

Procedures for Reports of Hazing

v. 9/5/2023

I. INITIAL INQUIRY OF REPORTED HAZING

A. Upon receipt of a hazing report, Student Affairs staff may undertake an initial inquiry to obtain additional information. The initial inquiry may include:

1. Meeting with the reporting individual(s), if known, as well as any other relevant individuals, including advisors/coaches, to gather as much information as possible. Interviewees who are students at the University will be informed that the University's Honor Code applies to their interview.

If meeting with a student alleged to have been subjected to hazing behavior, Student Affairs staff will discuss safety planning and how to request immediate accommodations (academic and/or personal), review possible interim protective measures and the protections against retaliation, provide referral to appropriate support resources, and encourage reporting to law enforcement. Staff also will provide a copy of these procedures.

2. Assessing if any information in the report may implicate the University's Policy on Sexual and Gender Based Harassment and Other Forms of Interpersonal Violence (HRM-041) or the University's Preventing and Addressing Discrimination, Harassment, and Retaliation policies (HRM-009 and HRM-010). If so, Student Affairs staff will immediately notify the Office of Equal Opportunity & Civil Rights.

B. At any point during this process, Student Affairs staff may consider implementing interim protective measures. Such measures may include, but are not limited to, suspension of a student organization's operating agreement with the University, establishment of no-contact directive(s), and/or interim suspension of student(s) in accordance with the University's interim suspension policy. Should an organization's operating agreement be suspended, a written notice of suspension will be provided in person or by email to the president or similar senior officer in the organization. A copy of the letter also may be provided to the organization's advisor(s) and/or national headquarters. If the report involves a varsity sports team under the jurisdiction of the Department of Athletics, Student Affairs staff will notify the University's Vice President of Intercollegiate Athletics and the applicable sports supervisor in the Department of Athletics to discuss and coordinate any appropriate interim protective measures.

Student Affairs staff will engage the Threat Assessment Team if appropriate.

C. Student Support Resources:

Medical (Emergency – 911)

UVA Medical Center Emergency Department
1215 Lee Street, Charlottesville
434-924-2231

Student Health & Wellness Center
550 Brandon Avenue, Charlottesville
434-924-5362

Law Enforcement (Emergency – 911)

Albemarle County Police
434-977-9041

City of Charlottesville Police
434-970-3280

University Police
434-924-7166

Counseling (Confidential Resources)

Counseling & Psychological Services
434-243-5150

UVA Women's Center
434-982-2252

Sexual Assault Resource Agency (SARA)
434-977-7273

Shelter for Help in Emergency (SHE)
434-293-8509

II. EVALUATION PANEL

Upon receipt of a hazing report or completion of an initial inquiry (depending on timing of the report), the Hazing Evaluation Panel (hereafter, the “Panel”) will conduct a review of the report. The Panel will be chaired by the Associate Vice President of Student Affairs responsible for Judicial Affairs, or designee, (hereafter, the “Panel Chair”) and include representatives from Student Affairs, Office of Equal Opportunity & Civil Rights, the Threat Assessment Team, and the University Police Department. The Panel will convene as soon as possible and typically within three business days of receiving a report.

A. Assessment of Actionability

Based on the information available, the Panel first will determine if the report is actionable under the University’s Hazing Policy. An actionable report contains sufficient information so as to appear valid or genuine (e.g., location, time, specific individual(s) or organization(s) involved, and/or specific observed behavior) and implicates one or more provisions of the University’s Hazing Policy.

B. Assessment of Threat to Health or Safety

Risk Factors. If the report is deemed actionable, the Panel next will determine whether the reported information and any other available information provides a rational basis for concluding that there is a significant and articulable threat to the health or safety of any member of the University community. The Panel will make this determination based upon a review of the totality of the known circumstances, and will be guided by a consideration of the following factors (the “Risk Factors”):

- a. Whether the Respondent/Organization has a prior history of failing to comply with any University policies including No Contact Directives, Standards of Conduct, and/or University protective measures;
- b. Whether the Respondent/Organization has threatened to commit violence;
- c. Whether the incident involved multiple individual respondents or organizations;
- d. Whether the reported behavior included physical activity (e.g., paddling, burning, branding, tattooing, forced calisthenics, coerced alcohol or drug consumption);
- e. Whether the reported behavior involved psychological hazing (e.g., acts which are likely to compromise an individual’s dignity, cause an individual embarrassment or shame, or cause an individual to be the object of malicious amusement or ridicule);
- f. Whether the report reveals a pattern of alleged hazing behavior by Respondent/Organization;

- g. Whether there are any injuries and/other aggravating circumstances or signs of hazing behavior.

C. Disclosure(s) to Commonwealth's Attorney and Law Enforcement.

1. If the Evaluation Panel determines that there is a significant and articulable threat to the health or safety of any member of the University community and that disclosure of available information (including the names and any other information that personally identifies a Reporter, Complainant, Respondent, any witnesses, any organizations, and/or any other third parties with knowledge of the reported incident) is necessary to protect the health or safety of University community members, the Panel Chair will include such information in a notification to the relevant Commonwealth's Attorney and law enforcement agency. Otherwise, any actionable report of hazing that involves bodily injury will prompt notification to the relevant Commonwealth's Attorney and law enforcement agency and will not contain personally identifiable information of students.
2. If the Commonwealth's Attorney or law enforcement agency requests a delay in the University's response to the report in order to pursue its own investigation, the Panel Chair will discuss with the relevant agency a reasonable timeframe for the delay. The Panel Chair will emphasize, however, the need to take timely interim protective measures to ameliorate any actual or potential threats to health or safety of involved students or others.

- D. **Other Disclosures.** The Panel will assess whether the report implicates any potential violation of University policies governing sexual and gender based harassment and other forms of interpersonal violence, and the prevention of discrimination and/or harassment. If so, the Panel will immediately notify the Office of Equal Opportunity & Civil Rights (EOCR) or other appropriate University office to discuss applicable policies and jurisdiction.

III. UNIVERSITY ACTIONS

- A. **Investigation.** The Panel may determine that an extended initial inquiry is necessary to collect additional information for assessment. Otherwise, if the report was determined to be actionable, the Panel Chair will initiate an investigation into the reported conduct while also cooperating with any parallel law enforcement investigation. If there is cross-jurisdiction with EOCR, the Panel Chair and EOCR will determine procedures for a joint investigation. If the report involves actions by any University personnel, the Panel Chair will contact EOCR or Human Resources (HR), as appropriate, to establish a joint investigative process. The following procedures are intended for hazing investigations

that do not include cross-jurisdiction with EOCR or HR. Cross-jurisdictional investigations will utilize agreed upon procedures to apply the relevant University policies.

1. The Panel Chair will appoint one or more investigators and provide written notice of the allegations to the president or similar senior officer of the respondent organization as well as any relevant University advisor or athletic department official, if applicable. The timing of notice may vary based on the investigation, but respondent(s) will have the opportunity to receive and respond to all allegations. The investigators will interview any individuals identified as having knowledge of the matter. A hazing investigation will typically be completed within thirty (30) days after receipt of the original report unless an extension is appropriate for extenuating circumstances. The Panel Chair will determine if extenuating circumstances are present (e.g., an active law enforcement investigation).
2. During the investigation, the investigators will interview the president or similar senior officer of a respondent organization as well as any parties or witnesses to review the allegations and provide an opportunity for response. Parties and witnesses will be informed that the University's Honor Code applies to their interview as does prohibition against and protection from retaliation.
3. Upon completion of the investigation, the investigators will determine, based on a preponderance of the evidence (i.e., more likely than not), if hazing occurred.
 - a. **If the investigators determine hazing did not occur**, a summary of findings will be logged in the appropriate University case management system (e.g., Safe Grounds) and the case will be closed. The investigators will notify the relevant parties of the outcome, including complainant(s) (if identified), respondent(s), and the Panel Chair.
 - b. **If the investigators determine hazing occurred and believe such hazing was so severe and/or pervasive that it presents an immediate and/or ongoing threat to student health and safety**, they will provide a written report of findings to the Panel Chair, the complainant(s) (if identified), and respondent(s) which also will be logged in the appropriate University case management system. The report will include a decision that the organization's operating agreement (e.g., CIO, FOA, Special Status) with the University is terminated.
 - c. **If the investigators determine hazing occurred and do not believe such hazing was so severe and/or pervasive that it presents an immediate and/or ongoing threat to student health and safety**, they will provide a written report of findings to the Panel Chair, complainant(s) (if identified),

and respondents which also will be logged in the appropriate University case management system. The investigators will refer the case and all accompanying investigative materials to the University Judiciary Committee (“UJC”) for resolution under its constitution and bylaws. The investigators also may refer individual students to the UJC for adjudication.

- d. **For Varsity Sports Teams**, the investigators will provide a copy of the written report to the Vice President of Intercollegiate Athletics. The Vice President of Intercollegiate Athletics will determine appropriate team sanctions, including the ongoing membership of individual student-athletes on a team.
- B. **Advisors.** The student organization’s leadership, the complainants (if identified), and any other parties to the case may be accompanied by their respective advisors, including an attorney, at any meeting or proceeding related to the investigation and resolution. While the advisors may provide support and advice to the parties at any meeting and/or proceedings, they may not speak on behalf of the parties, submit written statements not attributed to the party, or otherwise participate in, or in any manner disrupt, such meetings and/or proceedings.
 - C. **Expedited Investigation.** If the Panel initiates an investigation into the report of hazing, the Panel Chair and any assigned investigators may conduct an expedited investigation in certain circumstances. An expedited investigation may proceed if a report of hazing results in the respondent organization or individuals acknowledging and accepting full responsibility for the reported behavior. In such cases, the investigators may reach a finding of hazing following that acknowledgement. The above process notwithstanding, nothing in this section shall prevent investigators from conducting additional interviews regarding a hazing report prior to reaching a finding.
 - D. **Appeal.** A decision by the investigators to terminate an organization’s operating agreement may be appealed to the University Judicial Review Board (JRB) pursuant to Section I.A.3. of the JRB Procedures for Appeals. The following requirements are specifically applied in such appeals: the appeal must be submitted in writing to the Chair of the JRB within fourteen (14) calendar days following notification of the outcome and must cite specific reasons why the termination is not reasonably supported by evidence in the record; a JRB panel of three members will consider an organization’s specific reasons why termination is not reasonably supported by evidence in the record as the sole grounds for appeal; only enrolled University student representatives of the organization may appeal on behalf of the organization; alumni, faculty, staff, regional, and/or national representatives of the organization may not initiate an appeal, but may contribute documents, statements, or other information in writing as part of the appeal process; the JRB panel will review the appeal, the complete case record and all materials

submitted by the terminated organization, and any statements submitted in response to the appeal by the Panel Chair and investigators; the JRB panel may question any party to the case to collect additional information; and the JRB will issue a written decision (subject to FERPA restrictions) to the complainant(s), respondent organization(s)/individual(s), investigators, and the Panel Chair. The JRB's decision shall be final.

- E. The Panel Chair will remain in communication with the applicable Commonwealth's Attorney and law enforcement agency to provide the disposition of the University inquiry and ascertain if criminal charges will be placed. The Panel Chair will ensure that any subsequent notification required by law is made to the applicable Commonwealth's Attorney. Irrespective of the status of a University investigation, a student organization's suspension may be maintained pending the outcome of an ongoing law enforcement investigation or process.