In response to increasing numbers of sports-related hazing incidents and lawsuits, schools must become more proactive in developing anti-hazing policies for their athletics programs.

SPORTS HAZING IN THE NEWS

Although hazing rituals in athletics are not a phenomenon merely of recent times, media coverage of such incidents has increased dramatically during the past few years and along with it, awareness by the public, school administrators and athletic personnel of the pervasive scope of the problem.

Last year, ESPN's SportsCenter broadcast a three-part series on the epidemic of hazing incidents in high school and college sports programs with the focus of the coverage being on the lack of effective anti-hazing policies at most schools.

CNN repeatedly aired a segment detailing a hazing incident associated with a high school powder-puff football game, including video of the event that was shot by one of the alleged perpetrators of the hazing. The report emphasized the lack of an anti-hazing policy at the school and a lack of supervision over the game.

ABC's 20/20 televised a segment on a preseason high school football camp hazing ritual that involved sexual assault by upperclassmen against new team members. Despite previous problems with hazing in its athletics program, the school in question had failed to establish an effective anti-hazing policy.

CBS's 60 Minutes broadcast a segment on a lawsuit by a female soccer player against her university for hazing where team members were forced to simulate sex acts and drink excessive amounts of alcohol as a part of an initiation ritual at which the team’s coach was present.

HBO's Real Sports featured a story on the prevalence of hazing throughout team sports, including the professional level, which detailed the permanent eye injury suffered by an NFL player who was hit in the face with a bag of coins while running a training camp gauntlet.

ESPN's Outside The Lines presented an hour-long episode on hazing in athletics that included hazing perpetuated by senior members of a men’s college soccer squad on new team members, which led to the cancellation of the team’s season after the rite resulted in several serious injuries.

Dateline NBC aired a segment on the only major study, performed by Alfred University in New York, of sports-related hazing. The research indicated that approximately 80 percent of athletes had on at least one occasion been hazed and that 20 percent of athletes had on at least one occasion been hazed by methods that were physically dangerous or violated criminal laws.

Growing public awareness, because of such media coverage, of the extent of athletics-related hazing has resulted in increased pressure on schools and athletics administrators to implement effective and legally sufficient anti-hazing policies for their sports programs.

SPORTS HAZING COURT CASES

The starting point in the development of an anti-hazing policy is to create a precise definition of hazing and the activities that will be prohibited pursuant to the policy. An examination of sports-related hazing court cases is a critical component of this process with regard to identifying the common categories of inappropriate behaviors that courts have held constitute hazing. Hundreds of such hazing lawsuits have occurred during the past 20 years and many more incidents not leading to litigation have been reported in the media.

The following is a brief summary of the facts from a sampling of recent hazing court cases. While the names of the high schools and the states in which the incidents occurred have been omitted, the following events occurred in states in all regions of the country, supporting the belief that hazing is a nationwide problem.
Sophomore football players were forced by upperclassmen to strip and run the length of the field naked with crackers held between their buttocks, the penalty for dropping the cracker was to eat it. The activity was part of an annual initiation rite of which team coaches were aware.

Female soccer players were forced to simulate oral sex and intercourse as teammates sprayed them with syrup and whipped cream. The activity was part of a yearly hazing ritual of which team coaches were aware.

Freshman cross-country runners were covered with motor oil and locked inside lockers as part of their school's freshman athlete orientation day activities.

Female swimmers were forced to chug pitchers of beer and run naked through the halls of their school late at night as part of the swimming team's annual initiation ritual for new team members.

New members on the girl's soccer team were force to play a night game on the school's practice fields while wearing only bras and panties.

New members of the girl's softball team were required to shoplift five specific items each as part of an initiation scavenger hunt set up by the team captains.

New track team members were forcibly restrained and had their heads and pubic areas shaven by upperclassmen teammates.

Female basketball players were forced to engage in simulated sexual intercourse with a sex toy in the back of a team bus on the way back from a road game.

Freshman football players had feces and peanut butter spread on their bodies and were duct-taped to railings inside the high school football stadium.

Freshman wrestlers were sodomized with mop handles while upperclassmen held them down and the rest of the team watched. Several of the victims were hospitalized with internal bleeding and other serious injuries.

Female softball players were driven five miles into the country at 2:00 a.m., forced to strip to bras and panties, and left to walk back to the home at which the girls were having a team overnight. One victim was severely injured when she became entangled in a barbed wire fence in the dark.

Baseball players were forced to shoplift items from stores in a shopping mall while dressed in their uniforms as part of a traditional team initiation ritual.

New members of the boys swimming team were hogtied and used as human bowling balls when rolled down a school hallway floor covered with gallons of liquid soap during a middle-of-the-night team initiation rite.

Freshman wrestlers were forced to take turns drinking from a bottle of bourbon and after the bottle was empty, the boys were sodomized with the bottle by upperclassman teammates.

Freshman male soccer players were forced to line up against a wall naked and hold their ankles as soccer balls were kicked at them from short range in a team ritual referred to as "butts up."

Underclassman wrestlers were forced to drink a six-pack of beer each in 15 minutes as part of team initiation, resulting in one of the boys suffering permanent brain damage from alcohol poisoning.

CATEGORIES OF HAZING BEHAVIORS

As illustrated by these court cases and hundreds of others like them, hazing activities tend to fall into 10 distinct categories of fact patterns. In developing an anti-hazing policy, these commonalities provide the basis for the creation of a precise definition of hazing and for the creation of a list of prohibited activities.

**CATEGORY ONE:** Hazing that involves physical abuse of student-athletes, including beatings, paddlings, spankings, sleep deprivation, excessive exercise and extreme exertion.

**CATEGORY TWO:** Hazing that involves confinement of student-athletes, including being tied up, locked inside lockers, closets or car trunks, and being lashed to goal posts, backstops and stadium railings.

**CATEGORY THREE:** Hazing that involves student-athletes being covered with disgusting substances, including feces, urine, motor oil, syrup, peanut butter, blood, paste and paint.
**CATEGORY FOUR**: Hazing that involves *consumption of prohibited substances* by student-athletes, including alcohol, tobacco and illegal drugs.

**CATEGORY FIVE**: Hazing that involves student-athletes being forced to wear *inappropriate clothing*, including being forced to participate in a sports activity in underwear, in bras and panties, and in the nude.

**CATEGORY SIX**: Hazing that involves student-athletes being forced to commit *illegal acts*, including shoplifting, theft of alcohol and gang-related activities.

**CATEGORY SEVEN**: Hazing that involves student-athlete *humiliation rituals* where individuals are singled out from the group for some combination of other forms of hazing.

**CATEGORY EIGHT**: Hazing that involves the commission of *sexual acts* by student-athletes, including the simulation of sex acts, the performance of actual sex acts and the incorporation of sex toys into these behaviors.

**CATEGORY NINE**: Hazing that involves the *commission of sexual assault* and *sexual battery* against student-athletes, including the increasing incidence of sodomy perpetuated by older team members against team newcomers.

**CATEGORY TEN**: Hazing that takes place *away from school*, including incidents at summer camps, preseason camps, on away-game overnight trips and on buses returning from road trips.

**LEGAL STANDARDS REGARDING HAZING**

Forty-four states have enacted anti-hazing statutes, most of which both criminalize hazing activities and authorize civil suits for money damages against both the direct perpetrators and against coaches, athletic administrators, other school personnel and districts for vicarious liability. Federal anti-hazing legislation was introduced in 2003, but Congress has not yet taken action on the proposed law.

Many hazing criminal prosecutions and civil suits are based on causes of action such as assault, battery, false imprisonment and infliction of emotional distress. Others, because of the increasing incidence of such behavior in hazing cases, are based on sexual assault, sexual battery and sexual harassment.

Under all of these theories, schools and school personnel face potential personal financial liability for hazing acts committed by students against students. Several recent United States Supreme Court decisions established legal precedents increasing the liability of schools in harassment cases and clarifying the scope of harassment to include same-gender harassment similar to that which typically occurs in hazing cases. In sum, the legal imperative has never been greater for schools to develop and implement effective anti-hazing policies.

**FIVE STEPS FOR implementing A POLICY**

Five components are essential for the creation of an effective anti-hazing policy. First, a definition of hazing and prohibited activities must be established. Second, reporting procedures to be used by victims of hazing must be developed. Third, the methodology for communicating all aspects of the policy and reporting procedures to school personnel, student-athletes and parents must be implemented. Fourth, alternative team-bonding and character-building activities that can be used to replace prohibited behaviors must be developed. Fifth, a system for monitoring ongoing compliance with the anti-hazing policy must be instituted.

As to the first of these five steps – establishing a definition of hazing – the common categories of hazing fact patterns from court cases should be used to create a comprehensive list of prohibited behaviors that will give highly specific guidance regarding what constitutes hazing. For instances:

> Hazing occurs when an act is committed against a student or a student is coerced into committing an act that creates a substantial risk of harm to the student or to any third party in order for the student to be initiated into or affiliated with any school group, club, athletics team, grade level, activity or organization. Hazing includes but is not limited to:

1. Any activity involving an unreasonable risk of physical harm, including paddling, beating, whipping, branding, electric shock, sleep deprivation, exposure to weather, placement of harmful substances on the body and participation in physically dangerous activities.
2. Any activity involving the consumption of alcohol, drugs, tobacco products or any other food, liquid or other substance that subjects the student to an unreasonable risk of physical harm.

3. Any activity involving actions of a sexual nature or the simulation of actions of a sexual nature.

4. Any activity that subjects a student to an extreme and unreasonable level of embarrassment, shame or humiliation or which creates a hostile, abusive or intimidating environment; and

5. Any activity involving any violation of federal, state or local law or any violation of school district policies and regulations.”

As to the second policy development step – creation of reporting procedures – a person or office should be designated to receive and investigate allegations of hazing. It is essential that the reporting procedures bypass interested parties who might face a conflict of interest such as the athletic director or coaches. A good choice for most districts would be to use its federally mandated Title IX officer as the person to whom all hazing incidents should be immediately reported and by whom those situations will be investigated.

As to the third step – communication strategy – a methodology must be developed that will ensure that all school personnel, all student-athletes and all parents fully understand the anti-hazing policy and reporting procedures. Multiple media should be used, including incorporation of the policy into student handbooks and sports participation agreements and oral explanation of the policy at in-service training for school personnel or at parent-student meetings. In addition, videos can be produced that will reinforce the information and provide another option for those who are unable to be present at in-service training or parent-student meetings. Special emphasis might be placed on education team captains and team leaders regarding the anti-hazing policy, because these individuals will really be on the front lines of ensuring that prohibited hazing activities do not take place on their teams.

As to the fourth step – development of alternative team building activities – the prohibition of the hazing behaviors that have taken place in the past might leave a void that, if not carefully monitored, is likely to be filled by new, yet still inappropriate, team activities. Therefore, an important component of the anti-hazing policy should be to substitute alternative team-bonding and character-building activities so that the void will be filled in a constructive manner. Possibilities include leadership courses, ropes courses, community service activities, social activities as a team, team fund-raisers, motivational speakers, mentorship programs, athletics activities in a different sport than that in which the team normally engages, etc.

Finally, as to the fifth policy development step – monitoring ongoing compliance – it is essential that the anti-hazing policy is capable of repetition each year and that the strategies to communicate the policy are repeated on a timely basis to ensure that all constituents, including school personnel, student-athletes and parents, remain mindful of all aspects of the policy. Furthermore, athletic directors must maintain constant communication with coaches and team captains to ensure that coaches are not sending any mixed messages regarding the hazing policy and to ensure that reporting procedures are immediately activated in all situations where hazing is suspected.

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