

American Academy McAllister Institute

Anti-Hazing Policy

Preamble

The Jeanne Clery Campus Safety Act requires institutions of higher education, such as American Academy McAllister Institute (“AAMI”), to collect and report crimes and hazing that occur anywhere on campus, in on-campus student housing, on public property within the boundaries of the campus, on public property immediately adjacent to the campus, and in non-campus buildings and property owned or controlled by the organization that are used for educational purposes and frequently used by students, but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution.

Definitions

Pursuant to The Stop Campus Hazing Act (“SCHA”), hazing is an intentional, knowing, or reckless act committed by a person, whether individually or in concert with other persons, against a student, regardless of that student’s willingness to participate, that was committed in connection with an initiation into, an affiliation with, or the maintenance of membership in, an organization (such as a club, society, association, athletic team, fraternity, sorority, or student government); and causes or is likely to contribute to a substantial risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical training necessary for participation in an athletic team), of physical injury or psychological injury including:

- 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; and
- 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.

A student organization is any organization at AAMI (such as a club, society, association, varsity or junior varsity athletic team, club sports 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 AAMI

Location of Hazing Incidents and Reporting Requirements

Any incident meeting the definition of hazing in this Policy must be reported following the procedure described below. Hazing that occurs at any of the following locations is subject to reporting under this Policy: anywhere on campus, on public property within the boundaries of the campus, on public property immediately adjacent to the campus, and in non-campus buildings and property owned or controlled by the organization that are used for educational purposes and frequently used by students, but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution.

How to Report Hazing

A complaint of hazing may be made either orally or in writing to the Director of Student Services. If a complaint is made orally, the Director of Student Services or designee will prepare a written statement of the complaint for the complainant's review, correction if necessary and signature. All complaints, whether prepared with the assistance of the Director of Academic and Student Services or not, must include:

- The complainant's name and contact information.
- A brief description of the alleged hazing, including date(s) and time(s) it occurred, and/or the date the complainant first knew of the alleged hazing.
- The name(s) of the student(s) allegedly responsible for the hazing ("respondent").
- Copies of materials and names of witness(es), if any, that may be relevant to the investigation of the allegations.
- Whether or not the complainant has initiated a court action or any other complaint with a local, state, or federal agency.
- The remedy sought by the complainant.
- The signature (may be electronic) of the complainant.

AAMI encourages prompt reporting of complaints of hazing so that rapid response and appropriate action may be taken. Due to the sensitive nature of many such complaints, and the effect it may have on some complainants, there will be no time limits on reporting pursuant to this process. However, given that with the passage of time, investigating may become more difficult, complaints should be reported as soon as reasonably possible.

Depending on the nature of the incident, reports to other offices may be required, such as offices that deal with Clery Act hate crimes, Title VI or Title IX violations, VAWA crimes, state or tribal hazing law violations.

AAMI's Response to Hazing Reports

Investigation

The Title IX Coordinator or designee, who may be internal or external to the college, will initiate an investigation of the alleged hazing within five (5) business days of notification, which will be handled by an impartial individual who may be internal or external to AAMI. The investigation will include written notification to the parties of the investigation, and interviews with the complainant, the respondent(s), and at the discretion of the investigator, other individuals who may have information regarding the alleged conduct.

The investigator shall prepare a written report that fairly summarizes the relevant evidence within thirty (30) business days following the initiation of the complaint. A copy of the report will be simultaneously provided to the complainant and respondent(s).

Hearing

The Director of Student Services shall designate an impartial Hearing Officer, who may be internal or external to the college, who will convene a hearing within ten (10) business days of the parties being provided the investigative report. The college will present charges and has the burden of proof by preponderance of the evidence. Each party may testify, present witnesses and evidence, and be cross-examined by the other party's advisor, if any. Parties may not directly cross-examine each other. A party that does not have an advisor may submit to the Hearing Officer suggested cross-examination questions to be asked of the other party and the other party's witnesses to the Hearing Officer. The college may cross-examine respondent and respondent's witnesses. Formal rules of evidence will not apply. A recording or transcript shall be made of the hearing. The Hearing Officer has discretion over the procedures of the hearing, including whether to ask suggested cross-examination questions.

Following the conclusion of the hearing, the Hearing Officer will review the investigation report and the evidence, deliberate, and determine whether the respondent is responsible or not responsible for the alleged conduct, and will notify both parties and the Director of Student Services. If the respondent is found responsible for any charge, both parties will have ten (10) business days to submit a personal impact statement to the Director of Student Services, who will provide these to the Hearing Officer. The Hearing Officer will consider those statements along with all other evidence and testimony in determining the sanction.

The sanctions imposed will be determined by the severity of the conduct, any prior misconduct, and the student's understanding and willingness to accept responsibility for his or her behavior. Possible sanctions include, but are not limited to those listed in the Title IX Policy.

The Hearing Officer will issue a written determination that includes:

- The charges.
- The findings of fact.
- The rationale for determination of responsibility or non-responsibility for each charge.
- The sanctions.
- Information about how the procedures of both parties to appeal.

The Hearing Officer will provide the written determination to the parties simultaneously.

Hazing Prevention and Awareness Programs

The following individuals must attend hazing prevention and awareness programs:

- Campus Security Authorities
- Officers of recognized student organizations
- Officers of student government
- Campus police or public safety officers

The hazing prevention and awareness programs at AAMI will:

- be research-based and evidence-informed;
- include primary prevention strategies intended to stop hazing before hazing occurs, which include strategies to:
 - overcome barriers to reporting hazing;
 - address the bystander effect of preventing and responding to hazing;
 - develop a campus-wide effort for faculty, staff and students to identify warning signs of hazing, understand how to report hazing, and how to take steps to respond to and prevent hazing;
 - focus on ethical leadership strategies to give students and staff tools to build group cohesion to discourage hazing; and
- update campus education programs to include hazing.

Institutional Reporting Requirements

Incidents that meet the definition of hazing in this Policy will be included in AAMI's Annual Safety Report, which is released every fall.

Federal and State Laws

The federal Stop Campus Hazing Act, enacted on December 23, 2024, (20 U.S.C. §1092(f)), Amended the Jeanne Clery Campus Safety Act by adding certain provisions regarding hazing. The laws of the State of New York also define hazing and provide for civil and criminal sanctions for individuals who engage in hazing:

- **§ 120.16 Hazing in the first degree.** A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making

physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person and thereby causes such injury. Hazing in the first degree is a class A misdemeanor.

- **§ 120.17 Hazing in the second degree.** A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct, including, but not limited to, making physical contact with or requiring physical activity of such other person, which creates a substantial risk of physical injury to such other person or a third person. Hazing in the second degree is a violation.