

Investigating and Adjudicating Organizational Hazing

Gentry McCreary, Ph.D.
Dyad Strategies LLC



Some Important Context

- The most powerful tool in preventing hazing on a college campus is consistent, thorough, timely investigations that result in adjudication and sanctioning.
- As a campus, you do not want to find yourself playing the “pick your battles” game when it comes to hazing
- This process underlies every other prevention and education effort related to hazing

Understanding Group Culture

- Hazing cultures that may exist on a college campus
 - Athletic Teams to Include Intramural Groups
 - Marching Bands
 - Fraternities/Sororities
 - Student Organizations
 - Honor Societies
 - Military Groups
 - Secret Societies (perhaps unrecognized by campus)
 - Residence Hall Groups, Eating Clubs, Class Distinctions, etc.

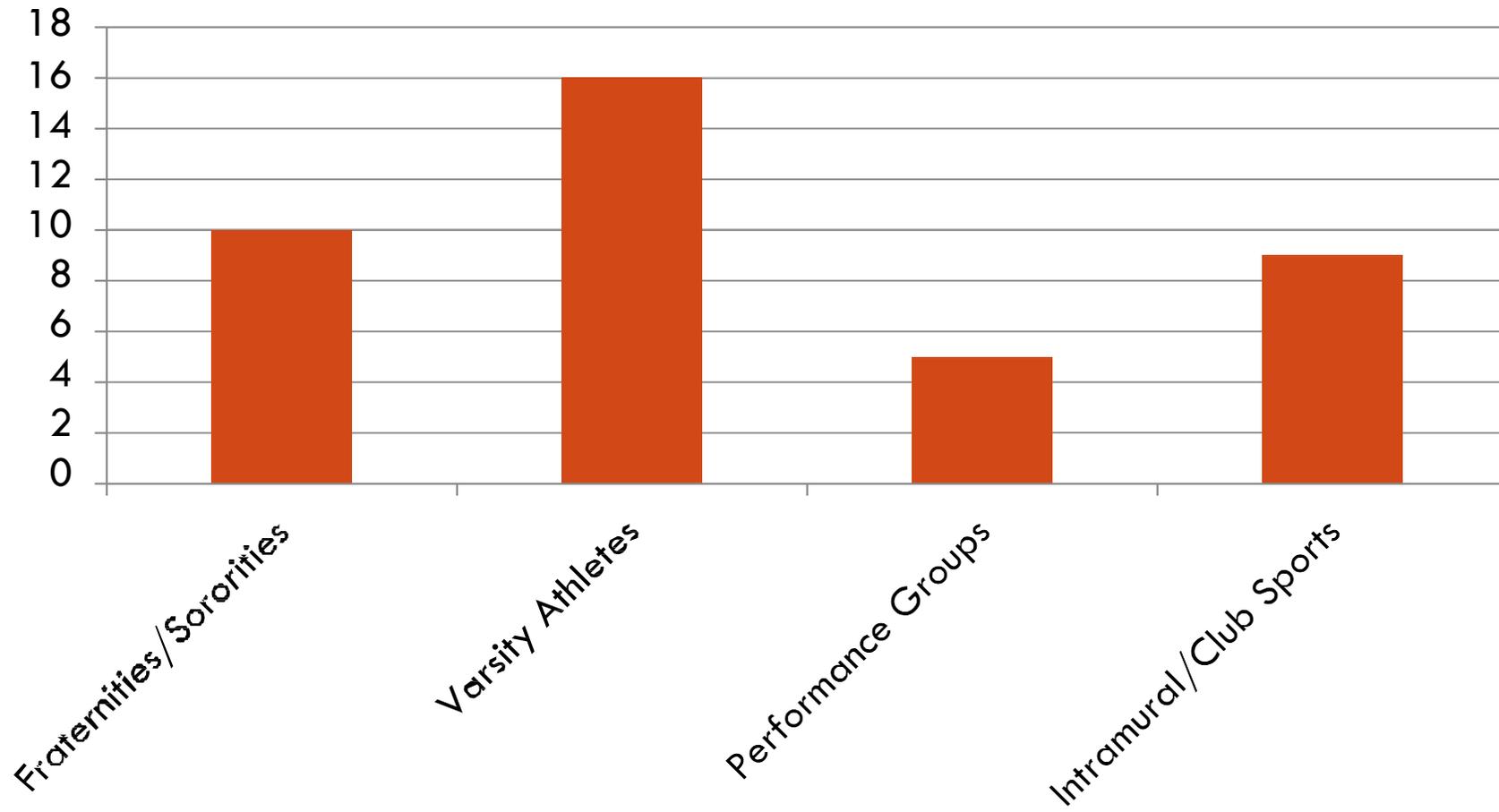
Using a Civil Rights Model in Investigating Hazing Cases



Why Apply Civil Rights Model?

- Thorough investigations are a powerful prevention tool
- Hazing investigations can be complex, timely; require trained, highly skilled investigators
- The fraternity/sorority life/band/athletics staff should not be taking the lead on hazing investigations
- Timing is crucial
- Investigation Model most effective for victim-based violations
 - Investigation process involves strategic information gathering, comprehensive investigation, credibility information
 - Minimizes risk of re-victimization, retaliation
 - Better information leads to better decisions
- Investigation model can stand alone or be grafted onto and/or integrated into existing procedures

Percentage of Reported Hazing Activities Involving "Perform Sex Acts with Opposite Gender"



Source: National Study of Student Hazing (www.hazingstudy.org)

Hazing Model Policy



Model Code of Student Organization Misconduct



The Problem

Fraternity/Sorority advising professionals often find themselves involved in organizational discipline, as offices of student conduct look to outsource student behavioral management in light of increasing case loads. This places F/S advisors in a difficult situation in which they must simultaneously play the role of both student advocate/advisor and disciplinarian.

Institutions must develop systems of organizational discipline which are responsive of the workload of offices of student conduct while also being responsive of the fact that F/S advisors are ill-suited to playing the role of campus disciplinarian.

The Problem



Top Five Goals of Organizational Misconduct Process

1. Behavior Change
2. Promote Healthier Campus Cultures
3. Encourage Self-Governance
4. Promote Peer-Governance
5. Build Trust/Goodwill



On a Scale of 1-10, how well are your current Org Conduct Systems promoting/achieving each of these goals?

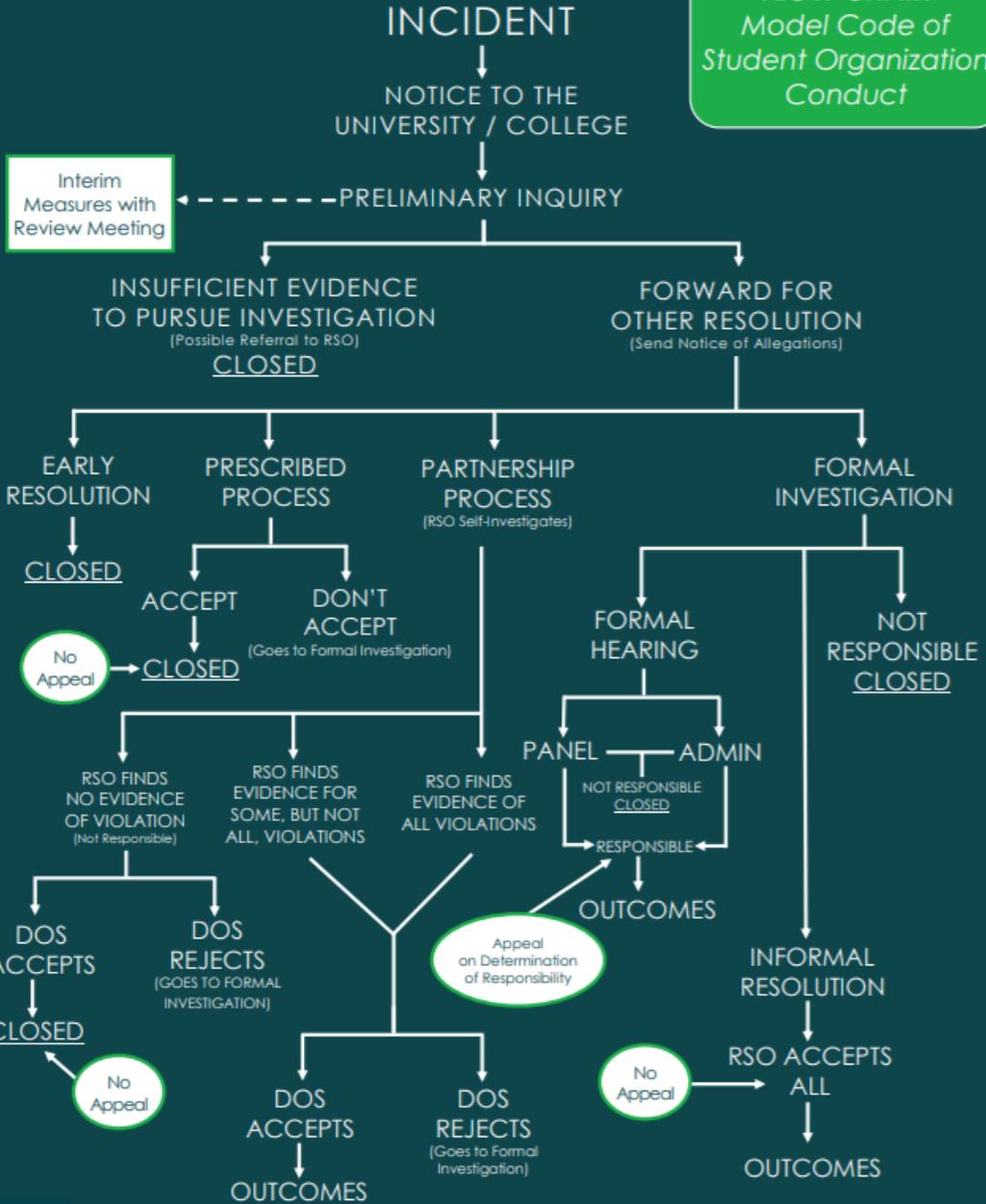
An Analogy

- Three types of “crimes” in America:
 - Civil Infractions (speeding, parking tickets, etc.)
 - Misdemeanors (Public intoxication, simple battery, etc.)
 - Felonies (Aggravated assault, murder, etc.)

	Tier 1 – Low-Level Violations/Mid-Level Violations with Proscribed Outcomes	Tier 2 – Mid-Level Violations without Proscribed Outcomes	Tier 3 – High-Level Violations
Violation Examples	Unregistered Social Events Recruitment Infractions Minor Alcohol Infractions Housing Violations Noise Violations	Mid-Level Alcohol Violations (Common source, distribution to minors, etc) Vandalism/Theft Fighting/Physical Abuse	Hazing Title IX High Level Alcohol/Drugs (Transports, etc)
Adjudication Process	Proscribed Penalty assessed by FSL, appealed to council judicial boards	Partnership Process – Chapter Self-Investigation and Development of Outcomes with FSL	Cases investigated and adjudicated by Student Judicial Affairs

FLOW CHART
Model Code of Student Organization Conduct

Interim Measures with Review Meeting



OUTCOMES → INPUT FROM STAKEHOLDERS → APPEAL



Pre-Investigation Considerations



When Do You Investigate?

- Receive Complaint
- Actual Notice or Constructive Notice
- Once notice exists, the duty to investigate should be absolute
 - Small “i” preliminary
 - Big “I” comprehensive investigation

Preliminary Investigation

- This is an initial inquiry to determine if a comprehensive investigation is desired or necessary
- Checking background, obvious patterns, verifying identity of reporter, verifying key facts
- How much involvement does reporter want (i.e. the reluctant, anonymous parent)?
- Corroborate the information
 - Is the correct group identified?
 - Is the information supported by external information that is known about the organization or group?
 - Is the hazing plausible?
 - Are there others that are identified that would have known or experienced the concerning behaviors?
 - Is there a pattern of information?

Collecting Information

- New Member Process/Timeline
- Practice Schedule
- Prior Conduct Records and/or Concerns
- Similar Groups and Concerns
- Rosters or Membership of the Organization, Officers
- Social Media Activity/GroupMe

Other University Data

- Building Access Records
- Camera Access
- Police Records
- List of former new members or members
- University Email Access
- ID Card Pictures

Preliminary Investigation

- Determine if there is reasonable cause to charge the accused individual/organization, and what policy violations should be alleged as part of the complaint
- Establish a preliminary timeline for the investigation
- Investigate all complaints to determine:
 - the extent of the hazing
 - the acuity of the threat it represents to students
 - what might be necessary to put an end to it

Items to Consider

- Is Hazing a crime in my state and/or does the University have a duty to report to Law Enforcement?
 - If yes, can the University move forward with the investigation prior to, simultaneous, or after law enforcement?
- Are there other crimes or violations outside of hazing that may be part of the case?
 - If so, does this modify or change the process for the investigation?

Preliminary Investigation

- Responding to Anonymous Reports
 - Determine if a trend or pattern may be apparent
 - You have a duty to attempt some form of remedial response, even to an anonymous report
 - False reports are incredibly rare – remember, where there's smoke, there's often fire

Communication with Anonymous Source

- Give accurate information concerning whether they can remain anonymous or not (Conduct Process and State Law Considerations)
- Often scared of reporting for fear of retaliation
 - Be truthful and honest
 - You will consider their best interest, but may have a duty for action based on the information shared
 - Give alternate ways to communicate
 - Develop plan for future communication and if concerns escalate
- Share process during Big “I” Investigation where they may be able to retain their anonymity

Pre-Investigation Considerations

- Preliminary Investigation
- Notification
 - Chapter leadership?
 - Alumni advisors?
 - Inter/National headquarters?
 - Parents?
- Establish timeline

Interim Restrictions



Vs.



Interim Restrictions

- Rationale for restrictions clearly stated
- Opportunity for Review Meeting
 - NOT a hearing on the merits
- RSO may request additional review if process extends beyond 30 days

Partnering with Headquarters

- Three Models
 - University Investigates, Shares Results
 - Joint Investigation
 - Separate, concurrent investigations
- Assume they are on your team until they give you reason to suspect otherwise. Be transparent. Be a good partner.
- Establish clear expectations at the beginning
 - Timeline
 - Sharing of information
- Once separation is on the table, make them aware. Better to have them working with you than against you.

Case Study – Part 1

On October 1 at 8:37 p.m., the University's hazing hotline received the following message from a female caller:

“Hi...yes...I am calling to report hazing in my son's fraternity... he is a pledge for Pi Gamma Alpha. I can't give you his name...he'd be so mad if he knew I was calling. But they are taking those boys down to the river and making them do all sorts of awful things...they were blindfolded in the river...they were doing calisthenics...there was alcohol...I'm so scared something bad might happen and I hope something can be done. My son is on a golf scholarship and I am so worried that this is going to somehow get him in trouble. I hope someone will look into this because it needs to stop.”

The hazing hotline has a caller ID feature and you are able to gather the phone number from which the person was calling.

Question:

What steps are you going to take as part of your preliminary investigation?

Investigation and Questioning Strategy



Formal Comprehensive Investigation

- Commence a thorough, reliable and impartial investigation
- Determine the strategy for the investigation
 - Witness interviews
 - Evidence gathering
 - Intended timeframe to complete the investigation
 - Finding
 - Presentation of finding
- Complete the investigation promptly, and without unreasonable deviation from the timeline

Investigation Basics

- Who to interview?
 - New Members/Freshmen
 - Chapter Officers/Team Leaders
 - Time set aside for specific names that come up
- When to investigate?
- Investigation participation form
 - Reminder of student rights
 - Expectation of truthfulness
- Location, location, location
 - Holding tank, interview room
 - All at once, or time slots?

Investigation Tips

- Guarantee Anonymity
 - Number assigning (code in separate location)
 - Policy must support this (Civil rights model)
- Find “The One”
 - Not always the source of the report
 - Expectation of truthfulness
 - “Who can we pin this on” vs “The chapter is going down”



Investigation Tips



DO THE **OPPOSITE**
OF WHAT YOU
ARE THINKING

Investigation Tips

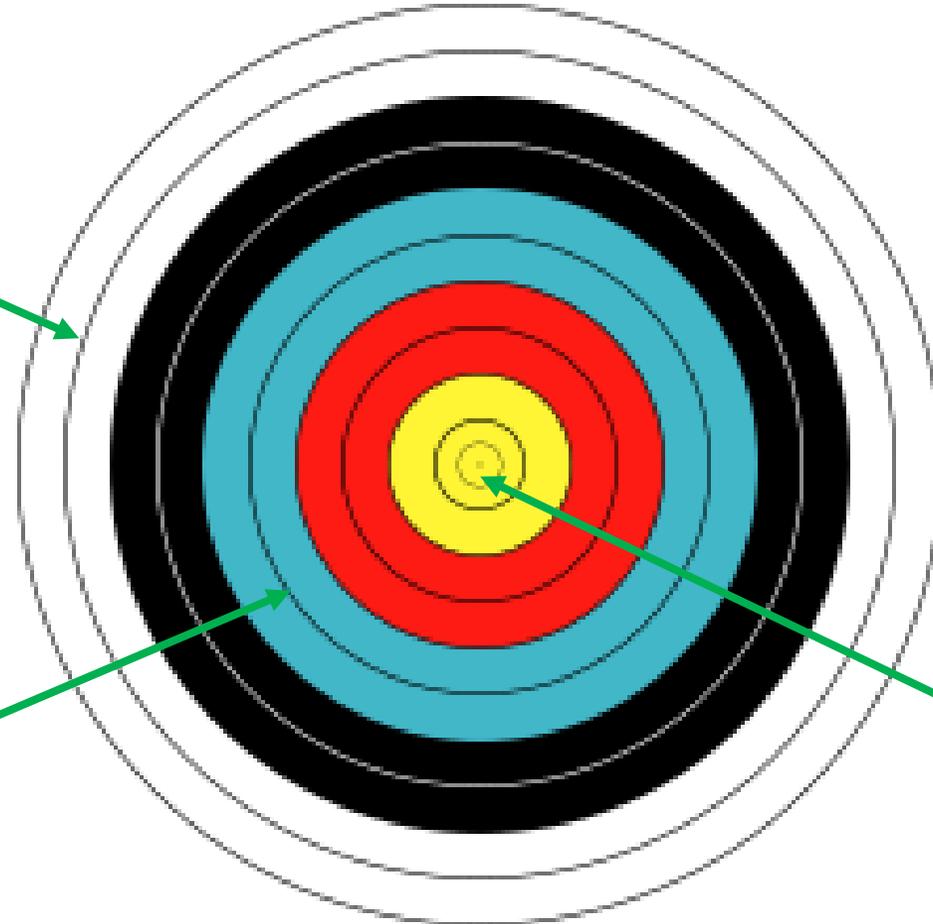
- Keep your cards close to your chest
 - News flash: THEY WILL LIE TO YOU
 - But....they don't always know what they are supposed to lie about and what they can discuss freely.
 - So...don't show all of your cards immediately.
 - Once the inconsistencies emerge...POUNCE



Investigation Tips

“Walk me through the typical week of what it’s like to be a new member in your organization”

“Tell me more about these new member education tests.”



“I need you to tell me about the river.”

Investigation Tips



- Expose the breach
 - A major inconsistency related to the allegation will eventually emerge.
 - “Why did everyone else feel the need to lie about this?”
 - After the breach emerges, pack it with dynamite and blow it up. Focus every interview on the breach.

Three Types of Leverage

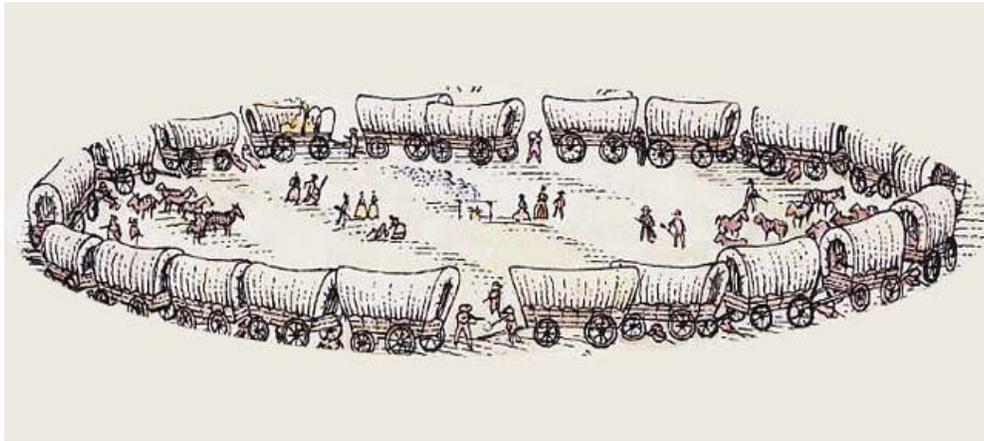
- **Negative Leverage** – the power to inflict harm or take away something that they want
- **Positive Leverage** – the power to give them something that they want
- **Normative Leverage** – the power to use someone's norms or standards to move them towards your goal

Investigation Tips



- Play the “yes/no” game
 - Specific statements followed by “yes” “no” or “prefer not to say”
 - Particularly helpful with a reluctant but potentially valuable witness
 - Gives them an out to not “rat” but also avoids them having to lie

Investigation Tips



- Make note of refusals to answer/provide requested information:
 - Venmo for payment receipts
 - GroupMe threads or Facebook groups

Investigation Tips



- Let chapter officers know what they stand to lose
 - Officers always go last, after you have met with all new members and witnesses
 - Review your preliminary findings with them, including the inconsistencies in the stories (i.e. I know you coached them to lie)
 - Then, give them the “power move”

The Power Move

“Here is the one thing my report does not yet say – whether or not you were cooperative in this investigation. Did you assist in helping me corroborate this information, or did you lie and attempt to cover up what happened? Because at the end of our conversation, it will say one of those two things.”

“Here’s the deal – you are probably done as a chapter officer. My guess is that you will be removed from office once your headquarters receives my report. You may even be placed on alumni status. But, if I am able to note in my report that you were cooperative and assisted in my investigation, then there is a good chance that you will still be a member of (insert fraternity/sorority/organization name here) when this process is complete.”

Special Considerations - Culturally Based Fraternities and Sororities

- Size of organization
- “Made” vs. “Paper”
- City-wide organizations
- “Underground” lines
- Young alumni, members of other chapters
- National structure – volunteer vs. staff

Additional Considerations

- Participation of Advisors
- Note-Taking
- “Team” Investigations
- Written Questions/Statements

Post-Investigation Considerations



Post-Investigation Considerations

- Written Report
 - Summary of findings
 - Interview notes (anonymous)
 - Finding
- Sharing of Report
 - Chapter
 - Alumni advisors
 - National organization
- Interim Restrictions
 - Initiation of new members?
- Adjudication Process
 - Investigator/Report at center of any hearing

The Investigation Report



THE INVESTIGATION REPORT

UK

YOUR UNIVERSITY
LOGO HERE

SAMPLE TEMPLATE FOR INVESTIGATIVE REPORTS

This is just one example that may be useful. You should consult with a licensed attorney in your own jurisdiction before adopting this template.

University of Knowledge

Date of Report:

This report addresses alleged violations of the **Policy Name(s)** of the University of Knowledge. **Names of Investigators** conducted the investigation into these allegations. This report will determine whether it is more likely than not that there has been a violation of the relevant university policy or policies.

Executive Summary:

(Summarize findings here.)

Procedural History:

Include the date of the incident, the date on which it was reported, how and to whom (generally) it was reported, the date on which investigators were assigned to it, and the date on which the investigation closed.

On **Month XX, 20XX**, **Reporting Party** met with **Name Here** in the Office of Victim Assistance at University of Knowledge along with **Name Other Present Parties**. **Reporting Party** reported that **General Allegations** occurred on **Month XX, 20XX**. **Reporting Party** has not reported this matter to law enforcement at this time, although she is aware of this option.

This report was referred to Investigators **Name Here** and **Name Here** on **Month XX, 20XX**. Both investigators were present in person for each interview. They alternated questioning and note-taking roles. This investigation was completed on **Month XX, 20XX**.

Involved Parties:

Reporting Party is *(e.g., a first-year undergraduate female residing in the residence halls)*.

1. **Responding Party** is *(e.g., a male graduate student and a residence advisor in the residence halls)*.
 2. **Witness 1** is *(e.g., a freshman female residing in the residence halls and Reporting Party's roommate)*.
 3. **Witness 2** is *(e.g., a male undergrad living off-campus and a classmate and friend of Reporting Party)*.
 4. **Witness 3** is *(e.g., an employee of Nearby Bar; employee is not affiliated with the university)*.
-

Elements of the Investigation Report

- Case identification information:
 - Case number, investigator(s), date of notice, date assigned to investigator, and date investigation closed.
- Source of initial complaint/allegation:
 - Source of initial report, information regarding the formal complaint; name and contact information of Complainant, and status; record same for Respondent.
- Details from initial report/complaint:
 - Nature of incident.
 - How initial report and/or formal complaint was received (e.g. security incident report, hotline, in person, Web form, etc.)

Also Include in the Investigation Report

- Results of interviews with parties and witnesses.
- Results of interviews with experts.
- Outline of Findings
- Outline of Omissions/Refusals
- Summary of other information collected (i.e. information from police reports including pretext calls, medical exams, video surveillance and photographs, copies of texts, emails, and social networking messages, etc.).

The Investigation Report

- A skeleton template is helpful
- The investigation report is the one comprehensive document summarizing the investigation, including:
 - Detail the allegations and how they were brought forward.
 - Explain the role of the parties and witnesses, and any relations between them.
 - Results of interviews with parties and witnesses.
 - Results of interviews with experts.
 - Summary of other information collected (i.e. information from police reports including pretext calls, medical exams, video surveillance and photographs, copies of texts, emails, and social networking messages, etc.).

Considerations of the Investigation Report

- Know your Audience
 - Who will be reading the report?
 - What key points will they need to know?
- Investigation Notes
 - Find the best method for your investigator(s)
 - Be aware of protections around notes

The Investigator's Role in a Hearing

- The investigator is often a key witness at any hearing.
- The investigation report is admitted as evidence.
- The investigator may be questioned and subjected to cross-exam by all parties' advisor.
 - Why did you decide some evidence relevant; other evidence was not?
- The conclusion on credibility needs to be assessed by the decision-maker(s).
 - Whether someone/some evidence is credible; comparative credibility.
- The investigator's opinions regarding a determination should not influence the hearing, so questions about the investigator's opinion should be avoided; investigators should not volunteer and decision-makers should not probe.

Individual vs. Organizational

Who is Responsible for the Conduct?



Philosophy

- Individual behavior is primary focus
- Organization/Team should be held accountable when it aids, abets, incites, organizes, approves or otherwise participates in any behaviors that would constitute policy violations
- A thorough investigation will assist in determining the appropriate process to utilize, whether it is individual, Organization/Team, or both

Questions to Consider

- How many members of the organization were present when the misconduct occurred or had specific knowledge of the misconduct before it occurred or while it was occurring?
- What knowledge did the appropriate organization officers and/or advisors have of the misconduct?
- What action(s) did the appropriate organization officers and/or advisors take in addressing/preventing the misconduct from occurring?

Questions to Consider Cont'd

- Were members of the organization acting in concert, or did their membership in the organization serve as an impetus for the misconduct?
- Did the violation arise out of an event that was sponsored, financed, planned, or otherwise endorsed by members of the organization?
- Is there a pattern of individual violations that have occurred without proper remedial action by the organization?

Hybrid Cases - Shared Responsibility

- Components of both individual and organizational cases
- Complete the conduct process for organization first, then individuals
- Verify that organization has also completed their internal standards process for the individual involved

~~Sanctioning~~ Developing Outcomes for Hazing Cases



The “Why” is just as important as the “What”



Where Does Hazing Come From???

- Cimino (2011) has studied hazing from an evolutionary psychology frame, and suggests that hazing is something we have evolved to do.
- Four sociological factors that contribute to hazing:
 - Dominance
 - Solidarity
 - Commitment
 - Preventing exploitation of group benefits
- Clear finding that as group benefits increase, pro- hazing attitudes increase

Hazing Rationale Scale (McCreary & Schutts, 2016)

- Adapted from the work of Cimino (2011)
- Four factor model explains nearly 70 percent of variance
 - Group Loyalty – newcomer induction designed to ensure loyalty/commitment of new members to the organization
 - Social Dominance – newcomer induction designed to reinforce group hierarchy and status through mechanisms of power and control
 - Group Solidarity – newcomer induction designed to build group unity/solidarity
 - Instrumental Education – newcomer induction designed to educate new members about the organization
- What DID NOT make the cut?
 - Tradition/Group History
 - Masculinity/Toughness

Hazing Rationale Relationships

	Group Loyalty	Social Dominance	Group Solidarity	Instrumental Education
Social Status	.29**	.42**	.22**	.15**
UPB	.20**	.38**	.04	.01
Hazing Tolerance	.24**	.40**	.12**	.04
Alcohol Use	.23**	.31**	.17**	.11**
Conformity	.09*	.35**	-.03	-.05
Moral Dis.	.12*	.40*	.01	-.11*

Broken Window Theory



The Snowball Effect



The Hazing Equation



Addressing Power Differential

- Mediators of Absolute Power
 - Advisors
 - Coaches
 - Band Directors
- Alumni Involved in Decisions About New Members
- Restrictions of New Member Period Length
- Social Status may be the culprit
 - How do we reduce???



A Roadmap for Change



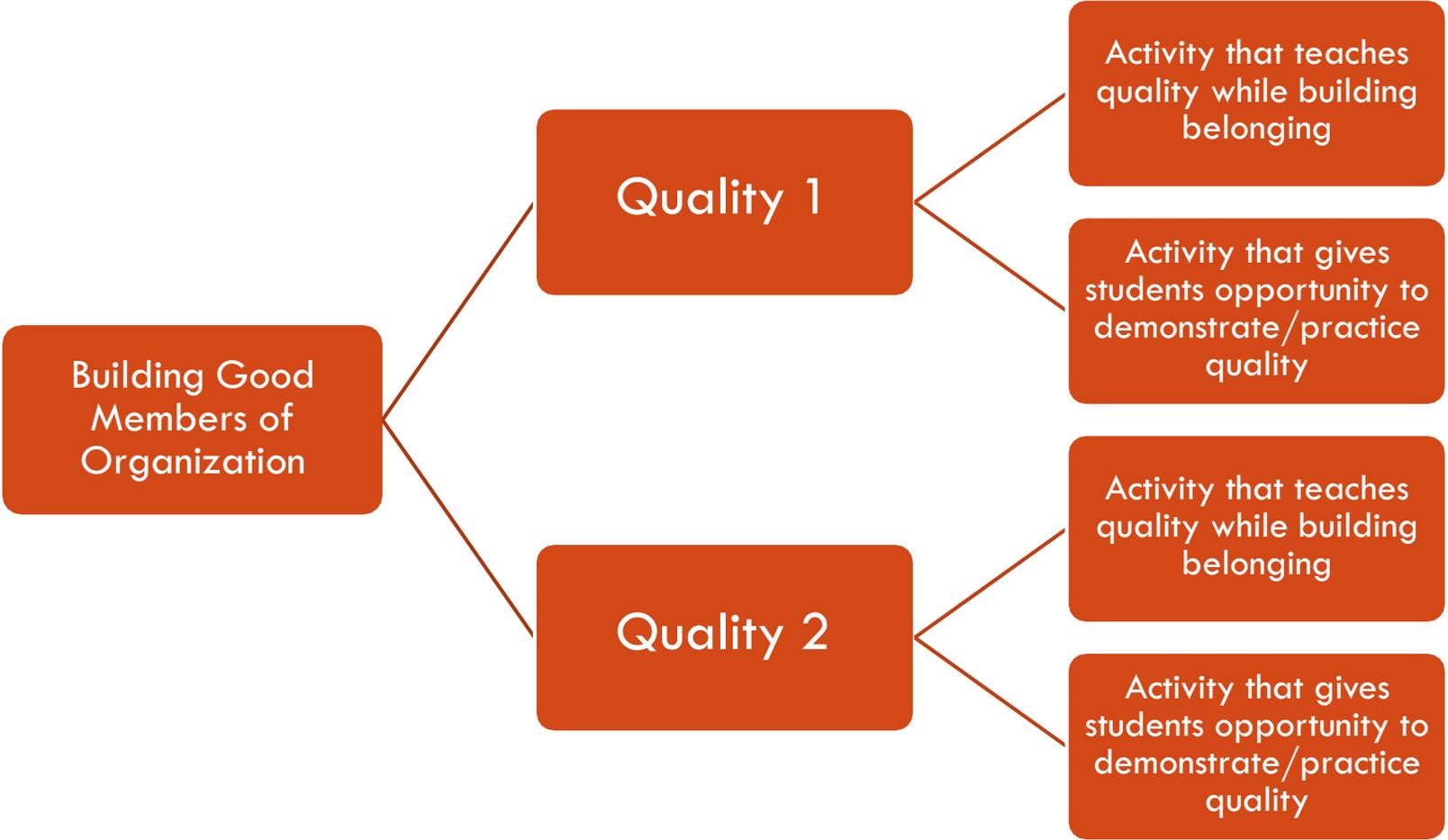
Traditional Outcomes

- Think Beyond Traditional Outcomes...
 - Probation
 - Restrictions
 - Restitution/Fines
 - Limitations on activities and events
 - Finite time frame for restrictions

Outcomes Dialogue

- During dialogue with student leaders move the conversation from micro to macro...environmental factors
- Outcomes should focus on:
 - Chapter culture
 - Risk and protective factors
 - Philosophy about new member experience
 - Improvement of new member program

Planning Effective New Member Education Programs



Is It Hazing?

- Two-Pronged Test
 - Is the activity directly tied to an outcome that we would all agree is noble/positive and relevant to the group?
 - Is the activity dangerous, degrading, excessive, or illegal?

Influence Risk/Protective Factors on Multiple Levels



Stakeholders

- Include key stakeholders (students, alums, administration, headquarters)
- Consult with headquarters on existing programs, trainings and other resources to assist the chapter
- If Inter/National Headquarters is conducting its own investigation, try to have parallel outcomes so students have one play book

Roadmap for Change

- Help the students build in self-regulations
- Realistic and tiered expectations for change
- Prepare for set-backs
- Put in writing what will likely occur if there are subsequent violations that are similar in nature

Potential Roadblocks

- Relationship between Greek Life and Conduct Office
- Reluctance to change
- Staff turnover
- Risk of failure
- Establishing trust among University administration, students, alumni, and headquarters
- Identifying student leaders willing/able to lead change
- Identifying alums and/or advisors that “get it” and will back change

Suspensions and Written Return Agreements



Suspensions

- Should be for a specific period of time
- May include, but not limited to
 - Revocation of registration
 - Cessation of University/College funding
 - Restriction of all operations
 - Restriction of university resources
 - Removal from University housing or property based on lease language
- Ask RSO National Org or Governing Body to remove charter/recognition

Return Agreements

- Outline specific conditions upon return
 - Partner with International Org or Governing Body
 - Don't punish future members
- Include language regarding continued operation consequences- additional charges under the Code- Failure to Comply, etc.
- If organization members attempt to restart under a different organization, recognition would be denied
- Once RSO has completed a period of suspension and has met conditions upon return, may seek reinstatement by complying with appropriate registration requirements

Questions?

Gentry McCreary, Ph.D.
gentry@dyadstrategies.com

