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Hazing Prevention and Response

Training for *Military Leaders*

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Preface

This instructor guide provides content from which instructors can draw when leading the *Hazing Prevention and Response: Training for Military Leaders* class. Through a series of Power-Point slides and discussion topics addressing hazing in the U.S. Military, the class is intended to assist Military leaders (enlisted and officers) with hazing prevention and response efforts. The class is designed to be interactive and can be particularly useful as part of precommand courses or during appropriate points in professional Military education. The class defines hazing, gives examples of hazing in the Military context, and summarizes several misconceptions about hazing. It also describes policies regarding hazing prevention and response and discusses strategies for leaders in preventing and responding to hazing.

As noted throughout this guide, the Military Services should adapt the class content to their specific policies and procedures (e.g., channels for reporting and leader resources). In addition, the Services might wish to supplement the provided materials with their own Service-specific scenarios (including video scenarios) or exercises to help facilitate learning and discussion. As the U.S. Department of Defense and the Services begin to provide additional training on hazing to entry- and junior-level Service members, the class content reviewing definitions and basic policies might no longer be needed with the same level of detail for senior leaders. Instead, the class can focus on the later sections contained in this instructor guide, which include content on leader strategies and resources for preventing and responding to hazing incidents.

The class content could also be used as a framework for other organizations that struggle with hazing, such as law enforcement agencies, fire departments, high schools, and colleges and universities.

Note that, although this tool and the accompanying slide deck are intended to be adapted to a specific context and relevant policies and procedures, RAND is not responsible for the accuracy of any changes or additions that are made to the material.

We developed this training through a generous donation from Charles Zwick to help extend the impact that previously published RAND work has had on hazing prevention in the U.S. armed forces, *Hazing in the U.S. Armed Forces: Recommendations for Hazing Prevention Policy and Practice* (Keller et al., 2015), and the associated *A Commander's Guide to Hazing Prevention* (Matthews, Hall, and Lim, 2015).

This research was sponsored by Charles Zwick and conducted within the Forces and Resources Policy Center of the RAND National Defense Research Institute, a federally funded

research and development center sponsored by the Office of the Secretary of Defense, the Joint Staff, the Unified Combatant Commands, the Navy, the Marine Corps, the defense agencies, and the defense Intelligence Community.

For more information on the RAND Forces and Resources Policy Center, see <http://www.rand.org/nsrd/ndri/centers/frp.html> or contact the director (contact information is provided on the web page).

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Class Materials and Guidance

This section outlines what you will need to conduct the class and some notes about adapting the class for your audience.

Instructor Requirements

You will need one instructor who has a thorough understanding of the U.S. Department of Defense (DoD) hazing definition and hazing prevention and response policies and practices in the instructor's Service. Before the class, the instructor should make sure to thoroughly review this guide, as well as consult the reference materials listed below and experts on hazing within his or her Service.

Equipment

You will need the following equipment to conduct the class:

- screen or wall on which to project class content
- computer with mouse, keyboard, and PowerPoint
- projector.

Materials

You will also need the following materials to conduct the class:

- PowerPoint file for *Hazing Prevention and Response: Training for Military Leaders*
- this *Instructor Guide for Hazing Prevention and Response: Training for Military Leaders*.

Tailoring the Content

As noted throughout this guide, each Military Service should adapt the class content to its specific context and policies and procedures, including providing Service-specific

- examples of hazing
- statistics on the prevalence of hazing

- scenarios or exercises
- channels and processes for reporting
- examples of effective alternatives for bonding and building cohesion
- leader resources to consult when hazing occurs.

As DoD and the Services begin to provide additional training on hazing for entry- and junior-level Service members, the class for senior leaders might not require the current level of detail on definitions and basic policies. Instead, the class can be tailored to focus on the later sections contained in this instructor guide, which include content on leader strategies and resources for preventing and responding to hazing incidents.

Reference Material

The following materials provide useful background for the instructor:

- Deputy Secretary of Defense memorandum titled “Hazing and Bullying Prevention and Response in the Armed Forces,” dated December 23, 2015 (Deputy Secretary of Defense, 2015)
- Service-specific policies and practices related to hazing
- “Military Whistleblower Protection,” Department of Defense Directive (DoDD) 7050.06, April 17, 2015.

Instruction Time Required

The instructor will need roughly 60 minutes to teach the class. The instructor can increase or decrease time for instruction as needed, depending on the number of activities, students, and discussion topics included.

Class Structure

The class is best conducted in a classroom environment with facilitated discussion.

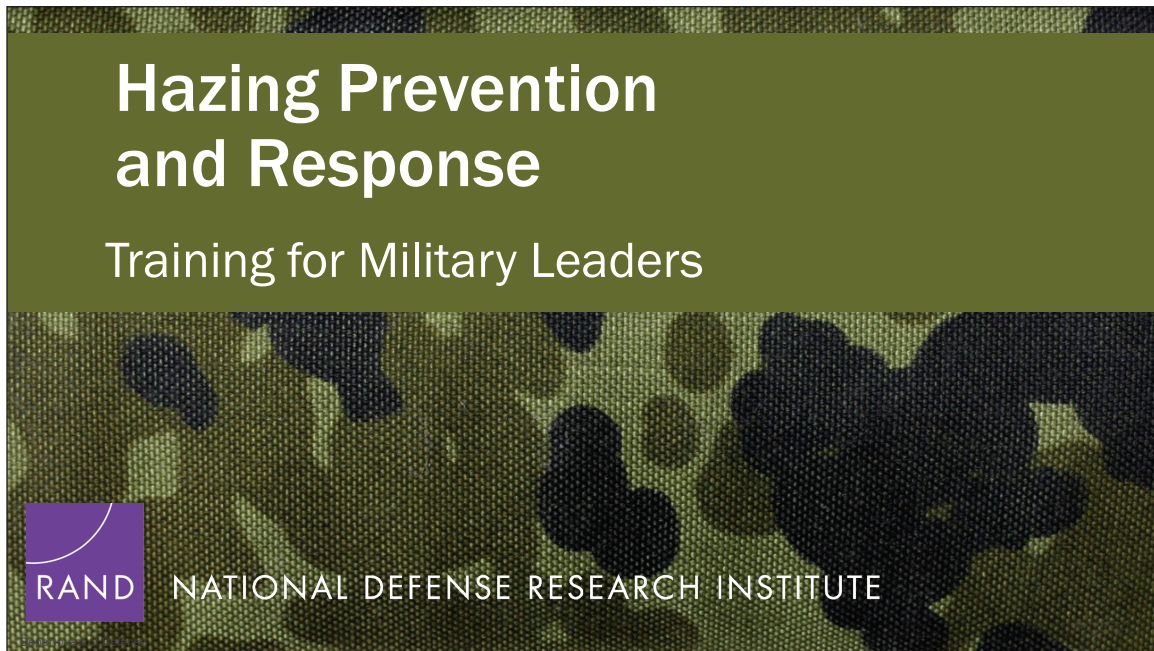
Instructional Guidance

Before presenting this class to students, the instructor should thoroughly prepare by reading the guide and referencing the identified material. The instructor should not read aloud the material provided in this instructor guide to students verbatim. Rather, the instructor should use the material as a guide to the structure and content of the class and should reference the material as needed while emphasizing instructor-led discussion.

Introduction to hazing prevention and response training



Instructor: Provide class introduction and overview.



The Military has many time-honored traditions and ceremonies that mark transitions and changes in a Service member's career. During these events, DoD and the Services require that Service members be treated with dignity and respect. These sanctioned events are intended to build esprit de corps, show respect for Service members' accomplishments, and celebrate significant events.

However, unsanctioned actions associated with such events have also been conducted by or directed at Service members. Many of these actions have been unnecessarily cruel and dangerous—both physically and psychologically—resulting in serious injury and, in certain cases, death. Hazing harms operational readiness and morale, and it is prohibited in the U.S. Military. As leaders, you are critical in the prevention of and response to hazing incidents.

This class addresses hazing in the U.S. Military and provides information to assist with antihazing efforts. The class defines hazing behaviors, gives examples of these behaviors, and summarizes hazing-related misconceptions. It also describes strategies for hazing prevention and response relevant to your role as leaders.

[Note to the instructor: To help illustrate the extent of the problem, this introduction should reference any relevant Service-specific hazing incidents and available statistics on the prevalence of hazing.]

Objectives



Instructor: Describe the key elements provided below.

Objectives

By the end of this course, students should understand

<p>DoD policy on hazing (definition, consequences, victim resources)</p>	<p>Motivations for and effects of hazing</p>	<p>Leadership strategies for response and prevention</p>	<p>Leadership resources to consult if hazing occurs</p>

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This class has four broad objectives.

First, by the end of this class, you should understand and be able to describe DoD’s policy on hazing. This includes the definition of hazing, the consequences of and potential corrective and disciplinary actions for hazing, and the resources available to those who have been hazed.

Second, you should have a better understanding of the motivations for and effects of hazing. Hazing continues, in part, because of myths and misconceptions. By the end of this class, you should know what these misconceptions are and why they are inaccurate.

Third, as leaders, you are responsible for monitoring your unit, and you must address prohibited behaviors among Service members. By the end of this class, you should have learned several strategies that you can use to respond to and prevent hazing.

Finally, you should be able to identify whom to consult about hazing or potential hazing among Service members when a hazing incident arises.

How does DoD define hazing?



Instructor: Provide background and overview described below.



It is essential to Service members' morale and welfare that they treat each other with dignity and respect; hazing cannot be tolerated. However, hazing can continue, in part, because of a lack of understanding about what it is. "Hazing" can mean different things to different people, and this contributes to confusion about what is and is not hazing. To identify and address acts of hazing, Service leaders must use a common and well-understood definition.

In collaboration with the Services, DoD has created a definition of hazing. This definition addresses the effect that hazing behaviors have on their targets and identifies when hazing behaviors typically occur. It also speaks to the issues of a victim's consent and prohibits persuading others to participate in hazing. As leaders, you should know and understand this definition of hazing.

DoD hazing definition



Instructor: Read the definition. Key elements related to the definition are then discussed on the next slide.



Hazing is any conduct through which a military member or members, or a Department of Defense civilian employee or employees . . . physically or psychologically injure or create a risk of physical or psychological injury to one or more military members . . . or any other persons for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or as a condition for continued membership in any military or Department of Defense civilian organization.

Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing may be considered acts of hazing. A military member or Department of Defense civilian employee may still be responsible for hazing, even if there was actual or implied consent from the victim and regardless of the grade/rank, status or Service or organization of the victim.

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DoD defines hazing as

any conduct through which a military member or members, or a Department of Defense civilian employee or employees . . . physically or psychologically injure or create a risk of physical or psychological injury to one or more military members for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or as a condition for continued membership in any military or Department of Defense civilian organization.

Soliciting, coercing, or knowingly permitting another person to solicit or coerce acts of hazing may be considered acts of hazing. A military member or Department of Defense civilian employee may still be responsible for hazing, even if there was actual or implied consent from the victim and regardless of the grade/rank, status or Service or organization of the victim. (Deputy Secretary of Defense, 2015)

[Note to the instructor: The Deputy Secretary of Defense memorandum “Hazing and Bullying Prevention and Response in the Armed Forces” (December 23, 2015) contains the full definition for hazing presented on the slide.]

Key elements of the DoD hazing definition



Instructor: To help students better understand the key elements, pose the below questions regarding the DoD definition. Do not show the elements highlighted on the slide until after you have posed and discussed the questions. For example, if a student offers a correct response to the question, reinforce that response by bringing up the relevant bullets on the slide. As appropriate, you can also encourage other students to expand on what has already been discussed (e.g., what are other instances in which hazing might occur?). If students go down an incorrect path, allow the class discussion to continue and see whether the class gets to the right place without you. If not, redirect the discussion toward the correct answer. Following the discussion for each question, you can then reinforce the answer with the bullets on the slides.

How does DoD define hazing?

- Injury may be physical or psychological in nature
- Includes both injury and risk of injury
- Behaviors tend to involve initiation or entry into a group (e.g., new to a unit), award of a job or position, or obtaining a promotion
- Still considered hazing even if the victim willingly participates
- Will be held accountable for hazing if you encourage, force, or allow others to haze

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Q: If a Service member is involved in an unsanctioned initiation ritual that does not physically harm anyone, is that still considered hazing and prohibited?

A: (Show bullets 1 and 2) Hazing doesn't always result in physical injury. It can also result in psychological harm that can be hard to visibly see, such as poor self-esteem, stress, and feelings

of isolation. If something has even the potential of harm in this context, it would be considered hazing.

Q: When does hazing usually occur?

A: (Show bullet 3) The DoD definition highlights that hazing often takes place when a Service member first joins the Military, enters a new career field or occupation, completes training, moves to a new installation or new unit, or is promoted. These occasions involve initiation, admission, or change in status within the Military; they are designed to bring the member into the group. Hazing is also often performed by more-senior members against newcomers or subordinates, but that is not necessarily always the case.

Q: If a Service member knows that a certain career field always welcomes new members with a physically painful ritual and he or she agrees to go through it, would it still be considered hazing? What if the person enjoyed the ritual and there was no harm (i.e., it wasn't physically painful)?

A: (Show bullets 4 and 5) Although some people willingly participate in their own hazing, the hazing still violates policy and is prohibited. Even if someone is willing to be hazed and says that they weren't harmed as a result, the actions directed at them can be considered hazing according to DoD's definition. As a leader, encouraging or allowing others to participate in hazing also violates policy.

What are examples of hazing in the Military?



Instructor: It is important to get students involved and active in this discussion:

1. First, ask students to describe real-life examples of hazing known or believed to occur in the Military.
2. If they are unaware of or disinclined to provide cases from the Military, ask for examples from outside organizations (e.g., high schools, college fraternities, sports teams) or from movies or television.



Here are some publicly available examples to help generate discussion:

- duct-taping a sailor to a chair: “Female Service member taped to a chair and left alone to see whether she could escape” (“Hazing Reports Up as More Come Forward,” 2014)
- physical abuse during an unsanctioned tradition: Air Force Academy cadets were injured during an unofficial tradition in which freshman cadets try to throw their stripped-down cadet first sergeant in the snow while the upperclassmen try to defend the sergeant (Handy, 2012).
- physical abuse with no official purpose or training objective for doing so: “Prosecutors said [that a Marine] ordered one Marine to punch another hard enough to make him urinate blood at the Navy’s base in Guantanamo Bay, Cuba” (Vergakis, 2015).

- “pinning” and “tacking on”: As part of a promotion celebration, a soldier hit a lower-ranking soldier in the chest with a mallet to symbolically pin on his new rank (Miklaszewski and Kube, 2012).

What are examples of hazing in the Military?



Instructor: Review the examples of hazing in the DoD definition provided on the slide.

Hazing includes the following when performed without a proper military or other governmental purpose:

- Any form of initiation or congratulatory act that involves physically striking another or threatening to do the same
- “Pinning” or “tacking on” any object into another person's skin
- Berating of another for the purpose of belittling or humiliating
- Encouraging illegal, harmful, demeaning, or dangerous acts
- Playing abusive or malicious tricks
- Branding, handcuffing, duct-taping, tattooing, shaving, greasing, or painting
- Excessive or abusive use of water
- Forced consumption of food, alcohol, drugs, or other substance

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According to DoD policy, examples of hazing behaviors surrounding initiation into, admission into, affiliation with, change in status or position within, or as a condition for continued membership in any Military or DoD civilian organization “includes, but is not limited to” the following when performed *without a proper Military or other governmental purpose*:

- any form of initiation or congratulatory act that involves physically striking another in any manner or threatening to do the same
- pressing any object into another person’s skin, regardless of whether it pierces the skin, such as pinning or tacking on of rank insignia, aviator wings, jump wings, diver insignia, badges, medals, or any other object
- oral or written berating of another for the purpose of belittling or humiliating
- encouraging another to engage in illegal, harmful, demeaning, or dangerous acts
- playing abusive or malicious tricks
- branding, handcuffing, duct-taping, tattooing, shaving, greasing (e.g., can involve sodomizing someone with a grease gun), or painting (e.g., throwing paint on someone)

- subjecting to excessive or abusive use of water (e.g., throwing or dunking someone under water)
- forced consumption of food, alcohol, drugs, or any other substance.

How is hazing different from other behaviors?



Instructor: Describe the key elements provided below. If time permits, you can also elicit discussion from the group regarding members' understanding of how hazing differs from each of these other types of behaviors.



To help in prevention efforts, it is important to know the differences between hazing behaviors and other types of sanctioned activities that might occur in the Military, such as rigorous training, as well as how hazing differs from other types of abuse that can occur, such as bullying. Hazing activities and initiations tend to be passed down from more-senior members to junior members of a group. These abusive, inappropriate activities are intended to bring someone into a group and end once a person or group of people are accepted into a unit, position, or group.

Rigorous training practices have clear objectives and are relevant to the tasks that group members need to perform as part of their job. Command-authorized mission activities that are supervised and serve a legitimate purpose are permitted. For example, extra-Military instruction serves to correct behavior and is considered a legitimate training device. When extra-Military instruction no longer meets the purpose of teaching a practice, skill, or activity relevant for Service, it has the potential to become hazing. Hazing behaviors are not related to the skills or abilities needed to serve and perform well in one's job. No training objective is connected to these behaviors, and they serve no legitimate purpose.

Each Service has sanctioned rituals and ceremonies that are not considered hazing but are celebratory command-authorized activities. These activities are expected to be properly supervised, and Service members are expected to be treated with dignity and respect. As long as these traditions and ceremonies are conducted in a positive way that does not cause physical or psychological harm, they are encouraged.

Unlike hazing, **bullying** has no standard or ritualized practices, and bullying behaviors have no clear conclusion or end point. Instead, bullying is usually characterized by intentionally hurtful behavior that is repeated over time. Additionally, although hazing is intended to bring others into a group, bullying is intended to be harmful and exclude others.

Discussion



Instructor: Walk through the below scenarios and related discussion questions. The scenarios are designed to help build an understanding of what behaviors are considered hazing and how hazing behaviors are different from other types of behaviors (e.g., approved training activities). A Service might want to adapt the scenarios to its own specific contexts or supplement the below material with additional Service-specific scenarios. For the below scenarios, your job as the instructor is to facilitate discussion and exploration of the scenario. If a student offers a correct response, reinforce that response. As appropriate, you can also encourage other students to expand on what has already been discussed or to provide their perspectives. If students go down an incorrect path, allow the class discussion to continue and see whether the class gets to the right place without you. If not, redirect the discussion toward the correct answer.



- **Scenario 1:** Airmen who have been part of a particular squadron for more than a few months have developed a process for welcoming junior-ranking airmen into the squadron. For several months, more-senior squadron members refer to these new members

using only swear or curse words rather than their ranks, last names, or official positions or statuses. In addition, without any identifiable operational purpose or need for doing so, the more-senior members have these new members perform unnecessary tasks throughout each day, and senior members scream humiliating insults at the new members before, during, and after every task they perform. This process continues for several months, after which the senior squadron members hold an event for the new members. During this event, senior members pressure new members into consuming large pitchers of beer or large amounts of whiskey. After consuming the beer or whiskey, the new members are considered full members of the squadron, such that they are referred to by their ranks and names rather than by curse words, and they are no longer required to endure constant screaming and insults or perform unnecessary tasks.

- **Scenario 1 question:** Which actions described in this scenario might be considered hazing?
- **Scenario 1 answer:** Referring to the new members using swear and curse words, requiring that they perform unnecessary tasks, and screaming humiliating insults would be considered hazing. These actions are intended to initiate new members by belittling or humiliating them. In addition, requiring or strongly encouraging new members to consume alcohol, regardless of the consent of the new members to do so, would also be considered hazing.
- **Scenario 2A:** A soldier in boot camp is late to formation and then begins talking while in formation. His immediate chain of command spends several minutes loudly addressing the soldier's infractions, why the infractions are a concern, and what the sanctioned consequences of continuing these infractions are. The commander communicates this to the soldier while he is in formation. The soldier feels humiliated at being addressed in front of his peers but no longer continues talking while in formation.
 - **Scenario 2A question:** Based on the information provided, should the actions of the commander be considered hazing? Why or why not?
 - **Scenario 2A answer:** Although the soldier might feel somewhat humiliated by being addressed for his infraction in front of others, the commander's communication serves a clear training purpose as a corrective action for the soldier's infractions. These actions would not be considered hazing.
- **Scenario 2B:** The same soldier who was late and began talking in formation is about to complete and graduate from boot camp. The commander who addressed him previously for his infraction decides that the soldier should wear duct tape over his mouth for the last day of boot camp as a symbol of his past infractions. The soldier is told that he will be allowed to remove the duct tape once he graduates boot camp to symbolize his completing this milestone.
 - **Scenario 2B question:** Based on the information provided, should the actions of the commander be considered hazing? Why or why not?
 - **Scenario 2B answer:** The commander's actions are potentially demeaning and dangerous for the soldier, who might be unable to drink water or breathe easily while wearing the duct tape. Therefore, these actions would be considered to go beyond approved training techniques. According to the above information, the actions of the commander would be considered hazing.

- **Scenario 3A:** A sailor was assigned to a nuclear attack submarine. Several months later, the sailor completed her qualifications to become eligible for the submarine warfare, or dolphin, pin. This signified that she was now a submarine specialist and could be considered a full member of the crew. During a roll call held soon afterward, the commander announced the sailor's change in status to the other crew members and pinned the pin onto her uniform in front of the crew.
 - **Scenario 3A question:** Based on the information provided, should the actions of the commander be considered hazing? Why or why not?
 - **Scenario 3A answer:** The sailor received her pin during a sanctioned Military ceremony and was not harmed during the ceremony. Based on the above information, there is no evidence of hazing.
- **Scenario 3B:** Following the ceremony, the sailor reported to the auxiliary machinery room. There, several fellow sailors who had received their dolphin pins prior to that day took turns punching the sailor's pin through her uniform shirt and into her skin, leaving her bruised and slightly bloody. The sailor was excited to have participated in the event. A noncommissioned officer later noticed that the sailor's pin looked bent and asked about the cause of the bent pin. The sailor replied, "Don't worry about it."
 - **Scenario 3B question:** Based on the information provided, should the new actions performed on the sailor in the auxiliary machinery room be considered hazing? Why or why not?
 - **Scenario 3B answer:** Any form of initiation or congratulatory act that involves physically striking another, including pinning any object into another person's skin, is considered hazing. Similarly, punching a person on the arm or legs (i.e., to leave red marks or stripes) following a promotion is also considered an act of hazing. Even though the person who was hazed might have consented to, or refused to report, the incident and those involved, the act can still be considered hazing.

In another context, many of the behaviors described in the above scenarios could instead be bullying if the motivation was to exclude the people instead of bring them into the group or to mark a change in status. As described previously, with bullying, the behavior is intentionally hurtful, is repeated over time, and lacks a clear end point. The Military prohibits both bullying and hazing behaviors.

Why does hazing happen?



Instructor: Ask why students think hazing happens in the Military and what some common beliefs are regarding hazing. Several misconceptions related to the motivations and effects of hazing are then provided on the next slide.



Four hazing misconceptions



Instructor: Describe the key elements provided below.



Misconception 1: The activities are implicitly sanctioned traditions or rites of passage.

- The Military does have approved traditions and rites of passage that promote morale. Hazing behaviors are not approved and can cause serious harm.

Misconception 2: The activities build cohesion.

- Some research shows that those who are hazed do *not* feel greater kinship toward or cohesion with the individuals or groups who haze them. Instead, hazing can actually lead to the best and brightest leaving because they do not want to be part of a group that requires abusive and humiliating behaviors to join.

Misconception 3: The activities are harmless behavior.

- Hazing has led to head traumas, abdominal traumas, organ failure, and alcohol-related deaths. Hazing can also humiliate, embarrass, and degrade Service members, which goes against the Services' core values. Being hazed can lead to depression, posttraumatic stress, and poor self-esteem. In addition, hazing can increase feelings of isolation and can badly damage morale. Regardless of whether Service members think hazing leads to harm, it

is not up to Service members to decide for themselves whether these actions will lead to harm. Rather, it is their responsibility to follow policy.

Misconception 4: The activities weed out the weak so only the deserving can join the group.

- The Military already has entry tests and training to make sure that only those who can meet standards pass. As discussed already, hazing can actually lead to the best and brightest leaving because they do not want to be part of a group that requires abusive and humiliating behaviors to join. Further, the responsibility of unit leaders is not to weed out the weak but to ensure that the unit can succeed and is mission ready. Leaders who find that people are underperforming are expected to use other legitimate tools, such as counseling or additional job skills training, to address members' shortcomings.

Who should report hazing, and how?



Instructor: Describe the key elements provided below.

Who should report hazing and how?

- Leaders must carefully monitor unit members' actions and strongly encourage them to report potential hazing behaviors
- Bystanders also have responsibility to report possible hazing
- Service members might be afraid to report hazing out of fear of retaliation, so several reporting options are available



Equal Opportunity
representative



Service-specific
hotlines



Inspector
general



Chain of
command

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[NOTE: Each Service will have its own reporting channels and processes that should be included in any Service-specific training.]

To prevent and eliminate hazing, leaders must carefully monitor the actions of those members in their units; strongly encourage unit members to report potential hazing behaviors; and immediately address observed, reported, or implied acts of hazing. Leaders must also clearly communicate DoD and Service-specific policies on hazing behaviors and ensure that their units understand the characteristics and consequences of these behaviors.

As part of this communication, leaders should highlight the importance of those who do not participate in the hazing but who are present or who see or hear about the event and their responsibility to report hazing. In addition, these bystanders might be able to intervene. Service members might feel concern about directly addressing observed or experienced hazing. Therefore, it is important that Service members understand that the Military Whistleblower Protection Act of 1988, 10 U.S.C. § 1034, safeguards from potential retaliatory personnel actions any Service member who makes a protected communication about a violation of law or regulation, which can include reporting hazing behaviors. Specifically, no person may take

(or threaten to take) an unfavorable personnel action, or withhold (or threaten to withhold) a favorable personnel action, as a reprisal against a member of the Armed Forces for making or preparing or being perceived as making or preparing a communication about a violation of law or regulation (see DoDD 7050.06).

In addition, available options for reporting hazing behaviors should be clearly communicated to all Service members. Across all Services, Service members can report incidents to those in their chain of command. However, if Service members do not feel comfortable reporting an incident within their chain of command, other reporting options exist, including Equal Opportunity representatives, an inspector general (Service inspector general or the Office of Inspector General for DoD), and Service-specific hotlines (e.g., an inspector general hotline). People who have experienced hazing involving unwanted sexual contact can also contact a sexual assault response coordinator (Service-specific office or the DoD Sexual Assault Prevention and Response Office).

How is hazing punished?



Instructor: Review the key elements provided below. The specific text for the Uniform Code of Military Justice (UCMJ) articles (10 U.S.C. Chapter 47) is provided as a reference for you. It should not be read word for word.

How is hazing punished?

- Hazing can be punished through administrative action, non-judicial punishment, discharge, or court-martial
- Relevant Uniform Code of Military Justice (UCMJ) articles
 - Article 92: Failure to obey order or regulation
 - Article 93: Cruelty and maltreatment
 - Article 117: Provoking speeches or gestures
 - Article 120: Rape and sexual assault generally
 - Article 120c: Other sexual misconduct
 - Article 133: Conduct unbecoming an officer and gentleman
 - Article 134: General article
- Leaders who fail to address hazing can be held accountable for the actions of their subordinates

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Hazing is prohibited according to DoD policy. Commanders have several avenues available to them to punish hazing, depending on the incident. These include administrative action, nonjudicial punishment, discharge in lieu of court-martial or other adverse actions, and court-martial. In addition to more-serious consequences, engaging in hazing someone can negatively affect one's performance ratings, promotions, and assignments. As a leader, you can also be held accountable for the actions of your subordinates if you fail to address hazing. Several articles within the UCMJ can be used to address hazing.

For instructor reference, an overview of relevant UCMJ articles are listed below:¹

– *Section 892, Article 92: Failure to obey order or regulation*

Any person subject to this chapter who (1) violates or fails to obey any lawful general order or regulation; (2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or (3) is derelict in the performance of his duties; shall be punished as a court-martial may direct.

– *Section 893, Article 93: Cruelty and maltreatment*

Any person subject to this chapter who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court-martial may direct.

– *Section 917, Article 117: Provoking speeches or gestures*

Any person subject to this chapter who uses provoking or reproachful words or gestures towards any other person subject to this chapter shall be punished as a court-martial may direct.

– *Section 920, Article 120: Rape and sexual assault generally*

Rape. Any person subject to this chapter who commits a sexual act upon another person by (1) using unlawful force against that other person; (2) using force causing or likely to cause death or grievous bodily harm to any person; (3) threatening or placing that other person in fear that any person will be subjected to death, grievous bodily harm, or kidnapping; (4) first rendering that other person unconscious; or (5) administering to that person by force or threat of force, or without the knowledge or consent of that person, a drug, intoxicant, or other similar substance and thereby substantially impairing the ability of that other person to appraise or control conduct; is guilty of rape and shall be punished as a court-martial may direct.

Sexual Assault. Any person subject to this chapter who—(1) commits a sexual act upon another person by (A) threatening or placing that other person in fear; (B) causing bodily harm to that other person; (C) making a fraudulent representation that the sexual act serves a professional purpose; or (D) inducing a belief by any artifice, pretense, or concealment that the person is another person; (2) commits a sexual act upon another person when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring; or (3) commits a sexual act upon another person when the other person is incapable of consenting to the sexual act due to—(A) impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person; or (B) a mental disease or defect, or physical disability, and that condition is known or reasonably should be known by the person; is guilty of sexual assault and shall be punished as a court-martial may direct.

¹ All articles listed are in Subchapter X, Punitive Articles.

Aggravated Sexual Contact. An person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (a) (rape) had the sexual contact been a sexual act, is guilty of aggravated sexual contact and shall be punished as a court-martial may direct.

Abusive Sexual Contact. Any person subject to this chapter who commits or causes sexual contact upon or by another person, if to do so would violate subsection (b) (sexual assault) had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

Proof of Threat. In a prosecution under this section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

– *Article 120c: Other sexual misconduct*

(a) **Indecent Viewing, Visual Recording, or Broadcasting.** Broadcasting. Any person subject to this chapter who, without legal justification or lawful authorization—(1) knowingly and wrongfully views the private area of another person, without that other person’s consent and under circumstances in which that other person has a reasonable expectation of privacy; (2) knowingly photographs, videotapes, films, or records by any means the private area of another person, without that other person’s consent and under circumstances in which that other person has a reasonable expectation of privacy; or (3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances proscribed in paragraphs (1) and (2); is guilty of an offense under this section and shall be punished as a court-martial may direct.

(b) **Forcible Pandering.** Any person subject to this chapter who compels another person to engage in an act of prostitution with any person is guilty of forcible pandering and shall be punished as a court-martial may direct.

(c) **Indecent Exposure.** Any person subject to this chapter who intentionally exposes, in an indecent manner, the genitalia, anus, buttocks, or female areola or nipple is guilty of indecent exposure and shall be punished as a court-martial may direct.

– *Article 133: Conduct unbecoming an officer and a gentleman*

Any commissioned officer, cadet, or midshipman who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court-martial may direct.

– *Article 134: General article*

Though not specifically mentioned in this chapter, all disorders and neglects to the prejudice of good order and discipline in the armed forces, all conduct of a nature to bring discredit upon the armed forces, and crimes and offenses not capital, of which persons subject to this chapter may be guilty, shall be taken cognizance of by a general, special, or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court.

How can leaders prevent and respond to hazing?



Instructor: Ask what leaders can do to address hazing in their units, including what information they can give to their units and what additional actions they can take. Several areas are discussed on the next slide.



How can leaders prevent and respond to hazing?



Instructor: Describe the key elements provided below.

How can leaders prevent and respond to hazing?

- Ensure that units understand the characteristics and consequences of hazing
- Address attitudes and misperceptions
- Provide safe reporting options
- Provide swift and visible punishment
- Monitor key situations in which individuals can be vulnerable to hazing (e.g., promotion)
- Provide alternative bonding and celebratory activities

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It is important for leaders to show clear and consistent support for and commitment to anti-hazing initiatives.

- Leaders must **ensure that units understand** the characteristics and consequences of hazing. This includes
 - providing or describing the DoD definition of hazing and examples of hazing
 - using examples to help them differentiate hazing from sanctioned activities
 - communicating policies regarding hazing, including how it is disciplined.
- Leaders should **address attitudes and misconceptions**. As discussed, people might see hazing as a rite of passage that helps promote cohesion and weed out the weak or as an accepted or even supported norm. Addressing these misconceptions is critical.
- Leaders should **communicate the reporting options** available. As we know from other high-profile incidents (such as Military sexual assaults), people might hesitate to report wrongdoing for fear of backlash from their peers and fear of alienating themselves from the group. Leaders must communicate that there are safe options for reporting and the importance of reporting.

- If hazing should occur, leaders should **provide swift and visible corrective actions** to those involved to show that hazing is not tolerated. If leaders do not address hazing even when it seems as though it will not result in any harm, Service members will perceive that it is supported or at least accepted. Clearly demonstrating that it is not tolerated can further help develop a positive command climate for hazing prevention.
- Leaders should **monitor key situations** in which hazing might be most likely to occur, including when someone joins a unit, is promoted, or goes through other transitions.
- Explore ways to **provide alternative bonding and celebratory activities**. Given that rituals and traditions are an important part of Military culture, as a leader, you can explore ways to provide alternative approved activities that can promote bonding and provide a safe way to celebrate changes in status or new accomplishments. However, these should be consistently monitored to ensure that approved actions do not transition into hazing acts.

Discussion



Instructor: Ask students, “What are some alternatives to hazing for promoting bonding and cohesion or celebrating special events or achievements?” These can include various group activities that are legal and approved, including those that require members to cooperate.



[NOTE: Services should be prepared to discuss relevant Service-specific examples to help inform the discussion of effective alternatives.]

Whom should leaders consult when hazing occurs?



Instructor: Describe the key elements provided below.

Whom should leaders consult when hazing occurs?

Like other negative events that might happen in your unit, advisers are in place to help you handle any incident that might arise:

- Chain of command
- Equal Opportunity representative
- Legal counsel
- Office of Special Investigations (OSI)
- Sexual Assault Response Coordinator (SARC) (depending on the nature of activities)

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[NOTE: Each Service will have its own resources that leaders should consult that should be included in any Service-specific training.]

In addition to others in their chain of command, leaders can also consult an Equal Opportunity representative, legal counsel, Office of Special Investigations, or (if the incident involved unwanted sexual contact) a sexual-assault response coordinator when hazing has occurred. These people can provide guidance regarding appropriate policies and procedures for addressing particular actions.

Discussion



Instructor: Provide an open question and discussion period to conclude the class.



References and Additional Resources



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