta Sigma are suspended and inactive as recognized student organizations and NPHC participants at the University of Louisville because of violations of the University's student code of conduct – specifically participation in hazing activities.

Committee Responsibilities and Disclaimer

It should be clear to any reader of this document that the NPHC review committee is not empowered to make budgetary, personnel, membership, or administrative decisions where any member NPHC organization or their governance by ODS is concerned. The suggestions offered by the committee are simply that – suggestions. While ODS is

encouraged to seriously consider all ideas, no proposition proffered by this committee mandates agreement, mobilization, or enforcement by ODS.

The committee is also not a standing, ongoing entity. It is a one-time body singularly constructed for the offering of this report. It is to be dissolved after submission of said report. Neither the committee as a whole nor any of its members has any responsibility for any activity of any member organization of the University of Louisville's NPHC chapter nor any administrative initiatives undertaken by ODS with regard to NPHC or any member chapter either now or in the future.

A Brief History of the Development of American Greek-Letter Organizations*

The fraternity system in the United States has been present since American nationhood. When colleges and universities began in America, they were quite restrictive. As a result, students formed different types of organizations to create avenues for discussion, thought and social activity. The first of three different student organizations that catered to the students was the *Academic class structure*. In many instances, Academic class societies developed into highly organized structures, elected officers, and had their own secret colors, symbols, and mottoes.

The *Secret Literary Society* eventually took the Academic class structure to a different level. These societies were in part a response to the strict curriculum management of administrators of the time. It gave students the opportunity to debate outside of the classroom, to raise philosophical questions and to consider issues of

* This section is a slightly updated excerpt from Ricky L. Jones, *Black Haze: Violence, Sacrifice, and Manhood in Black Greek Letter Fraternities* (New York: SUNY, 2004).

politics in a manner which was more acceptable to students. These societies trained members in drill and composition and allowed students to express what were then considered radical views because the colleges and universities, in most instances, prohibited students from openly discussing anything other than prescribed work. The component of critical thinking, ideally cherished in today's American higher education system was largely non-existent. What was academically proper could not be questioned by students. The meetings of these organizations were usually secret and each had its own color, motto, and badge.

The last of these college societies was the *Secret College Fraternity*. The purposes of the early fraternities were very similar to those of the literary societies. They came into being, because many literary societies ultimately fell under faculty influence. The first such secret college society was the Flat Hat Club founded in 1750. Thomas Jefferson was a member of this organization which is believed to have thrived for at least twenty years. After 1772, there is no record of the Flat Hat Club existing. The P.D.A. Society, founded in 1751 was the first society to use the letters of its motto as its name. The members of this organization are reported to have had little regard for scholarship and preferred the more social aspects of college fraternities. The Society took its disdain for the non-social so far in fact that it refused to admit anyone who considered themselves "Greek" scholars. An offended "Hellenist" then organized his own secret society, and thus began the trend of using Greek-letters in the names of organizations.

American Greek-letter fraternities are generally divided into three groups: Era I, Era II, and Era III fraternities. Era I fraternities range from 1825, when members of Phi Beta Kappa founded the first Kappa Alpha Society (not the same as today's Kappa Alpha

Order), until 1859. To understand the commonalities in these groups, five characteristics must be considered. First, college was almost exclusively for upper-class WASP (white Anglo-Saxon Protestant) males studying for the ministry, medicine and the legal profession. Secondly, all were founded by undergraduates without assistance from adults. Thirdly, most of these fraternities were founded as a reaction to domination of student activities by administrators. As one group formed, others were organized to compete. Students wanted control over their lives and desired to create organizations which would complement and enhance what they learned in the classroom, because college life at the time included highly structured days, meager physical environs, and inflexible rules and regulations. Fourth, all these groups were highly secretive. Faculty felt threatened by these groups and would enforce retribution on members whenever possible through a variety of means - including expulsion. Fifth, all of these groups were sectarian.¹

It is clear that American Greek-letter fraternities were thus born of a spirit of rebellion and agency in an attempt to create intellectual and social space for students. They were a response to restrictive societal conditions which were reinforced in colleges and universities. Indeed, both black and white Greeks came out of a tradition of opposition and were founded on similar principles of developing young men and women. Just as black fraternity men and sorority women would later respond to racism and the restrictions made salient by its cleavages in American higher education, white fraternities also waged war with administrators and student groups that sought to maintain the status quo. Ironically, just as administrators sought to deny white Greeks the opportunity to

affect change, white Greeks eventually sought to deny black students equal access to fraternal organizations.

Phi Beta Kappa is generally recognized as the first society in America to bear a Greek-letter name and was founded in 1776 by some accounts and 1778 by others at the College of William and Mary. It had all the characteristics of the modern fraternity. Francis Shepardson notes that these characteristics are: “the charm and mystery of secrecy, a ritual, oaths of fidelity, a grip, a motto, a badge for external display, a background of high idealism, a strong tie of friendship and comradeship, and an urge for sharing its values through nationwide expansion.”² Explanations for the founding and perpetuation of fraternities vary. Shepardson argues that they were originally social outlets, but always held a commitment to intellectual matters. Others, as Helen Horowitz does in her book *Campus Life*, hold that Greeks have always been either on the fringes of intellectualism in campus life or even blatantly anti-intellectual.

In separate studies, James Brunson and Bobby McMinn put forward the view that American fraternities, beginning with Phi Beta Kappa, were strongly influenced by Freemasonry. Brunson notes, “one of Phi Beta Kappa’s founders, Thomas Smith, originally belonged to the Williamsburg Lodge and in 1778 nine other members of this fraternal society joined the Masons. It was through this affiliation with the Masonic order that Phi Beta Kappa found models they could adapt for the society’s grip, sign, and other rites.”³ The founding of the first black college Greek-letter organization, which strongly resembled these groups in structure and practice, would not be until 1906.

Era II fraternities, founded between 1860 and 1899, were highly influenced by the creation of land-grant colleges by the Morrill Act of 1862. This led to much more

diversified curricula with the addition of agriculture, engineering, and the sciences to the traditional classics - theology and liberal arts. The faculties of many schools began to become more tolerant of student self-governance. Enrollment grew rapidly during this era and institutions could not house and feed everyone, so the presence of fraternity houses actually aided colleges and universities logistically. The Civil War had marked the end of many southern chapters and some groups were reluctant to return to the South. Hence, a few fraternities (i.e. the Kappa Alpha Order and Pi Kappa Alpha) were originally formed specifically to expand in the South and capitalize on the absence of chapters that were once powerful. More importantly, the student population of the United States began to diversify at an incredible rate which led to Era III fraternities. Many of the post-1900 or Era III fraternities were founded for persons who were racially, culturally, or religiously different, or whose sexual preference or ethnicity kept them from being offered membership in existing groups. BGLOs fall into this category.

National Pan-Hellenic Council Member Organizations

The National Pan-Hellenic Council currently consists of nine member organizations. Their information is below.

NATIONAL PAN-HELLENIC COUNCIL MEMBER ORGANIZATIONS

Name	Date Established	University
Sororities:		
<i>Alpha Kappa Alpha</i>	January 15, 1908	Howard University, Washington, D.C.
<i>Delta Sigma Theta</i>	January 13, 1913	Howard University, Washington, D.C.
<i>Zeta Phi Beta</i>	January 16, 1920	Howard University, Washington, D.C.
<i>Sigma Gamma Rho</i>	November 12, 1922	Butler University, Indianapolis, IN
Fraternities:		
<i>Alpha Phi Alpha</i>	December 4, 1906	Cornell University, Ithaca, NY
<i>Kappa Alpha Psi</i>	January 5, 1911	Indiana University, Bloomington, IN
<i>Omega Psi Phi</i>	November 17, 1911	Howard University, Washington, D.C.
<i>Phi Beta Sigma</i>	January 9, 1914	Howard University, Washington, D.C.
<i>Iota Phi Theta</i>	September 19, 1963	Morgan State Univ., Baltimore, MD

***National Pan-Hellenic Council Organizations at the University of
Louisville***

The University of Louisville currently houses chapters of all nine NPHC member organizations. Notably, a number of these chapters are quite old. The Delta Sigma Theta and Phi Beta Sigma chapters are both single-letter designees. The Alpha Phi Alpha and Kappa Alpha Psi chapters are “Alpha” designees. Five of the nine chapters were founded at Louisville Municipal College (LMC) before that College’s merger with the University of Louisville in 1950. Even though the original founding date of U of L’s Phi Beta Sigma chapter could not be definitively determined (see note 4), the fact that it bears the “Tau” designation leads to the rational assumption that it may very well have also existed prior to the University of Louisville/Louisville Municipal College merger.

**NATIONAL PAN-HELLENIC COUNCIL CHAPTERS AT THE UNIVERSITY
OF LOUISVILLE⁴**

Name	Chapter Name	Year Established	Status
Sororities:			
<i>Alpha Kappa Alpha</i>	Beta Epsilon	1933- LMC; 1973-U of L	Active
<i>Delta Sigma Theta</i>	Xi	1922- LMC; 1951-U of L	Active
<i>Sigma Gamma Rho</i>	Eta Omega	1978- U of L	Active
<i>Zeta Phi Beta</i>	Delta Theta	1954- LMC; 1977-U of L	Active
Fraternities:			
<i>Alpha Phi Alpha</i>	Alpha Pi	1923- LMC	Suspended until 2014 (Hazing)
<i>Iota Phi Theta</i>	Epsilon Iota	2001-U of L	Active
<i>Kappa Alpha Psi</i>	Alpha Omicron	1933- LMC; 1955-U of L	Active
<i>Phi Beta Sigma</i>	Tau	1982 – U of L	Suspended until 2011 (Hazing)
<i>Omega Psi Phi</i>	Phi Eta	1981 – U of L	Active

Recommendations

The review committee identified five major areas that merit attention: 1) Organizational Sustainability; 2) Campus and Community Service; 3) Cross Council Interaction (IFC, NPC, and NPHC); 4) Advising; and finally 5) Hazing and Conduct Violations. A number of bulleted suggestions for improvement are provided. Neither the identified areas of concern nor the suggestions offered should be considered exhaustive.

1) Organizational Sustainability

Like most universities that house NPHC chapters, U of L consistently faces sustainability issues. The committee feels there are two basic areas that merit attention:

1) Chapter membership and 2) Scholarship.

First, even though overall NPHC membership increased by 58% from 2006 to 2009 these numbers can be deceiving. On first blush, an increase of almost 60% is quite impressive but closer examination reveals a more telling story. One, at its membership apex during this period NPHC organizations had a collective membership of 60 (2009) which included 7 active chapters. The number was as low as 35 in 2006 with only 4 groups active.

The second point is directly related to the first. Membership numbers during this period rose largely because chapters that had either been inactive, more than likely because of a lack of membership interest (Sigma Gamma Rho and Iota Phi Theta) or suspended (Delta Sigma Theta and Omega Psi Phi) returned to active status. Regardless

of the reasons, if NPHC organizations are to remain viable their membership rolls need to be increased.

The committee also believes that chapter sustainability would be increased by individual member/student academic viability. Studies are mixed across the nation as to whether NPHC membership helps or harms member academic achievement and retention. No matter the case, a number of university mandates could help with student scholarship.

Suggestions:

- Construct an offensive NPHC recruitment formula with aspects of IFC and NPC Rush which allows for uniform “active membership recruitment” rather than the “passive recruitment” inherent in the informational meeting model currently used by NPHC groups. These could take the form of recruitment fairs, etc. each semester. Ideas for “active recruitment” should be constructed the Office of the Dean of Students (ODS) in partnership with NPHC organizations. This will call for a change in NPHC organizational culture of having potential members “pursue” current members rather than be recruited.
- The University should more strictly follow membership minimums for the allowance of active status. This could motivate member organizations to be more serious and consistent about constructing and augmenting recruiting methods.
- The University should institute an All-Pan-Hellenic minimum GPA requirement for current students seeking membership (note: this would not apply to incoming freshmen choosing to rush). The rationale here is that students with stronger GPAs stand a greater chance of joining Greek-lettered organizations without

damage to their academic possibilities. The committee chair recommends a minimum GPA of 2.7.

- Develop mandatory Greek study halls and provide a tutor bank. This could be loosely based on the model used by Athletics.

II) Campus and Community Service

While all NPHC groups have community service missions to some degree or another, certain chapters do a much better job than others. All efforts should be made to normalize campus and community service commitments among member organizations.

Suggestions:

- The University of Louisville would be well-served to develop a model of carrots and sticks that aids all Greek-lettered organizations in constructing substantive campus and community service models. This falls in line with U of L's mission as a premier metropolitan research university. This may not be as great of a problem as some others the committee considered considering the fact that ODS reported that U of L fraternities and sororities contributed over 47,300 hours of community service during the 2008-2009 school year. There is no way to know whether these numbers are substantive or inflated. However, if a *Council Service Award* does not exist one should be established by ODS which recognizes chapters from all member councils (one for IFC, NPC, and NPHC, and an overall award) that organize the most campus and community events as well as contribute the most "provable" hours of service.

- ODS should identify mandatory events/functions that all NPHC members must attend in order to maintain good standing with the University.
- Methods of evaluation should be established by ODS and member organizations.

III) Cross Council Interaction

The committee believes more interaction between all Greek councils would be positive for scholarship, cross cultural exchange, and enhancement of the overall Greek experience.

Suggestions:

- ODS should establish an integrative activity model that includes NPHC, IFC, and NPC in endeavors beneficial to all organizational memberships. This would develop a participation/reward model specific to NPHC *and* also be All Pan-Hellenic inclusive. The thrust here is to increase event planning and participation among member organizations.
- Develop cohesive and continuous university sponsored strategies to help students participating in Greekdom use the experience to develop personally and professionally. Offer activities not exclusive to, but which target and/or are offered by Greeks (speakers series, professional fairs, rotating presentations led by each organization, etc)
- Mandate that NPHC as a collective entity must host at least two outreach events per semester (one campus and one community).

- Create a liaison system in which NPHC, IFC, and NPC sends a representative to the meetings of other councils and reports back to his or her individual council. At least one meeting per semester should involve ALL members from all councils.
- Require that at least one event per semester must be collectively sponsored by NPHC, IFC, and NPC.
- ODS should organize a “friendly competition” model for all inclusive NPHC, IFC, and NPC activities. These activities could culminate with awards for scholarship, service, etc. A Spring All-Pan-Hell Greek Day competition could be planned. Activities could also extend to Homecoming, etc.

IV) Advising

Advising was a central concern of the committee. There was general surprise at the University’s current lack of formalized expectations of Greek organizations and their advisors. While a strong advisor and advising structure does not absolve members of responsibility for their behavior, the committee believes having such a structure is a strong start to addressing a number of problems.

- Employ an advisor with knowledge of, and membership in, a BGLO.
- **The advisor should be a full-time employee with his or her primary job being the guidance of NPHC organizations.** Understandably, this may be seen as fiscally impractical for a council that houses so few members. The counter-argument is that a full-time advisor may very well

be able to construct a structure that lends itself to a serious increase in interest and membership.

- ODS should develop a system that ensures that campus and chapter advisors are properly trained. To this end, ODS should construct an “advisor certification program.” Relevant information for the program should be determined by ODS.
- ODS should construct an “Advisor’s Council” for all chapter advisors that should meet no less than once a quarter.
- The NPHC advisor should be responsible for member development on multiple levels. One suggestion is the construction of a leadership retreat that includes, but is not limited to information on: campus resource knowledge, personal and organizational budgetary management, professional etiquette, and planning for life after college.

V) Hazing and Conduct Violations

This is the most important area of concern for a number of reasons. One, illegal intake activities affect organizational sustainability (see section I) in that a percentage of students who might consider joining NPHC organizations will not do so if physical and emotional abuse, financial exploitation, and university code of conduct and legal violations are required for membership. This inevitably lowers membership numbers which the committee feels should be increased.

Second, continuous hazing and conduct violations by NPHC organizations presents a serious risk management issue for the University of Louisville and any other

college and university that houses them. Legal cases resulting from hazing are on the rise and universities, administrators, advisors, member organizations, and individual members have all been prosecuted in various cases. This presents not only a public relations concern, but clear and present financial danger.

Third, revolving chapter suspensions have been the practice at many schools (including U of L), but do not seem to work. Over the last decade and a half, at least seven of the nine member organizations have been suspended from the University of Louisville for hazing and conduct violations. At least two cases (Omega Psi Phi and Alpha Phi Alpha) involved potentially life-threatening situations (especially the injuries sustained by the potential initiate in the 1997 Omega Psi Phi case).

Finally, and most importantly, it cannot be overemphasized that this behavior not only presents litigious and risk management problems, but is a threat to the lives of students seeking membership. Unfortunately, despite rule changes, serious injuries at U of L, multiple injuries and deaths on the national level, and periodic organizational and individual suspensions - with few exceptions, NPHC member commitment to hazing remains relatively constant. This must be addressed firmly.

Suggestions:

- Establish University-wide intake windows. This will unify and limit times each semester when organizations can participate in intake activities and make them easier for ODS to track. This may be all-Pan-Hell or NPHC specific depending on logistics and practicality.

- Establish a required ODS training that all NPHC members must attend each semester addressing hazing, the student code of conduct, and consequences for violations.
- Develop an annual leadership retreat that includes speakers and symposia specifically targeting hazing and its consequences.
- Develop a different organizational punishment model for hazing violations. There are three choices here: 1) continued revolving suspensions; 2) a strike model; 3) a true zero tolerance model. **Option 1 is not recommended.** Option 2 involves the permanent dissolution of a chapter and charter at the University of Louisville after a set number of violations (2 or 3 are recommended). **The committee chair strongly recommends option 3.** If hazing is proven (especially of the physical variety) chapters and charters should be immediately and permanently removed with no chance of returning to the University of Louisville. This is not an unprecedented practice.
- University should immediately expel any student found guilty of hazing violations.
- **The committee chair urges the University to proactively partner with other colleges and universities in lobbying state legislators to reclassify hazing involving physical abuse or life-threatening behavior a felony rather than a misdemeanor in the state of Kentucky.** This would follow legal precedent established by states such as Missouri, Florida, New Jersey, and others.

Current State Hazing Statutes⁵

The following is a compilation of current state statutes that outlaw hazing. Typically, statutes prohibit any willful action that recklessly or intentionally endangers the physical health of a student; some statutes include the mental health of a student as well. Many statutes enumerate certain acts which constitute hazing, i.e. sleep deprivations, forced calisthenics and drug and alcohol use. 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. In the vast majority of states, consent by the pledge or new member is not a defense to hazing.

Alabama - § 16-1-23

Class C misdemeanor - prohibits "[any] 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.

Arkansas - §§ 6-5-201 to 204

Class B misdemeanor - prohibits committing hazing and aiding or assisting. This statute contains a very broad definition of hazing. Additional punishment is the required expulsion from the educational institution the perpetrator attends.

California - Ed. Code §§ 32050 to 32051

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.

Connecticut - § 53-23a

Prohibits the endangerment of the health and safety of a person for the purpose of initiation. Student organizations, in addition to forfeiting rights at an educational institution, may be punished by a fine not greater than \$1,500 while individuals may be fined up to \$1,000.

Colorado - § 18-9-124

Class 3 misdemeanor - prohibits reckless endangerment of the health or safety of others for the purposes of initiation. Statute became law on July 1, 1999.

Delaware - Title 14, §§ 9301 to 9304

Class B misdemeanor. For the purposes of initiation it shall be presumed to be a forced activity. Requires all institutions to adopt and enforce a written anti-hazing policy.

Florida - §§ 340.262, 340.326 and 240.1325

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 - § 16-5-61

Misdemeanor of a high and aggravated nature - prohibits any possible activity which endangers the physical health of a student, regardless of a student's willing participation, in connection with initiation.

Idaho - § 18-917

Misdemeanor - prohibits members of student organizations, on or near campuses, from engaging or conspiring to intentionally haze. Hazing is defined as physical harm or danger, as well as the likelihood of the same. Illinois - §§ 720 ILCS 120/5 and 720 ILCS 120/10 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 - § 35-42-2-2

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 - § 708.10

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

Kansas - § 21-3434

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 - § 164.375

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 - Title 17, § 1801

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.

Maine - Title 20-A, § 10004 and § 6553

Applies to post-secondary, secondary and elementary levels. The penalties and rules are to be determined by the school board or the board of trustees, which shall disseminate the information to the students. The secondary and elementary definition has been expanded from the reckless endangerment standard to include harassing behavior and the risk to school personnel.

Maryland - Article 27, § 268H

Misdemeanor with a fine not to exceed \$500 or imprisonment for not more than 6 months - prohibits reckless or intentional subjection of students to the risk of serious bodily injury for the purpose of initiation.

Massachusetts - Title 1, Chapter 269, §§ 17 to 19

An organizer or participant of hazing shall be fined not more than \$3,000 and/or imprisoned not more than one year. Failure to report an incident of hazing shall be punished by a maximum fine organizations are responsible to acknowledge annually the receipt of notification of state hazing law.

Michigan - Anti-Hazing Act (MCL 750.411t)

Establishes Anti-hazing Act prohibiting hazing at an educational institution. The Act defines hazing as: an intentional, knowing, or reckless act by a person acting alone or with others that is directed against an individual and that endangers the physical health or safety of the individual, done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

Minnesota - §§ 120B.22, 128C.02 and 121A.69

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 - § 97-3-105

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 - §§ 578.360, 578.363 and 578.365

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 - §§ 28-311.06 to 28-311.07

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.

Nevada - Senate Bill 297 Approved May 24, 1999.

A misdemeanor or gross misdemeanor depending if substantial bodily harm results. Applies to the reckless endangerment of a person's physical health.

New Hampshire - § 641:7

Class B misdemeanor - punishments include failing to report hazing. Education institutions may also be charged with a misdemeanor for knowingly condoning hazing or negligently failing to take adequate measures to prevent student hazing.

New Jersey - Title 2C, §§ 40-3 to 40-4

Hazing is a disorderly persons offense, however if hazing results in serious bodily injury then the person is guilty of aggravated hazing, which is a crime in the fourth degree.

New York - Penal Code §§ 120.16 to 120.17

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

North Carolina - §§ 14-35, 14-36 and 14-38

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.

North Dakota - § 12.1-17-10

Class A misdemeanor if physical injury results, otherwise class B misdemeanor.

Ohio - §§ 2903.31 and 2903.44

4th 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, under certain circumstances, be liable.

Oklahoma - § 1190

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 - § 163.197

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 - Chapter 24, §§ 5352 to 5354

3rd Degree Misdemeanor. Educational institutions with the power to grant associate or higher degrees must adopt an anti-hazing policy.

Rhode Island - §11-21-1

Misdemeanor with a fine of not more than \$500 and/or imprisonment of not less than 30 days and not more than 100 days. Defined as any conduct or method of initiation, which endangers physical or mental health.

South Carolina - §§ 16-3-510 to 16-3-540 and 59-101-200

Misdemeanor with up to \$500 in fines and/or imprisonment up to 12 months. At state supported institutions of higher learning the president is authorized at his or her discretion to suspend or expel transgressors. Failure to report hazing is also unlawful. Fraternal organizations with a minimum age limit of over 21 that do not operate in connection with an educational institution are exempt.

Tennessee - § 49-7-123

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 - §§ 37.151 to 37.157 and 51.936

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.

Utah - §§ 53A-11-908 and 76-5-107.5

Misdemeanor if it involves animals, motor vehicles or no aggravating circumstances. Felony if it involves a dangerous weapon or bodily injury. Civil and criminal immunity exists for persons reporting in good faith and only regarding the report of the hazing incident.

Vermont - 16 V.S.A. §§140(a) - (d)

Provides for a civil fine of not more than \$5,000. The consent or acquiescence of the victim is not a defense to a hazing charge.

Virginia - § 18.2-56

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 any acts of transgression of this statute.

Washington - §§ 28B.10.900 to 28B.10.902

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 institutions.

West Virginia - §§ 18-16-2, 18-16-3, 18-16-33 and 18-16-4

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

Wisconsin - § 948.51

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.

Conclusion

The committee chair would like to emphasize that the University of Louisville must be serious about both the possibilities and the pitfalls presented by NPHC organizations. The reality of the situation is that while they indeed present opportunities for leadership and growth (currently for a relatively small percentage of students), in many instances, they are also degenerative in some respects (especially where the seemingly intractable problem of hazing is concerned). Those concerned with constructing correctives that will enhance the quality of black Greek life must insist that many long-standing practices of these organizations be consistently evaluated to measure their true merits. Where they are found lacking, they must be augmented. Where they

are found degenerative, they must be dismantled and replaced. Without the commitment to make sometimes uncomfortable decisions, reviews such as this one are meaningless.

NOTES

¹ Bruce Barnes does a fine job of distinguishing between Era I, II, and III fraternities in his paper “Our Common Bonds,” presented at the Southeastern Intra-fraternity Conference in 1994.

² Francis Shepardson, *Baird’s Manual: American College Fraternities* (Wisconsin: The Collegiate Press, 1930): I-10.

³ James Brunson, *Frat and Soror: The African Origins of Greek Letter Organizations* (Cleage Group, 1991): 47.

⁴ This list of organizations was prepared by Joni Burke, University of Louisville’s Greek Life Office on May 24, 2010. The original founding dates of the Omega Psi Phi and Phi Beta Sigma chapters could not be determined. Ms. Burke listed their founding dates by reviewing University records which first listed these chapters in membership statistics.

⁵ Information compiled by Kappa Alpha Psi International Headquarters.