

# **Merrimack College Anti-Hazing Policy**

## **(1) Purpose:**

Merrimack College is committed to fostering a safe and respectful campus environment that upholds the dignity and rights of all individuals. Hazing will not be tolerated at Merrimack College. The purpose of this Merrimack College Anti-Hazing Policy (the "Policy") is to provide clear procedures for reporting and addressing hazing incidents, ensure compliance with all applicable federal and state laws, including the federal Stop Campus Hazing Act and Massachusetts Anti-Hazing Law (Massachusetts General Laws Chapter 269, Sections 17–19), and promote a culture of accountability, leadership, and ethical conduct within the College community.

## **(2) Scope and Effective Date:**

This Policy applies to all members of the Merrimack College community, including but not limited to Student Organizations (defined below), individual students, staff, faculty, and volunteers.

The Effective Date of this Policy is June 23, 2025.

## **(3) Massachusetts Law (G.L. c. 269, §§ 17, 18, 19)**

Hazing is defined by **Chapter 269 Section 17, 18 and 19, of Massachusetts General Law** as follows:

***Section 17: Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.***

***The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which wilfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.***

***Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.***

***Section 18: Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably***

***practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.***

***Section 19. Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student college student groups or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student college student groups or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, college student groups or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, college student groups or organizations.***

***Each such group, college student groups or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, college student groups or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, college student groups or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, college student groups or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.***

***Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.***

***Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, college student groups or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.***

## (4) Defined Terms

### Hazing:

For purposes of this Policy, hazing means any act whether physical, mental, emotional or psychological, which subjects another person, **voluntarily or involuntarily**, to anything that may abuse, mistreat, degrade, humiliate, harass or intimidate the person, or which may, in any fashion, compromise the inherent dignity of the person. In addition, any requirements by a member of a Student Organization which compels another member to participate in any activity which is against College policy or state/federal law will be defined as hazing.

The act also needs to meet the following criteria:

*(I) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a Student Organization **regardless of the person's willingness to participate**; 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.*

Actions and activities which are prohibited include, **but are not limited to**, the following:

- whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law;
- 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;
- Forcing, requiring, encouraging or pressuring an individual to shave any part of the body, including hair on the head;
- Any requirement or pressure put on an individual to participate in any activity which is illegal, perverse, publicly indecent, contrary to genuine morals and/or beliefs, e.g., public profanity, indecent or lewd conduct or sexual gestures in public;
- Assigning or endorsing pranks such as stealing or harassment of another organization;
- Forcing, requiring, encouraging or pressuring someone to wear in public apparel which is conspicuous and not within the norm of what is considered to be in good taste;
- Engaging in public stunts and buffoonery;
- Nudity at any time or forced reading of pornographic material;

- Having substances such as eggs, mud, paint and honey thrown at, poured on or otherwise applied to the body of a member;
- Morally degrading/humiliating games or other activity that makes a member the object of amusement, ridicule or intimidation;
- Subjecting a member to cruel and unusual psychological conditions;
- Limiting or forcing use of technology or social media outlets;
- Forced or coerced exclusion from social contact; and
- Any activity or action that creates a risk to the health, safety or property of the College or any member of its community.

Any other conduct prohibited as hazing under applicable state or federal law.

***Expecting or pressuring individuals to participate in an activity in which the full membership is not willing to participate. Permission or approval by the person being hazed is not a defense.***

**Student Organization:** An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, intramural team, fraternity, sorority, band, or student government) 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.

**Covered Party:** All members of the Merrimack College community, including but not limited to, Student Organizations, individual students, staff, faculty, and volunteers.

**Hazing Violation:** When a Covered Party is found to be responsible for having committed Hazing.

## **(5) Reporting Requirements**

If a member of the Merrimack College community knows that a student is being hazed, is directed by another to haze someone, witnesses an act of Hazing, or they are made aware of Hazing at or within the Merrimack College community, they are required to report it to the College.

Massachusetts law also provides that, if a person knows that another person is the victim of Hazing and is at the scene of such crime, they should report the crime to an appropriate law enforcement official as soon as reasonably practicable, to the extent they can do so without danger or peril to themselves or others. Failure to report a Hazing crime is punishable by a fine of up to \$1,000.

## **(6) Process for Reporting Hazing**

### **a. Emergency Reporting**

If the Hazing is life threatening, dangerous, violent, or otherwise poses risk of harm, immediately call Merrimack College Police Department at 978-837-5911 (x5911 on campus).

After fulfilling the Emergency Reporting obligations above, you must also report the same alleged Hazing incident via this [link](#) administered through the Dean of Students Office. The Dean of Students Office will review the information reported to determine if more fact finding is necessary.

**b. Non-Emergency Reporting**

For allegations of Hazing that do not constitute an emergency, you should immediately report via this [link](#) administered through the Dean of Students Office. The Dean of Students Office will review the information reported to determine if more fact finding is necessary.

**(7) Procedures - Allegations of Hazing Involving Students**

- a. **Review of Reports:** The Dean of Students Office will review all reports submitted via the reporting [link](#). At the discretion of the Dean of Students (or designee), the incident will be investigated as described in this Policy and the appropriate parties will be notified. The investigation and adjudication will proceed related to the Policy violations by the individual(s) implicated in the report, unless evidence discovered in the investigation proves the incident to have been sanctioned by the Student Organization. If the incident appears to have been sanctioned by the Student Organization, a follow up investigation into the Student Organization's role may be undertaken. If the Student Organization is affiliated with a national organization, the national headquarters may be contacted depending on the severity of the incident, the Student Organization's involvement in the incident and the Student Organization's cooperation in the investigation.
- b. **Interim Actions:** At the discretion of the College, all activities of the Student Organizations may be suspended pending an investigation. Interim actions for individual students may also be put in place pending an investigation.
- c. **Investigation of Allegations:** At the discretion of the Dean of Students (or designee) and in consultation with the Office of the General Counsel, an investigator will be assigned to conduct an investigation into the allegations of hazing. The investigator may be internal or external.

As part of the investigation, the investigator (in consultation with the Dean of Students (or designee)):

1. Will make contact with the individual(s) bringing forward the allegations of hazing;
2. Will contact the appropriate members of the Student Organization to provide notification that the Student Organization is under investigation (if the alleged conduct is organizational in nature);
3. Will conduct interviews with all parties, including victims, the accused student(s) and any witnesses;
4. May require students, or a select group of students (i.e. all new members of an organization), to participate in an investigatory meeting at a predetermined time and location. The investigator also has discretion regarding the communication

to students during the investigation process;

5. May recommend interim action (as described in the [Student Handbook](#)) to the Dean of Students Office at any point during the investigation.
- d. **Written Investigative Report:** Following the conclusion of the investigation, the investigator will provide a written investigative report to the Dean of Students (or designee). Upon receipt of this report, the Dean of Students (or designee) will consult with the appropriate campus constituents (i.e. Athletic Director, Director of Student Involvement, etc.) based on Student Organization and determine if charges are warranted through the student conduct process. If charges are warranted, individual student(s), the Student Organization(s), and/or the officers/captain(s) or other responsible members of the Student Organization(s) or any other complicit bystanders will be charged in accordance with the College's [Community Standards](#).
- e. **Adjudication Process for Individual Students:** Adjudication shall be conducted pursuant to the College's Community Standards process.
- f. **Adjudication Process for Student Organizations:**
  1. If a Student Organization conduct hearing occurs, the Student Organization will be represented by appropriate parties.
  2. The Student Organization can also have an advisor participate at the approval of the Dean of Students (or designee).
- g. **Sanctions:**
  1. Student Organizations and individual students found responsible for violations of this Policy shall be sanctioned in accordance with the Student Handbook.
  2. For Student Organizations, sanctions include, but are not limited to, revocation of registration or denial of application for registration, loss of College privileges such as the ability to formally meet on campus and to use campus facilities, or to represent the College, and, in the case of Student Organizations that have affiliations, the right to be recognized or operate at the College.
  3. Sanctions imposed by the College for violations of this Policy may be in addition to any penalty imposed for violation of the criminal laws of the Commonwealth of Massachusetts and for violation of any other College policies.
- h. **Appeals:** The Student Organization and/or individual student(s) have the right to appeal their outcome(s) to the Dean of Students (or designee).
- i. **Retaliation:** It is a violation of this Policy to retaliate or take adverse action towards any person for reporting an alleged violation of this Policy or for cooperating with a College investigation related to this Policy. Retaliation includes, but is not limited to, verbal or implied threats, physical or psychological abuse, intimidation, harassment (verbal or written), isolation, or any other action intended to create a hostile environment for the intended target of the retaliation.

No individual may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by this Policy or because an individual has made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Retaliation allegations may be consolidated with other forms of prohibited conduct under this Policy if the facts and circumstances significantly overlap. If the facts and circumstances do not significantly overlap, then the College retains discretion to adjudicate the allegation under a different but appropriate policy. For example, if a Responding Party retaliates against a Reporting Party with regard to the filing of a complaint, that behavior could be consolidated with the other prohibited conduct alleged, provided appropriate notice is afforded. On the other hand, if the retaliatory conduct is committed by one of the parties' friend group who are not otherwise subject to a grievance under this Policy, that behavior could be adjudicated under another student or employee conduct policy which prohibits such behavior.

## **(8) Procedures - Allegations of Hazing Involving Staff**

For allegations of Hazing involving Staff, the Office of the Dean of Students will forward the report to the Office of the General Counsel for investigation. The Office of the General Counsel will consult with the Office of Human Resources where appropriate, in the sole reasonable discretion of the Office of the General Counsel.

## **(9) Procedures - Allegations of Hazing Involving Faculty**

For allegations of Hazing involving faculty, the Office of the Dean of Students will forward the report to the Office of the General Counsel for investigation. The Office of the General Counsel will consult with the Office of the Provost where appropriate, in the sole reasonable discretion of the Office of the General Counsel.

For any alleged incidents of Hazing that may involve criminal conduct, the Merrimack College Police Department will be notified.

## **(10) Public Disclosure**

### **a. Campus Hazing Transparency Report**

Merrimack College will publish findings of Hazing violations committed by a Student Organization in a Campus Hazing Transparency Report (CHTR) starting on December 23, 2025, for the period beginning July 1, 2025, and updated bi-annually thereafter. Bi-annual updates will only be made to the report when a new Hazing violation has occurred. The report will be published on the Merrimack College website.

The Dean of Students Office in consultation with the Office of the General Counsel coordinates the publishing of this report.

For each incident where a Student Organization was found to be responsible for a Hazing violation, the report will include details of that incident, including the name of the Student Organization, the date(s) of the Hazing violation, and a description of the Hazing violation. The report will not include Personally Identifiable Information (PII), in accordance with the Family Educational Rights and Privacy Act (FERPA).

b. Clery Annual Security Report

Beginning on October 1, 2026, the College will include statistics about Hazing in its Annual Security Report.

c. Annual Report with the Massachusetts Board of Higher Education

The College is required to file a report with the Massachusetts Board of Higher Education annually certifying that the institution has complied with the requirement “to inform student groups, teams or organizations and to notify each full time student enrolled” about the Massachusetts Hazing Laws §§ 17-18, and also certifying that the institution has a disciplinary policy to address incidents of Hazing.

The Office of the General Counsel is responsible for completing this certification.

## **(11) Prevention and Awareness Programs**

The College engages in a variety of hazing prevention initiatives involving a cross section of our institution population. These initiatives cover online as well as in person training and programming. Requests for training can be made to the Dean of Students Office.

## **(12) Recordkeeping**

Records related to compliance with this Policy must be retained for five (5) calendar years.