

HEINONLINE

Citation: 36 N.C. Cent. L. Rev. 16 2013-2014



Content downloaded/printed from
HeinOnline (<http://heinonline.org>)
Mon Sep 7 21:22:56 2015

-- Your use of this HeinOnline PDF indicates your acceptance
of HeinOnline's Terms and Conditions of the license
agreement available at <http://heinonline.org/HOL/License>

-- The search text of this PDF is generated from
uncorrected OCR text.

-- To obtain permission to use this article beyond the scope
of your HeinOnline license, please use:

[https://www.copyright.com/cc/basicSearch.do?
&operation=go&searchType=0
&lastSearch=simple&all=on&titleOrStdNo=0549-7434](https://www.copyright.com/cc/basicSearch.do?&operation=go&searchType=0&lastSearch=simple&all=on&titleOrStdNo=0549-7434)

VICTIMOLOGY, PERSONALITY, AND HAZING: A STUDY OF BLACK GREEK-LETTER ORGANIZATIONS

GREGORY S. PARKS,* SHAYNE E. JONES,** AND
MATTHEW W. HUGHEY***

INTRODUCTION

Robert Champion died on 19 November 2011. A twenty-six year old clarinet player and drum major in Florida A&M University's (FAMU) "Marching 100" band, collapsed on a charter bus parked outside an Orlando Hotel following a Marching 100 performance at the Florida Classic football game, played between rivals FAMU and Bethune-Cookman.¹ Champion, a Georgia native, had reportedly become anxious and complained of shortness of breath and failed eye-sight shortly before vomiting and going unconscious.² Champion was non-responsive when authorities arrived at approximately 9:45 p.m., and was shortly thereafter pronounced dead at a nearby hospital.³ On 22 November 2011, rumors on the FAMU campus and social media circulated the notion that hazing had played a part in Champion's death.⁴ Law enforcement officials confirmed that it was their belief that some form of hazing had occurred.⁵ Champion's death was ultimately ruled a homicide by the Florida State Medical Examiner's Office.⁶ Champion's death was resultant of blunt-force trauma suffered

* Assistant Professor of Law, Wake Forest University School of Law. Thank you to Caroline Massagee and Justin Philbeck for their tremendous research assistance.

** Associate Professor, Department of Criminology, University of South Florida.

*** Associate Professor, Department of Sociology, University of Connecticut.

1. Frieda Frisaro, *Attorney Says Suit Planned in FAMU Band Death*, HUFFINGTON POST, Nov. 25, 2011, available at <http://www.huffingtonpost.com/huff-wires/20111125/us-famu-student-dead/>.

2. Mike Schneider & Kyle Hightower, *Band Mates Say FAMU Victim Volunteered to Be Hazed*, ASSOCIATED PRESS, May 23, 2012, available at <http://bigstory.ap.org/content/band-mates-say-famu-victim-volunteered-be-hazed>.

3. Brent Kallestad, *Fired FAMU Band Director: Hazing Warnings Ignored*, YAHOO NEWS, Nov. 29, 2011, available at <http://news.yahoo.com/fired-famu-band-director-hazing-warnings-ignored-081729077.html>.

4. Jordan Culver, *Hazing Rumors Surround Death of Fla. Student*, GANNETT NEWS SERVICE, Nov. 22, 2011, available at <https://a.next.westlaw.com> (select "News" on main page; then search "Gannet" under the News tab and select "Gannet News Service;" then search "hazing rumors surround death of fla. student" under the "Gannet News Service" tab; select the first article).

5. Frisaro, *supra* note 1.

6. Jeff Burlew, *Fla. A&M Drum Major's Death Ruled a Homicide*, GANNETT NEWS SERVICE, Dec. 16, 2011, available at <https://a.next.westlaw.com> (select "News" on main page; then

during a hazing incident involving some members of FAMU's Marching 100.⁷ Champion endured severe blows during the incident that caused him to bleed out into his soft tissue, particularly in his back, chest, shoulders, and arms. The autopsy further revealed that Champion had been vomiting profusely and had died less than an hour of suffering the injuries.⁸ Toxicology tests revealed no traces of drugs or alcohol in Champion's system.⁹

Champion's death prompted both criminal and administrative inquiries. Initial investigation into Champion's death was led by the Orange County Sheriff's Office where, according to spokeswoman Deputy Ginette Rodriguez, more than forty people were interviewed and more than 1,000 man hours were logged by investigators during the course of the inquiry that began in November.¹⁰ FAMU reportedly cooperated with the investigation, and appointed its own independent task force.¹¹ Less than two months after the investigation was turned over to the State Attorney's Office, thirteen members of the Marching 100 were charged with hazing crimes in connection with Champion's death.¹² State Attorney Lawson Lamar said that eleven people were accused of death with hazing, a third-degree felony that can carry up to six years for defendants with no criminal record.¹³ Two others were charged with misdemeanor hazing.¹⁴

Yet, amongst many of these criminal, civil, and administrative hearings and cases, the defense argued that Champion wished and explicitly desired to be hazed, and thus, others were not culpable for his

search "Gannet" under the News tab and select "Gannet News Service;" then search "fla. a&m drum major's death ruled a homicide" under the "Gannet News Service" tab; select the second article).

7. *Id.*

8. Paul Flemming, *Autopsy: FAMU Drum Major Died Within One Hour of Hazing*, GANNETT NEWS SERVICE, Dec. 22, 2011, available at <https://a.next.westlaw.com> (select "News" on main page; then search "Gannet" under the News tab and select "Gannet News Service;" then search "autopsy: famu drum major died within one hour of hazing" under the "Gannet News Service" tab; select the fifteenth article).

9. *Id.*

10. Jordan Culver, *Fla. Gets Death Investigation of FAMU Drum Major*, GANNETT NEWS SERVICE, March 26, 2012, available at <https://a.next.westlaw.com> (select "News" on main page; then search "Gannet" under the News tab and select "Gannet News Service;" then search "fla. gets death investigation of famu drum major" under the "Gannet News Service" tab; select the eleventh article).

11. *Id.*

12. Mike Schneider, *13 Charged in Hazing Death of Fla. Band Member*, ASSOCIATED PRESS, May 3, 2012, available at <https://a.next.westlaw.com> (select "News" on main page; then search "associated press" under the News tab and select "associated press worldstream;" then search "13 charged in hazing death of fla. band member" under the "associated press" tab; select the sixth article).

13. *Id.*

14. Schneider, *supra* note 12.

death.¹⁵ But according to Champion's friends and family, he was a strong opponent of hazing within the Marching 100.¹⁶ According to his high school classmate and mentee Bria Hunter, Champion told her not to let anyone touch her.¹⁷ However, interviews with defendants and other band members revealed that Champion had volunteered to go through the hazing rituals.¹⁸ Champion sought to be the leader of the Marching 100, leading others who had already "crossed bus C," and some band members felt that meant Champion had to go through with the beating.¹⁹ According to defendant Caleb Jackson, "If you go to that bus that's saying you wanted to do it."²⁰ Although band members sign a pledge vowing not to participate in hazing, Champion and two other band members went through the ritual on the night of his death.²¹ According to defendant Jonathan Boyce, Champion said he intended to go through with it.²² Ryan Dean, a drummer who regularly rode bus C, said that Champion told him earlier in the week he would "see him on the bus."²³ According to Boyce, Champion was in the back getting kicked and punched by the time he arrived, and Boyce and co-defendant Shawn Turner tried to shield Champion from the blows to end the ritual quickly.²⁴ This defense begs an important question: what characteristics of hazing victims help predict their victimization?

This article focuses on a group of organizations—black Greek-letter organizations (BGLOs)—that have rarely and only recently been studied in the context of hazing, particularly with regard to hazing as a legal concept. Forthcoming scholarship focuses on the cognitive and social psychological drivers of hazing consent. This work seems applicable to BGLOs. This article investigates how personality may predict the extent to which BGLO pledges allow themselves to become hazing victims. Section I, clarifies "victimology" as it intersects with personality and hazing. Section II, recounts incidents of BGLO pledges subjected to hazing and criminal sanctions compared to the perpetra-

15. Doug Blackburn, *FAMU Walks Tightrope as it Seeks Hazing Suit Dismissal*, GANNET NEWS SERVICE, Sept. 12, 2012, available at <https://a.next.westlaw.com> (select "News" on main page; then search "gannet" under the News tab and select "gannet news service;" then search "famU walks tightrope" under the "gannet news service" tab; select the first article).

16. Schneider & Hightower, *supra* note 2.

17. Blayne Alexander, *Hazing Victim: 'I Was Made an Example of,'* 11ALIVE, Dec. 14, 2011, available at <http://decat.11alive.com/news/education/94344-alleged-famu-hazing-victim-i-was-made-example>.

18. Schneider & Hightower, *supra* note 2.

19. *Id.*

20. *Id.*

21. *Id.*

22. *Id.*

23. *Id.*

24. *Id.*

tors of that hazing. Section III, provides the methods and results from our quantitative study on the intersection of hazing, personality, and victimology within BGLO.

I. VICTIMOLOGY, PERSONALITY, AND HAZING

The study of victimization, or victimology, is defined in various ways; in fact, the scope of the subject matter of victimology is quite “blurred” and the subject of much unresolved debate.²⁵ Despite this debate, victimology has been defined in the following ways: as an examination of the ways in which crime victims may have led to or contributed to their victimization;²⁶ as the “scientific study of the nature and causes of victimization and social reactions to crime victims”;²⁷ and as spanning “the plight of individuals and collectives of people who suffer deprivation, disadvantage, loss or injury due to any cause.”²⁸

In its earliest iteration, victimology was an attempt to understand the victim-perpetrator relationship.²⁹ The “rise of ‘the victim,’” or rather, the first efforts made in order to understand a victim’s relationship to the crime and the criminal justice system did not come about until after the Second World War.³⁰ Benjamin Mendelsohn first proposed this new science that would be the “reverse” of criminology and would study the “victimal” as opposed to the criminal.³¹ These early attempts to understand and prevent victimization led most often to occasions of “blaming the victim.”³² Put another way, the original emphasis of study, advocated by Mendelsohn and his contemporary von Hentig, focused on understanding the victim’s culpability or role in the commission of a crime.³³ However, modern victimology has

25. Michael O’Connell, *Victimology: A Social Science in Waiting?*, 15 INT’L REV. VICTIMOLOGY 91, 92 (2008).

26. THE MERRIAM-WEBSTER ONLINE DICTIONARY, <http://www.merriam-webster.com/dictionary/victimology> (last visited June 12, 2013).

27. Daniel B. Kennedy, *Victimology and the Question of Revictimization*, 2 ANN. AAJ-CLE 1731 (2007).

28. O’Connell, *supra* note 26, at 92 (citing S. Garkawe, *Revising the Scope of Victimology – How Broad a Discipline Should it Be?*, 11 INT’L REV. VICTIMOLOGY 275 (2004)).

29. Kieran McEvoy & Kirsten McConnachie, *Victimology in Transitional Justice: Victimhood, Innocence and Hierarchy*, 9 EUR. J. CRIMINOLOGY 527, 529 (2012).

30. *Id.*; see also Kennedy, *supra* note 28, at 529 (noting that Benjamin Mendelsohn coined the term “victimology” in 1945).

31. O’Connell, *supra* note 26, at 93.

32. Kennedy, *supra* note 28, at 529; see, e.g., McEvoy & McConnachie, *supra* note 30, at 530 (noting the early tendencies of ‘victim-blaming’ in the study of victimology); see also Kathleen A. Fox & Carrie L. Cook, *Is Knowledge Power? The Effects of a Victimology Course on Victim Blaming*, 26 J. INTERPERSONAL VIOLENCE 3407 (2011) (examining the impact of a victimology course on students’ perceptions of the blameworthiness of crime victims).

33. O’Connell, *supra* note 26, at 93 (citing B. Mendelsohn, *The Origin of the Doctrine of Victimology*, 3 EXCERPTA CRIM., 239 (1963); B. Mendelsohn, *Rape in Criminology*, in THE VIC-

largely done away with the inclination towards victim blaming³⁴ and has moved on to greater attempts at understanding and preventing victimization. A more modern definition highlights the discipline's current state:

[V]ictimology has not yet developed into a science with many ramifications, all aimed at putting the victim at the centre . . . Putting the victim at the centre of both scientific and applied victimology is unifying and useful . . . Victims' needs, as well as the causes of criminal victimisation and the effects of crime, have been the objects of empirical research and analysis, yet victimological knowledge is limited. Victimology is not about the criminal justice system, nor is it about the helping system. Rather, it is about the victim; therefore, the victim must be the foci of the concepts, the theories and so on.³⁵

What does seem apparent, despite victimology's fledgling, contentious standing as a social science, is that victimology is starting to emerge beyond its status as a mere subset of criminology into its very own discipline.³⁶

Hazing is most commonly associated with fraternities and sororities, or Greek-letter organizations (GLOs), in an undergraduate campus setting.³⁷ However, hazing is also present in athletics, school bands, and the military.³⁸ Often referred to as a "rite of passage," most definitions of hazing include language comparable to the following:

Hazing is a process based on tradition that is used by groups to maintain a hierarchy (a "pecking order") or discipline within the group. Regardless of consent, the rituals require individuals to engage in activities that are physically and psychologically stressful. These activities can be exhausting, humiliating, degrading, demeaning and intimidating. They can result in significant physical and emotional discomfort.³⁹

Despite the prevalence of hazing in our culture, especially within GLOs in university environments, there is a surprising dearth of research in the area of personality and how it specifically relates to or predicts involvement and victimization within the context of hazing

TIM AND HIS CRIMINAL (STEPHEN SCHAFER trans., 1968); H. von Hentig, *Remarks on the Interaction of Perpetrator and Victim*, 31 J. CRIM. L. & CRIMINOLOGY 303 (1940)).

34. See Kennedy, *supra* note 28, at 2.

35. O'Connell, *supra* note 26, at 101.

36. *Id.* at 91, 101.

37. Monica D. Holland, *Personality Traits as Predictors of Hazing: The Role of Sociotropy and Autonomy*, 21 (Aug. 2011) (unpublished Ph.D. dissertation, University of Arkansas) (on file with author) (noting that "[t]he fraternity immortalized in the movie *Animal House* epitomizes for many the hazing practices associated with the GLOs in American higher education") (citations omitted).

38. *Id.* at 1.

39. Susan Lipkins, *Hazing: Defining and Understanding Psychological Damages*, 2 ANN. AAJ-CLE 2481 (2007).

activities.⁴⁰ However, there is research that speaks to personality types that are more or less likely to become involved in hazing activities,⁴¹ as well as research regarding the risk factors associated with, and predictive of, victimization in general.⁴² Before an investigation can be made into what personality traits predict victimization, specifically within a hazing context, it is important to examine the factors that make one more or less likely to become involved in hazing in general, whether as the “hazer” or “hazee.”⁴³

Hazing is largely a creature of tradition.⁴⁴ Originally, hazing consisted of “rough and tumble antics such as swats with a paddle,” which eventually mutated into more creatively humiliating and/or dangerous tasks for the fraternity or sorority hazee to perform⁴⁵ – including everything from forcing hazees blindfolded and drunk into the Pacific Ocean⁴⁶ to dousing pledges with lye-based oven cleaner.⁴⁷

The study of hazing begs the question: “why would bright young people subject themselves to dangerous humiliation?”⁴⁸ Alcohol certainly plays a role.⁴⁹ Hazing has become such a real and serious prob-

40. Holland, *supra* note 38, at 6-7 (noting that “less effort has been dedicated to understanding relationships between personalities and hazing”); see also Shelley Campo et al., *Prevalence and Profiling: Hazing Among College Students and Points of Intervention*, 29 AM. J. HEALTH BEHAV. 137, 137-38 (2005) (noting that “beliefs, attitudes, and norms regarding hazing have been understudied”).

41. *Id.* at 137-38; see Holland, *supra* note 38.

42. See generally Iain R. Brennan, Simon C. Moore & Jonathan P. Shepherd, *Factors for Violent Victimization and Injury from Six Years of the British Crime Survey*, 17 INT’L REV. VICTIMOL. 209 (2010) (identifying risk factors for violent victimization).

43. Campo, *supra* note 41, at 138-39 (explaining the study’s aim to “investigate the makeup of hazers and hazees within a population of university students and clarify the variables that are characteristic of students who engage in hazing”).

44. Lipkins, *supra* note 40 (listing examples of hazing activities, including physical assault, unlawful restraint, confinement, ingesting substances, alcohol consumption, sexual activities, kidnapping, exposure, humiliation, physical degradation, psychological degradation, physical stress and exhaustion, and dangerous or life-threatening situations).

45. Dara Aquila Govan, Note, “*Hazing Out*” the Membership Intake Process in Sororities and Fraternities: Preserving the Integrity of the Pledge Process Versus Addressing Hazing Liability, 53 RUTGERS L. REV. 679, 687 (2001) (quoting Katy Marquardt, *A Compact History of the Greek Empire at U. Texas*, DAILY TEXAN via U-Wire (Aug. 27, 1999)).

46. Gregory S. Parks et al., *Belief, Truth, and Positive Organizational Deviance*, 56 HOW. L.J. 399, 413-14 (2013); Lipkins, *supra* note 40.

47. Govan, *supra* note 46, at 692; see also Furek v. Univ. of Delaware, 594 A.2d 506 (Del. 1991) (addressing “what, if any, duty the University owed to Furek to protect him from the hazing activities of Sig Ep and its members”).

48. David J. Skorton, Op-Ed., *A Pledge to End Fraternity Hazing*, N.Y. TIMES, Aug. 23, 2011, at A23.

49. *Id.* (noting that “[a]lcohol makes it easier for members to subject recruits to physical and mental abuse without feeling remorse and to excuse bad behavior on the grounds of intoxication. It provides a social lubricant, but it impairs the judgment of those being hazed and lowers their ability to resist”); see also Aesoon Park et al., *Dual Mechanisms Underlying Accentuation of Risky Drinking via Fraternity/Sorority Affiliation: The Role of Personality, Peer Norms, and Alcohol Availability*, 118 J. ABNORMAL PSYCHOL. 241, 241 (2009) [hereinafter *Dual Mechanisms*] (stating that “Greek members are more likely to drink, to drink heavily, to experi-

lem, in many cases leading to student deaths,⁵⁰ and researchers have just recently begun to delve into what personality traits might predict participation in hazing activities.⁵¹ Researchers have already investigated and found relationships that exist between certain personality traits and behaviors, such as alcohol use/abuse and bullying.⁵² Because alcohol use and bullying are foreseeably associated with or akin to hazing activities, it follows that a relationship between certain personality traits and susceptibility to hazing could be identified.⁵³

Personality traits may also lead students to self-select themselves into the Greek system in the first place.⁵⁴ Evidence of this “personality-based environment selection” is present in many aspects of human behaviors and relationships.⁵⁵ Mostly, individuals tend to seek out and choose environments for themselves that are compatible with their own personalities.⁵⁶ Certain personality traits might then be relevant to understanding why some students choose to join GLOs and others do not.⁵⁷ Impulsivity, extraversion, and neuroticism are traits that have been associated with those who seek Greek affiliation.⁵⁸

Certain discrete factors have been identified as increasing the likelihood of hazing participation: “being male, a Greek member, and believing your friends approve of hazing,” as well as believing that hazing helps build cohesion within the group.⁵⁹ Because researchers have found that behavior is often linked with certain personality traits, it follows that certain personality traits might predict hazing activity⁶⁰ and even victimization within the context of hazing. Two personality traits that have been examined as possible predictors of hazing participation are sociotropy and autonomy.⁶¹

Sociotropy is defined as “dependence on others for gratification and support . . . concern about disapproval, concern over separation, and

ence negative consequences due to drinking, and to meet criteria for an alcohol use disorder than are nonmembers”); *see infra* note 67 and accompanying text.

50. Campo, *supra* note 41, at 137; Parks, *supra* note 47, at 400, 409-411; Holland, *supra* note 38, at 89.

51. *See, e.g.*, Campo, *supra* note 41, at 138-39; Holland, *supra* note 38, at 17.

52. Holland, *supra* note 38, at 6-7 (citations omitted).

53. *Id.* at 7 (citations omitted).

54. *Dual Mechanisms*, *supra* note 50, at 242.

55. *Id.* (citing Avshalom Caspi et al., *Personality Development: Stability and Change*, 56 ANN. REV. PSYCHOL. 453, 465 (2005)).

56. *Id.*

57. *Id.*

58. *Id.*

59. Campo, *supra* note 41, at 145.

60. Holland, *supra* note 38, at 11-12.

61. *Id.* at 17.

pleasing others.”⁶² Autonomy is defined as “an individual who has a high need for independence and achievement . . . freedom from control, and preference for solitude.”⁶³ Sociotropy was found to reliably predict a person’s susceptibility to hazing in that those with higher levels of this trait tend to view their relationships with others as indicative of their self-worth.⁶⁴ It makes sense then that those with higher levels of sociotropy would be “more likely to find group membership attractive,”⁶⁵ and would therefore be more willing to participate in hazing activities in order to gain approval and membership within the group.⁶⁶

Additionally, sociotropy may indicate the extent to which a person is willing to endure certain acts of hazing and for how long.⁶⁷ Because sociotropy is “identified with being concerned with separation and connectedness,”⁶⁸ many victims of hazing will say that they “just took it to get it over with.”⁶⁹ In other words, the “hazees” knew that those who refused to participate were refused membership in the group or were treated even more harshly.⁷⁰

Interestingly, autonomy was also a reliable predictor of a person’s susceptibility to being subjected to hazing in general,⁷¹ even though the opposite was predicted.⁷² This is perhaps attributed to an “over-emphasis on goal attainment”⁷³ whereby these individuals will be willing to endure hazing in order to achieve a goal – earning membership in the fraternity or sorority.⁷⁴ Some autonomous individuals will even become more inclined towards participating in hazing activities when faced with the possibility of not achieving their goal.⁷⁵ Some research

62. *Id.* at 13 (quoting Joseph Ciarrochi & Linda Bilich, *Process Measures of Potential Relevance to ACT 17* (Oct. 4, 2006) (unpublished manuscript) (University of Wollongong, Australia)).

63. *Id.*

64. *Id.* at 13, 92.

65. *Id.* at 95 (quoting Campo, *supra* note 41, at 138).

66. *Id.* at 95–97 (noting that individuals present at one hazing incident explained that one student “continued to drink because he believed that the more he drank the more favorably he would be viewed by the fraternity members, thereby strengthen[ing] his sense of worth within the group”).

67. *Id.* at 97 (citation omitted).

68. *Id.*

69. Lipkins, *supra* note 40, at 2482.

70. *Id.*

71. Holland, *supra* note 38, at 94–95.

72. *Id.* at 97.

73. *Id.*

74. *Id.* at 97–98 (defining “legacy seekers” as those who do not necessarily set hazing as a goal, but possess a desire to continue the family legacy by attaining membership in the GLO as well as defining “tunnel light lookers” as those who see hazing as a means to an end).

75. *Id.* at 98 (citing B.L. Quick & J. R. Considine, *Examining the Use of Forceful Language When Designing Exercise Persuasive Messages for Adults: A Test of Conceptualizing Reactance Arousal as a Two-Step Process*, 23 HEALTH COMM. 483 (2008)).

provides another perspective: some individuals may develop autonomous traits, such as the need for independence or a preference for solitude,⁷⁶ as a way of “avoid[ing] aversive interactions with others,” (i.e. hazing).⁷⁷

An individual’s autonomy, or a sufficient level of the trait autonomy, is central to an individual’s ability to maintain a healthy ego.⁷⁸ When an individual is attacked, that individual’s autonomy is violated, as it is arguably violated in most, if not all, hazing situations. The individual’s “right of self-control is taken from them. Their sense of autonomy, necessary for a healthy ego, is shattered.”⁷⁹ This might explain why some victims of hazing might have low self-control as a personality characteristic to begin with.⁸⁰

While the research regarding victims of violent crimes will differ from the research regarding victims of hazing, the consumption of alcohol is relevant to both:

Given that . . . alcohol myopia is likely to make individuals more susceptible to victimisation, it is anticipated that a positive relationship exists between alcohol intoxication and victimisation risk. Furthermore, as alcohol intoxication impairs physical coordination and communication skills (useful in deescalating potentially violent situations), it is possible that intoxication is further associated with harm from victimisation such as injury and need for medical treatment.⁸¹

It is almost indisputable that alcohol is central to fraternity and sorority life.⁸² And when alcohol leads to intoxication, a lack of self-control follows.⁸³ Before alcohol consumption is even introduced into the equation as to how it affects self-control, one study has identified six elements that are associated with individuals with low self-control: (1) lack of future orientation; (2) self-centeredness; (3) low frustration tolerance; (4) lack of persistence and tenacity; (5) preference for physical activity (compared to mental activity) and; (6) preference for thrill-seeking activities.⁸⁴ Self-control has largely been studied in

76. Holland, *supra* note 38, at 13.

77. *Id.* at 98 (citing G. L. Flett et al., *Personality, Negative Social Interactions, and Depressive Symptoms*, 29 CAN. J. BEHAV. SCI. 28 (1997)).

78. Kennedy, *supra* note 28.

79. *Id.*

80. See *infra* notes 85-87 and accompanying text.

81. Brennan, *supra* note 43, at 210–11 (citation omitted).

82. See Govan, *supra* note 46, at 684, 690–94 (citing Katy Marquardt, *A Compact History of the Greek Empire at U. Texas*, DAILY TEXAN via U-WIRE (Aug. 27, 1999); see, e.g., Skorton, *supra* note 49, at A23.

83. See Brennan *supra* note 43, at 210–11 (citation omitted).

84. Margit Averdijk & Rolf Loeber, *The Role of Self-Control in the Link Between Prior and Future Victimization: An Indirect Test*, 18 INT’L R. VICTIMOLOGY 189, 191 (2012) (noting that the six elements of self-control were developed by Gottfredson and Hirschi and applied to victimization by Shreck) (citing M.R. GOTTFREDSON & T. HIRSCHI, *A GENERAL THEORY OF CRIME* (Stanford Univ. Press 1990)).

terms of the self-control of the offender, however, recent studies have shifted to focus on the level of self-control of the victim and how this trait may or may not predict future victimization.⁸⁵ These studies have revealed what appears to be a link between low self-control and victimization.⁸⁶ Generally, one argument posits that low self-control, which has been associated with risky behaviors, in turn leads to vulnerability to victimization.⁸⁷ For instance, low self-control leads to more associations with antisocial individuals, more delinquency, and riskier lifestyles. One study (conducted by Averdijk and Loeber) was not conclusive in terms of linking low self-control to repeated violent victimization, however, their study did indicate that this link was only indirectly tested and further investigation would be necessary.⁸⁸ Two personality traits sharing conceptual overlap with self-control – Agreeableness and Conscientiousness – increase associations with antisocial individuals and access to illicit goods, which in turn increase victimization.⁸⁹

Despite Averdijk and Loeber's study's relative inconclusiveness, two of the six elements listed above associated with individuals with low self-control appear relevant to hazing situations: the lack of future orientation and the preference for thrill-seeking activities.⁹⁰ The lack of future orientation seems relevant because individuals prepared to put themselves into hazing situations are generally "not interested in or aware of the possibilities to take precautions against victimization," in

85. *Id.* (noting that C.J. Schreck "was the first to systematically formulate principles for the relationship between self-control theory and victimization").

86. *Id.* (citing J. Archer & N. Southall, *Does Cost-Benefit Analysis or Self-Control Predict Involvement in Bullying Behavior by Male Prisoners?*, 35 *AGGRESSIVE BEHAV.* 31 (2009); D. R. Forde & L. W. Kennedy, *Risky Lifestyles, Routine Activities, and the General Theory of Crime*, 14 *JUST. Q.* 265 (1997); K. Holtfreter et al., *Low Self-Control, Routine Activities, and Fraud Victimization*, 46 *CRIMINOLOGY* 189 (2008); K. R. Kerly et al., *Self-Control, Prison Victimization, and Prison Infractions*, 34 *CRIM. JUST. R.* 553 (2009); S. Nofziger, *Victimization and the General Theory of Crime*, 24 *VIOLENCE & VICTIMS* 337 (2009); A. R. Piquero et al., *Self-Control, Violent Offending, and Homicide Victimization: Assessing the General Theory of Crime*, 21 *J. QUANTITATIVE CRIMINOLOGY* 55 (2005); C. J. Schreck, *Criminal Victimization and Low Self-Control: An Extension and Test of a General Theory of Crime*, 16 *JUST. Q.* 633 (1999); C. J. Schreck et al., *A Study of Individual and Situational Antecedents of Violence Victimization*, 19 *JUST. Q.* 159 (2002); C. J. Schreck et al., *Self-Control, Victimization, and Their Influence on Risky Lifestyles: A Longitudinal Analysis Using Panel Data*, 22 *J. QUANTITATIVE CRIMINOLOGY*, 319 (2006); Stewart et al., *Integrating the General Theory of Crime into an Explanation of Violent Victimization Among Female Offenders*, 21 *JUST. Q.* 160 (2004)).

87. *Id.*

88. *Id.* at 203 (indicating that "[t]here is a lack of clarity regarding victims' behavioural reactions after victimization. Future research on these issues would shed more light on the link between prior and future victimization").

89. Pamela Wilcox, Christopher J. Sullivan, Shayne Jones, Jean-Louis van Gelder, *Personality and Opportunity: An Integrated Approach to Offending and Victimization*, __ *CRIM. JUST. & BEHAV.* __ (forthcoming).

90. Averdijk & Loeber, *supra* note 85, at 191.

this case hazing.⁹¹ The preference for thrill-seeking activities might lead to an increased risk of victimization in hazing situations because these individuals would be more likely to seek these activities out in the first place and place themselves in proximity to the offenders, or hazers, leading to a higher risk of victimization.⁹² While these two elements are associated with individuals with low self-control, and low self-control has been linked to victimization, these studies have thus far remained limited to *criminal* victimization (i.e. theft, homicide) as opposed to hazing victimization.

It is likely that one's personality or specific personality traits are, or could be, predictive of victimization within the context of hazing in fraternities and sororities. While most research has focused on personality characteristics that predict *criminal* victimization, it seems likely that some of these same characteristics – low self-control, alcohol use/abuse – would be analogous to hazing victimization.⁹³ Similarly, victimology has focused mostly on the study of the victims of crimes, not the victims of hazing.⁹⁴

Perhaps victims of crimes and victims of hazing have so far been treated differently because of the perception or assumption that a fraternity/sorority pledge is engaging in the hazing activity voluntarily and that the pledge understands the potential dangers associated with the hazing activities.⁹⁵ Although this might be true to a certain extent, pledges may not always understand or appreciate how dangerous some initiation acts might be.⁹⁶ In fact, part of the definition of hazing includes the phrase “regardless of consent,”⁹⁷ which would indicate that victims of hazing might share certain personality traits with victims of crimes, despite hazing victims' belief that they are participating voluntarily.

Researchers have only just begun to delve into which personality traits predict involvement in hazing activities.⁹⁸ As for which personality traits specifically predict becoming a *victim*, as opposed to a perpetrator, of hazing activities, it is likely that many of the traits that predict general or criminal victimization will also predict hazing victimization within fraternities and sororities. In this section, we high-

91. *Id.* at 191.

92. *Id.*

93. *Id.* at 190.

94. *Id.* at 191.

95. A. Catherine Kendrick, *Tort Law Ex Parte Barran: Can a Pledge's Voluntarily Submitting to Hazing Constitute Assumption of the Risk?*, 23 AM. J. TRIAL ADVOC. 485, 486 (1999) (citing Cheryl Bailey, Annotation, *Tort Liability of College, University, Fraternity, or Sorority for Injury to Death of Member by Hazing or Initiation Activity*, 68 A.L.R. 4TH 228, § 2 (1989))

96. *Id.*

97. Lipkins, *supra* note 40.

98. See, e.g., Campo, *supra* note 41, at 138-39; Holland, *supra* note 38, at 17.

light some of the major, BGLO hazing incidents from the 1970s and 1980s as well as the 1990s to show and underscore that hazing and hazing victimization existed and persisted in the shadow of a major hazing death and subsequent reforms.

II. HAZING VICTIMS IN BGLOS

Hazing has been a persistent issue within BGLOs for decades.⁹⁹ As noted above, it is only recently that scholars have begun to investigate this issue,¹⁰⁰ especially in the context of the law.¹⁰¹ Maybe the most dramatic transition in how these organizations have tackled the issue of hazing was in 1990, when the nine major BGLOs banned hazing and pledging for a new process—the membership intake process.¹⁰² The new approach fell on the heels of Joel Harris' hazing-related death in 1989.¹⁰³

In the 1970s, several incidents of BGLO hazing came to light. Moreover, in some cases, criminal and organizational sanctions were leveled against alleged perpetrators of the hazing. For example, Robert Brazile (then 19 years of age) sought to join the Omega Psi Phi Fraternity at the University of Pennsylvania in 1977.¹⁰⁴ Brazile, a sophomore pre-med student who wanted to one day practice medicine in his native Haiti, made it through the first seven weeks of pledging.¹⁰⁵ However, during “Hell Week” in April 1977, Brazile went to a meeting at which pledges were beaten and forced to do strenuous running.¹⁰⁶ Brazile collapsed in the fraternity house meeting room and died a few hours later at the campus hospital center.¹⁰⁷ Brazile's death was later linked to a previously undetected heart ailment.

In February of 1978 at North Carolina Central University, a then 20-year-old Omega Psi Phi pledge named Nathaniel Swinson died during an off-campus initiation.¹⁰⁸ His death occurred after he was forced to run several miles and complete a battery of grueling exercises.¹⁰⁹ The autopsy revealed Swinson had sickle cell anemia and died from

99. Ricky L. Jones, *BLACK HAZE: VIOLENCE, SACRIFICE, AND MANHOOD IN BLACK GREEK-LETTER FRATERNITIES 1* (John R. Howard & Robert C. Smith eds., 2004).

100. See, e.g., Campo, *supra* note 41, at 138.

101. See, e.g., Holland, *supra* note 38, at 17.

102. Govan, *supra* note 46, at 687 (citing Paul Ruffins, ‘Greek’ Pride and Pain, 16 *BLACK ISSUES IN HIGHER EDUC.* 103 (Aug. 19, 1999)).

103. See *infra* notes 134 to 145.

104. Judith Valente, *Student's Death During Hazing is Investigated*, *WASH. POST*, April 25, 1977, at A1.

105. *Id.*

106. *Id.*

107. *Id.*

108. 2 *N.C. Central Students Injured in Fraternity Hazing Incident*, *THE CHARLOTTE OBSERVER*, Feb. 24, 1989, at 2C.

109. *Id.*

excessive physical stress.¹¹⁰ Also in 1978, eighteen Omega Psi Phi pledges at the University of Florida were violently hazed.¹¹¹ Some indicated that they were forced to consume large amounts of alcohol and marijuana.¹¹² One pledge maintained that he needed to spend the night in a psychiatric ward due to a mental break-down attributed to excessive paddling, beating, interrogations, and drinking during his initiation.¹¹³

By the 1980s Black fraternal hazing was gaining popular culture notoriety, especially after Van Watts died from alcohol poisoning following a 1983 Omega Psi Phi initiation ceremony and party at Tennessee State University Campus.¹¹⁴ Watts, a junior from Birmingham, Alabama, was coerced into drinking and carried bruises on his dead body.¹¹⁵ The morning after the party, people awoke to find Watts dead.¹¹⁶ That morning, other initiates were seen leaving the home staggering and supporting each other, most likely due to the same treatment Watts received the night before.¹¹⁷

Three years later, Steven Jones, then 20 years old, was charged with ten criminal offenses, including two felony counts of assault with a deadly weapon, for hazing eight Omega Psi Phi pledges at North Carolina A&T University.¹¹⁸ The pledges endured the bulk of their injuries on March 27, 1986 when Jones struck seven pledges with a 2x4 on their heads, arms, and shoulders, and lit another pledge's beard on fire.¹¹⁹ One pledge suffered a large wound on his head which would not close with stitches, and another pledge required seven stitches for a wound on his head.¹²⁰ Just the next year, in 1987, Lamar University student Harold Thomas applied for membership in Omega Psi Phi

110. Associated Press, *2 N.C. Central Students Injured in Fraternity Hazing Incident*, CHARLOTTE OBSERVER (NC), Feb. 24, 1989, at 2C, available at 1989 WLNR 1068518.

111. Jones, *supra* note 99, at 122.

112. *Id.*

113. Lori Rozsa, *Dean Suspends UF Fraternity for 1 Year*, THE MIAMI HERALD, Feb. 22, 1985, at 22A.

114. Amy Green, *TSU Student's Death Tied to Hazing is Latest In Series for Fraternity*, THE COMMERCIAL APPEAL (Memphis), Mar. 31, 2001, at B3 (Watts' blood-alcohol level was 0.52, five times the legal limit).

115. *Tenn. Fraternity Banned After Drinking Death*, PHILA. DAILY NEWS, Dec. 14, 1983, at 12A.

116. *Fraternity Pledge Dies of Drinking*, MIAMI HERALD, Dec. 2, 1983, at 22A, available at NewsBank, Rec. No. 8304060258.; *Ban on Fraternity in Death*, N.Y. TIMES, Dec. 14, 1983, at 14A.

117. *Fraternity Pledge Dies of Drinking*, *supra* note 117.

118. *Student Charged in Hazing 8 Fraternity Pledges at NC A&T Injured*, CHARLOTTE OBSERVER, Apr. 9, 1986, at 5B, available at NewsBank, Rec. No. 8503030431.

119. *Id.*

120. *Id.*

Fraternity.¹²¹ Harold died of heart failure as a result of a six-mile run during pledge hazing.¹²²

One of the most noted black fraternal cases was the near-death beating of Earl McKenzie and five other Kappa Alpha Psi pledges at Fort Valley State College in November of 1989. They were beaten with canes and paddles as part of a "pledge line."¹²³ McKenzie received blows to his chest, kidneys and back over a period of five hours and was hospitalized as a result, requiring three units of blood due to internal bleeding.¹²⁴ The hazing began in earnest on November 6 to punish McKenzie and other pledges for failing to memorize fraternity history and rap songs praising the active members.¹²⁵ The pledges had their shirts ripped off, were slammed to the ground, punched, and forced to eat raw eggs.¹²⁶ The beatings continued to November 14,¹²⁷ when one of the active members said that he was going to "put somebody in the hospital tonight;" the pledges heard the threat and then fled to McKenzie's parents' house.¹²⁸ This decision, however, led to an even worse punishment the following evening when the pledges were locked inside the fraternity house and pummeled with canes, kicks, and fists.¹²⁹ McKenzie felt dizzy and sick from the abuse, but the active members believed he fabricated his injuries.¹³⁰ As a result, McKenzie and another pledge, Brian Beeler, were hospitalized at Peach County Hospital.¹³¹ McKenzie's kidneys were on the verge of failure and Beeler was treated for a sprained back, bruised buttocks and sore kidneys.¹³² Six members of Kappa Alpha Psi were charged with battery.¹³³

Perhaps the most notable hazing incident of the 1980s occurred on October 17, 1989, when Joel Harris, an eighteen year old sophomore at Morehouse College, collapsed during an Alpha Phi Alpha fraternity ritual at an apartment complex and later died at the hospital.¹³⁴

121. *Thomas v. Lamar Univ. Beaumont*, 830 S.W.2d 217, 218 (Tex. Ct. App. 1992).

122. *Id.*

123. David Goldberg, *5 in Fort Valley Frat Charged as Hazing Injures Pledges*, ATL. J. & ATL. CONST., Nov. 22, 1989, at A/1, available at NewsBank, Rec. No. 891102577.

124. *Id.*

125. *Id.*

126. *Id.*

127. *Id.*

128. *Id.*

129. *Id.*

130. *Id.*

131. David Goldberg, *Six at Fort Valley Charged as Hazing Injures Two*, ATL. J. & ATL. CONST., Nov. 22, 1989, at A/11, available at NewsBank, Rec. No. 891104230.

132. *Id.*

133. *Id.*

134. Margaret L. Usdansky, *Judge's Ruling Will Let Morehouse Hold New Hearings in Hazing Case*, ATL. J. & ATL. CONST., Nov. 3, 1989, at B/3, available at NewsBank, Rec. No. 891100429.

Harris collapsed during a ritual involving slaps, blows, and punches.¹³⁵ The ritual lasted between three and five hours, and the post-mortem examination revealed two abrasions on Harris's chest that looked like fingernail marks.¹³⁶ The marks may have come from a beating, although members denied striking Harris.¹³⁷ Harris died of an abnormal heart rhythm linked to congenital heart disease.¹³⁸ The evening of Harris' passing began with pledges reciting historical events of the fraternity.¹³⁹ Errors in their performance however, were punished with an array of physical abuse.¹⁴⁰ One option was "Thunder and Lightning," which involved getting hit in the chest and slapped in the face.¹⁴¹ Another method, called "Free Fall", involved elbows, slaps, and punches to the chest.¹⁴²

Joel Harris' mother, Adrienne C. Harris, vowed a crusade to end hazing in response to her son's death.¹⁴³ The response to the incident by black fraternities and sororities was swift: the National Pan-Hellenic Council (which represented the then eight traditionally black fraternities and sororities), called each member organization to an anti-hazing summit in February 1990.¹⁴⁴ At the meeting, which took place just four months after Joel Harris' death, the council agreed that hazing (especially, dressing alike, head shaving, and walking in straight lines) should no longer be an official part of their organizations' new member intake procedures.¹⁴⁵ The name of the initiation process was even changed from "pledging" to "membership intake" and now involves making an application for membership and being accepted without enduring the rigors of hazing and pledging.¹⁴⁶

Despite running on the heels of Harris' death and NPHC decision, the 1990s bore witness to continued hazing incidents and increased

135. W. Stevens Ricks, *Slaps, Blows a Part of Hazing Ritual, Examiner Reports*, ATL. J. & ATL. CONST., Oct. 26, 1989, at D/1, available at NewsBank, Rec. No. 891003689.

136. *Id.*

137. *Id.*

138. *Id.*

139. *Id.*

140. *Id.*

141. *Id.*

142. *Id.*

143. Andy Miller, *Mother Vows Crusade Against Hazing- Morehouse Sophomore, 18, Eulogized by Friends, Faculty*, ATL. J. & ATL. CONST., Oct. 20, 1989, at B/1, available at NewsBank, Rec. No. 891002943. .

144. Lisa Frazier, *Rites of Passage: College Greeks Shun Hazing*, TIMES-PICAYUNE (New Orleans, La.), Sept. 9, 1991, at A1, available at NewsBank, Rec. No. 9109110006.

145. *Id.*

146. Cynthia Mitchell, *College Hazing Fails Every Test Black Greek-Letter Groups Meet, Vow To End Violence*, ATL. J. & ATL. CONST., July 14, 1990, at A01, available at NewsRoom, 1990 WLNR 3389567; Rosemary Banks Harris, *Black Frats Give Up Pledging Issues of Hazing and Commitment Divide Members*, ORLANDO SENTINEL, Oct. 4, 1990, at E1, available at NewsRoom, 1990 WLNR 3954678.

legal wrangling over whether or not hazing victims are complicit in their treatment. For example, James Bush, Jr., a 20 year old sophomore pledging Omega Psi Phi at Clark Atlanta University, was hospitalized on November 17, 1991 after being hit with a wooden paddle in the buttocks and kidney area during an off campus hazing activity.¹⁴⁷ Three members took Bush and ten other pledges to a high school football field and beat them.¹⁴⁸ Bush suffered kidney damage, bruised kidneys, and “raw” buttocks as a result of the incident.¹⁴⁹ The pain was so intense that Bush was “trembling and biting into the ground” while he crawled on his stomach under bleachers of the baseball field, and took blows to his back and legs delivered by hands, fists, rubber tires, and wooden paddles.¹⁵⁰ Three fraternity members ultimately pleaded guilty to misdemeanor battery and hazing charges.¹⁵¹ The members were sentenced to three months community service and ordered to pay Bush’s medical expenses, which totaled \$5,500.¹⁵²

Wardell Pride pledged Kappa Alpha Psi at Tennessee State University in 1991 when he was hazed in ritualized “heat sessions.”¹⁵³ At these sessions, pledges were subjected to physical abuse in various forms, including “the cut” and “bringing the knowledge.”¹⁵⁴ “The cut” involved the pledges bending over, covering their genitals with one hand, and taking a beating with a wooden cane.¹⁵⁵ “Bringing the knowledge” featured a member jumping down and slamming a heavy book on top of a pledge’s bowed head.¹⁵⁶ Pledges were also reportedly punched in the chest with a knuckle and had sums of money extorted from them to pay for members’ rent and car repairs.¹⁵⁷ Pride alleges that he was pummeled, poked with needles, branded on his arms and chest, and beaten with a cane so hard that it snapped.¹⁵⁸

Over a period of four weeks in 1993, Joseph Snell was beaten by members of the University of Maryland chapter of Omega Psi Phi

147. John Blake, *Clark Atlanta Student Hospitalized For Kidney Injury In Alleged Hazing*, ATL. J. & ATL. CONST., Nov. 20, 1991, at D/3, available at NewsBank, Rec. No. 913520423.

148. *Id.*

149. *Id.*

150. Holly Morris, *Three Plead Guilty In Hazing Student at CAU Tells of Blows to Kidneys, Arms*, ATL. J. & ATL. CONST., Feb. 9, 1992, at E8, available at NewsRoom, 1992 WLNR 2322435.

151. John Blake, *3 Plead Guilty To Fraternity Hazing*, ATL. J. & ATL. CONST., Feb. 20, 1992, at E8, available at NewsRoom, 1992 WLNR 2346385.

152. *Id.*

153. Peter Applebome, *Lawsuit Shatters Code of Silence Over Hazing at Black Fraternities*, N.Y. TIMES, Dec. 21, 1994, at B15, available at NewsRoom, 1994 WLNR 3574123.

154. *Id.*

155. *Id.*

156. *Id.*

157. *Id.*

158. *Id.*

with a hammer, horse-hair whip, broken chair leg, and brush.¹⁵⁹ The beatings took place in a fraternity member's apartment and behind a school at night.¹⁶⁰ Pledges were made to eat vomit and received concussions and broken ribs, and six pledges suffered serious injuries ranging from a ruptured spleen to a fractured ankle.¹⁶¹ In addition to the beatings, the members once put a space heater next to Snell's face to darken his skin because he was not "black" enough.¹⁶² As a result of the abuse, Snell called a suicide hotline and was hospitalized.¹⁶³ Snell subsequently filed suit against the fraternity. Snell alleged he was assaulted and battered by the fraternity's members and they intentionally and/or negligently inflicted emotional distress.¹⁶⁴ The defendants argued the abuse did not occur, but if it did they did not authorize the beatings, and that Snell consented to the abuse by continuing to return to the fraternity house.¹⁶⁵ Twenty three members of the fraternity were charged with beating new members, but they avoided trial by agreeing to apologize to Snell, pay his medical bills, and perform anywhere from one hundred to one hundred fifty hours of community service.¹⁶⁶

In 1994, Kendrick Morrison, a freshman at Louisiana Tech University, applied for membership in the Kappa Alpha Psi Fraternity.¹⁶⁷ Resultantly, Morrison was physically beaten by Jessie Magee, the chapter president and was subsequently treated for head and neck injuries at the local hospital.¹⁶⁸ Kendrick suffered a drop in grades following the incident and claimed that his lower academic performance would prevent him from gaining admission to physical therapy school.¹⁶⁹

Also in 1994, another hazing incident occurred under Kappa Alpha Psi. In February 1994, the Southeast Missouri State University chapter of Kappa Alpha Psi took on five pledges for initiation, one of whom was Michael Davis.¹⁷⁰ Between February 7th to 14th, Keith

159. Lisa Frazier, *Former Student at U-MD Wins Hazing Lawsuit*, WASH. . POST (D.C.), July 12, 1997, at B01, available at NewsRoom 1997 WLNR 7180991.

160. *Id.*

161. Thomas W. Waldron, *Fraternity Members In Hazing Must Perform Volunteer Service*, SUN (Balt. .), June 29, 1994, at 2B, available at NewsBank, Rec. No. 1994180071.

162. Frazier, *supra* note 159.

163. *Id.*

164. Snell v. Omega Psi Phi Fraternity, Inc., No. 74504, 1997 WL 33103496, (Md. Cir. July 10, 1997).

165. *Id.*

166. Waldron, *supra* note 161. .

167. Morrison v. Kappa Alpha Psi Fraternity, 738 So.2d 1105, 1110 (La. App. 2 Cir. May 7, 1999). .

168. *Id.*

169. *Id.* at 1111.

170. *State v. Allen*, 905 S.W.2d 874, 875 (Mo. 1995).

Allen and other fraternity members subjected the pledges to repeated physical abuse.¹⁷¹ The young men were slapped on their necks and backs, caned on their buttocks and feet, and beaten with heavy books and cookie sheets.¹⁷² The pledges were also kicked, punched, and body slammed by the active members.¹⁷³ After two of the five pledges dropped out, the remaining three were put through a seven-station circle of physical abuse on February 14th.¹⁷⁴ At some point during this activity, Michael Davis passed out.¹⁷⁵ His “big brothers” thought he was pantomiming and that his injuries were not as serious as portrayed, so they decided to carry him to his apartment.¹⁷⁶ Once at his dorm, the Kappa fraternity brothers stripped Davis of his clothes and left him on his bed.¹⁷⁷ He would never regain consciousness, dying the following day.¹⁷⁸ The autopsy revealed that Davis had suffered broken ribs, a lacerated kidney, a lacerated liver, and multiple bruises.¹⁷⁹ A pathologist stated that the cause of death was a subdural hematoma of the brain.¹⁸⁰ Keith Allen was charged with five counts of hazing, which is a misdemeanor offense in Missouri.¹⁸¹ A jury found Allen guilty on all five counts, and he appealed, claiming that the Missouri hazing statute violates the First Amendment right to association and the Fifth and Fourteenth Amendment rights to equal protection and due process.¹⁸² The Missouri Supreme Court held that the statute is valid and affirmed the conviction, finding that Allen’s appeal was “little more than a casserole of constitutional catch phrases, unadorned by legal analysis.”¹⁸³

Besides Keith Allen, 12 other members of Kappa were also arrested. Eric Keys¹⁸⁴, Terrence Rogers,¹⁸⁵ Ronald Johnson,¹⁸⁶ Tyrone

171. *Id.*

172. *Id.*

173. *Id.*

174. *Id.*

175. *Id.*

176. Tim O’Neil & Marianna Riley, *Student Dies in Hazing University City Man, 25, Beaten During Initiation*, ST. LOUIS POST-DISPATCH, Feb. 17, 1994, at 01A, available at NewsRoom, 1994 WLNR 658995.

177. Tim Bryant, *Victim’s Clothes Trashed Following Hazing Death*, ST. LOUIS POST-DISPATCH, Aug. 25, 1994, at 01B, available at NewsRoom, 1994 WLNR 664391; William Raspberry, *Death on the Kappa Line*, WASH. POST, Feb. 23, 1994, available at NewsRoom, 1994 WLNR 5661135.

178. *Allen*, 905 S.W.2d at 875.

179. *Id.*

180. *Id.*

181. *Id.*

182. *Id.*

183. *Id.* at 875-76.

184. *2 More Alumni of Fraternity Are Charged in Hazing Death*, N.Y. TIMES, Feb. 24, 1994, at A18, available at NewsRoom, 1994 WLNR 3537667.

D. Davis,¹⁸⁷ Karl E. Jefferson,¹⁸⁸ Larry H. Blue, Eric A. Massey,¹⁸⁹ and Isaac Sims III were all arrested,¹⁹⁰ but all either plead out or were released. The other 5 members, however, did end up serving jail time. Vincent L. King received the longest sentence, 5 years for involuntary manslaughter.¹⁹¹ Michael Q. Williams reached a deal with prosecutors and agreed to 90 days in jail and 5 years' probation. Mikel Giles, Cedric Murphy, Carlos Turner all received 30 days in jail and 5 years' probation for their involvement.¹⁹²

In August of 1994 Sylvester Lloyd, Jr., transferred to Cornell and pledged Alpha Phi Alpha.¹⁹³ In the spring of that following semester, Lloyd participated in initiation activities, which involved various forms of physical beatings and abuse, psychological coercion, and embarrassment.¹⁹⁴

Santana Kenner sought initiation in the Beta Epsilon chapter of the Kappa Alpha Psi Fraternity at the University of Pittsburgh in February 1996.¹⁹⁵ During two chapter meetings, members of the fraternity engaged in psychological and physical hazing of Kenner and other initiates.¹⁹⁶ Then, on March 29th, Kenner was told to attend another chapter meeting at a member's apartment.¹⁹⁷ Kenner was greeted by four chapter members who proceeded to beat him more than two hundred times on the buttocks with paddles.¹⁹⁸ After the beating, Kenner noticed his buttocks were numb and his genitals were swollen.¹⁹⁹ He checked into the hospital the next day with blood in his urine and genital swelling.²⁰⁰ As a result of the beating, Kenner suffered renal failure, seizures, and hypertension requiring three weeks of hospitalization and kidney dialysis.²⁰¹

185. Susan K. Brown, *6 More Arrested in Hazing 13 Now Charged in Ritual at Southeast Missouri State*, ST. LOUIS POST DISPATCH, Feb. 19, 1994, at 01B, available at NewsRoom, 1994 WLNR 668054.

186. *Id.*

187. *Id.*

188. *Id.*

189. *Id.*

190. O'Neil, *supra* note 176. .

191. *2 Fraternity Members Sentenced in Death*, L.A. TIMES, Oct. 30, 1994, at 18, available at NewsRoom, 1994 WLNR 4213549.

192. *Two Fraternity Brothers Plead Guilty in Hazing Death of Pledge*, DENVER ROCKY MOUNTAIN NEWS, Aug. 31, 1994, at 26A, available at NewsRoom, 1994 WLNR 546961

193. *Lloyd v. Alpha Phi Alpha, Fraternity*, No. 96-CV-348, 97-CV-565, 1999 WL 47153, *1 (N.D.N.Y. Jan. 26, 1999).

194. *Id.*

195. *Kenner v. Kappa Alpha Psi Fraternity, Inc.*, 808 A.2d 178, 180 (PA Super 2002).

196. *Id.*

197. *Id.*

198. *Id.*

199. *Id.*

200. *Id.*

201. *Id.*

In 1996, University of Georgia football player Roderick Perrymond attempted to join Phi Beta Sigma Fraternity.²⁰² Perrymond claimed that the fraternity adviser verbally threatened to kill him before the paddling began, and he was also told he would be hit in the head with bricks and the paddle if he offered any resistance.²⁰³ After beginning the pledge process, Perrymond claimed he was struck by Phi Beta Sigma members over seventy times via a paddle, which required subsequent hospitalization.²⁰⁴ Three Phi Beta Sigma members then pled guilty to hazing and battery charges from the suit.²⁰⁵ However, criminal proceedings also moved forward, and the three members of the fraternity pleaded guilty to charges of battery and hazing and were sentenced to twenty four months' probation, \$1,200 fines, and one hundred fifty hours of community service.²⁰⁶ The three students were originally suspended by the university until 1999, but this was later reduced to the winter of 1998.²⁰⁷

The same year, Donald Edwards attempted to join the Northern Illinois University chapter of Kappa Alpha Psi.²⁰⁸ He was given the option of going through the "process" (understood as withstanding hazing) or of becoming a "paper" member (understood as the official process).²⁰⁹ Edwards chose to go through the "process" along with five other initiates.²¹⁰ On July 15, 1996, Edwards was called and told that he and the other initiates needed to bring pizza, movies, and drugs to a fraternity member's apartment.²¹¹ That evening the members poured candle wax onto Edwards's arms and slapped his head.²¹² On July 18, 1996, the initiates were coerced into each giving a member \$50.²¹³ Three pledges dropped out on July 19 when they discovered that not going through the written intake process might bar them from membership, but Edwards and the others continued.²¹⁴ Over the next month, Edwards was paddled on the face and buttocks, and a cigarette

202. Jim Thompson, *Ex-UGa Pledge Files Fraternity Hazing Suit*, FLA. TIMES-UNION, Oct. 26, 1996, at B-2, available at NewsBank, Rec. No. JFTU30244.

203. *Id.*

204. Joan Stroer, *Greeks Under Fire: Hazing in Spotlight After Death*, ATHENS-BANNER HERALD, Apr. 09, 2000, http://onlineathens.com/stories/040900/stu_0409000006.shtml.

205. Rebecca McCarthy, *UGA Reduces Suspensions in Hazing Case - The Three Men Who Paddled a Pledge Also Were Convicted on Criminal Charges*, ATL. J. & ATL. CONST., Aug. 23, 1997, at E5, available at NewsBank, Rec. No. 972360049.

206. *Id.*

207. *Id.*

208. *Edwards v. Kappa Alpha Psi Fraternity, Inc.*, No. 98 C 1755, 1999 WL 1069100, at *1 (N.D. Ill. Nov. 18, 1999).

209. *Id.*

210. *Id.*

211. *Id.*

212. *Id.*

213. *Id.* at *2.

214. *Id.*

was put out on him.²¹⁵ On about August 21, 1996, Edwards went to the hospital with a small contusion on his skull, and he returned the following day with blood in his urine.²¹⁶

In April of 1997, fifteen members of Omega Psi Phi at the University of Louisville were involved in the off-campus hazing of Shawn Blackston.²¹⁷ Blackston, a twenty-three year old freshman, was repeatedly beaten with a large wooden paddle and forced to eat dog food.²¹⁸ As a result of the beatings, Blackston sustained significant cuts to his body and kidney failure.²¹⁹ There was evidence that the regional trainer for Omega Psi Phi knew of the hazing rituals but did nothing about them.²²⁰

At an unofficial meeting of pledges on February 8, 1998, leaders of the Kappa Alpha Psi Fraternity at the University of Maryland Eastern Shore told Marquez Polk and Dwayne Motley that they would be beaten as part of their initiation.²²¹ If the men did not submit to the hazing, they were told that they would not enjoy the benefit of full membership privileges.²²² Over the next two months, Polk and Motley were caned, beaten, spanked and paddled “enumerable” times so savagely that the canes and paddles often broke during the beatings.²²³ As a result of this abuse, Polk and Motley were hospitalized with subcutaneous bleeding in the buttocks and gangrene of the buttocks.²²⁴ Surgery was performed which involved large amounts of tissue extraction and skin grafts to remedy conditions which, if neglected, could have potentially been fatal to the young men.²²⁵

While these incidents only provide a snapshot of hazing victimization within BGLOs, other work underscores that such victimization persists.²²⁶ And even while the aforementioned incidents did not necessarily result in criminal sanction, one would be hard-pressed to contend that the conduct was not criminal.²²⁷ It begs the question,

215. *Id.*

216. *Id.*

217. *Student Possibly Paddled in U of L Fraternity Hazing*, LEXINGTON HERALD-LEADER, Apr. 11, 1997 at B1, available at NewsBank, Rec. No. 9704110068.

218. *Blackston v. Omega Psi Phi*, 97 Ci 3463, 1999 WL 33655000 (Ky. Cir. Ct. 1999).

219. *Id.*

220. *Id.*

221. *McKenzie v. State*, 748 A.2d 67, 69 (Md. Ct. Spec. App. 2000).

222. *Id.*

223. *Id.*

224. *Id.*

225. *Id.*

226. See Dara Aquila Govan, “Hazing Out” the Membership Intake Process in Sororities and Fraternities: Preserving the Integrity of the Pledge Process Versus Addressing Hazing Liability, 53 Rutgers L. Rev. 679 (2001).

227. See *id.*; see also Valente, *supra* note 104, at 10; Green, *supra* note 114, at 10; Goldberg, *supra* note 124, at 11.

however, “at least within BGLOs, what personality factors result in hazing victimization?”

III. HAZING AND VICTIMIZATION IN BGLOs: AN EMPIRICAL STUDY OF PERSONALITY

In an effort to survey as many individuals as possible, emails were sent via listservs. An email list was generated by one of the authors (beginning in 2003). Organizational directories, Yahoo! Groups, and chapter, district, provincial, and regional websites for Alpha Phi Alpha, Alpha Kappa Alpha, Kappa Alpha Psi, Omega Psi Phi, Delta Sigma Theta, Phi Beta Sigma, Sigma Gamma Rho, and Iota Phi Theta were used to create the email lists. This resulted in approximately 30,000 contacts. In the email, potential participants were given basic information about the study, which indicated we were conducting research on the experiences and opinions of Historically Black Colleges and Universities. Those who were interested in taking part in the research clicked on a hyperlink that directed them to the survey.

The survey was created using Qualtrics. Participants were given detailed information about the study and were required to consent before being exposed to any of the survey questions. Participants were allowed to withdraw from the study at any time and without penalty. No names or identifiable information was collected (including IP addresses), making all anonymous.

The majority of the sample ($n=1,357$) was female (62.1%) and African-American (90.9%; followed by Caribbean, 2.8%, African, 1.8%, Caucasian, 1.1%, and “other,” 3.4%). The mean age was 40.41 (standard deviation=12.9). The majority of the respondents were initiated in chapters in the southeast (47.3%), followed by the Midwest (21.0%), northeast and Washington D.C. (19.3%), southwest (5.0%), west (4.2%), and international (0.8%).

Measures

Hazing victimization. This scale included 27 items asking respondents whether or not they were required to engage in specific hazing activities (e.g., hit with paddle, memorize chapter information an history). The scale was reliable ($\alpha=.94$), with a mean of 16.29 (standard deviation=7.45; range: 0-27), indicating that the average number of hazing activities a person participated in was about 16. There was evidence of modest negative skew. To correct for this, a square root transformation was performed, and scores were reflected to ensure higher values were indicative of more hazing victimization.

Personality. Big Five Inventory (BFI). The BFI is a 44-item measure of general personality.²²⁸ It was designed to measure the domains of Neuroticism, Extraversion, Openness, Agreeableness, and Conscientiousness. Neuroticism assesses the extent to which a person is emotionally well-adjusted and stable. The eight-item scale was reliable ($\alpha=.81$), and had a mean of 17.61 (standard deviation=5.59). Extraversion refers to one's positive emotional adjustment and sociability. The eight-item scale was reliable ($\alpha=.83$), and had a mean of 28.74 (standard deviation=5.72). Openness taps into one's interest in culture and new experiences. The 10-item scale was reliable ($\alpha=.75$), and had a mean of 38.88 (standard deviation=5.28). Agreeableness assesses an individual's interpersonal relationships and approaches. The nine-item scale was reliable ($\alpha=.75$), and had a mean of 37.00 (standard deviation=4.68). Conscientiousness refers to how well one plans, is organized, and can inhibit impulses. The nine-item scale was reliable ($\alpha=.82$), and had a mean of 37.76 (standard deviation=5.00).

Weinberger Adjustment Inventory (WAI).²²⁹ The WAI is a measure of an individual's socio-emotional adjustment. It has two domains: Distress and Restraint. Distress captures an individual's tendency to experience negative affect, and have a poor self-image. Restraint assesses how well a person can control impulses and aggression, and is considerate of others and rules. Each domain contains four facets. The Distress domain includes anxiety (eight items; mean=19.70; standard deviation=6.73; $\alpha=.77$), depression (seven items; mean=11.59; standard deviation=5.44; $\alpha=.84$), low self-esteem (seven items; mean=9.82; standard deviation=3.29; $\alpha=.70$), and low well-being (seven items; mean=11.47; standard deviation=4.09; $\alpha=.80$). Restraint is comprised of impulse control (eight items; mean=33.93; standard deviation=4.81; $\alpha=.72$), suppression of aggression (seven items; mean=29.73; standard deviation=5.00; $\alpha=.79$), consideration of others (seven items; mean=29.59; standard deviation=4.13; $\alpha=.69$), and responsibility (eight items; mean=37.29; standard deviation=3.37; $\alpha=.69$).

Alcohol Intake During Initiation. Each respondent was asked whether or not they were required to consume alcohol during the initiation process. A small percentage (10.9%) indicated this was required of them during initiation.

228. Oliver P. John & Sanjay Srivastava, *The Big Five Trait Taxonomy: History, Measurement, and Theoretical Perspectives*, in HANDBOOK OF PERSONALITY: THEORY AND RESEARCH 102 (Lawrence A. Pervin & Oliver P. John eds., 2d ed. 1999).

229. Daniel D. Weinberger & Gary E. Schwartz, *Distress and Restraint as Superordinate Dimensions of Self-reported Adjustment: A Typological Perspective*, 58 J. PERSONALITY 381, 382 (1990).

Results

In order to understand how personality was related to hazing victimization, the analyses were conducted in several stages. The first set of models included the BFI scales, and the second set used the WAI scales. Within each set analyses, the personality scales were entered into the model first (Model 1), followed by the inclusion of sex and age (Model 2). In Model 3, alcohol intake during initiation was included. The final model (Model 4) assessed whether any of the personality traits interacted with sex, age, and/or alcohol intake. Each interaction term was assessed separately from the other interaction terms to reduce multicollinearity. That is, only one interaction term was assessed at a time.

All five of the BFI domains were significantly related to hazing victimization. Those higher in Neuroticism, Agreeableness, and Conscientiousness experienced less hazing. Conversely, individuals who scored higher on Extraversion and Openness were hazed more. After age and sex were entered (Model 2), only Extraversion remained significant (and positive). In addition, men and younger participants were hazed more. In Model 3, Extraversion, men, being younger, and alcohol used during initiation were significantly and positively related to being hazed more. None of the BFI domains significantly interacted with sex, age, or alcohol use during initiation.

The next series of analyses focused on the WAI. Impulse control and responsibility were positively and significantly related to more hazing victimization. These effects remained after including sex, age, and alcohol use during initiation. Like the previous analyses, men, younger participants, and alcohol use during initiation were significantly and positively related to hazing victimization. While sex and age did not interact with any of the WAI subscales, impulse control, suppression of aggression, and responsibility significantly interacted with alcohol use during initiation. Specifically, the protective effects of impulse control, suppression of aggression, and responsibility on hazing victimization were weakened when alcohol was used during initiation.

CONCLUSION

Victimization has long-been an understudied area of criminology. This article seeks to add to the growing understanding of what leads individuals to be victimized. Particularly regarding an area of victimization that has received increasing media attention in recent years—hazing. Even more, this work focuses on BGLO hazing—an area where there has been a small but growing body of legal scholarship. In

the end, this work should help BGLO stakeholders fashion better remedies to thwart, if not end, hazing.

The findings herein reveal several important conclusions. First, some personality traits are related to hazing victimization, at least in BGLOs. However, the effect sizes are quite modest, indicating that BGLO members' personality plays a small role in being hazed. This finding underscores other work that indicates that contextual, social psychological,²³⁰ and belief structures²³¹ may more robustly undergird BGLO hazing. Second, the effect of being male was consistently and strongly related to being hazed. This is not surprising, given the scholarship on hazing within black fraternities²³² and the complex dynamics in black fraternities around masculinity.²³³ Third, younger participants were much more likely to report hazing. This is no surprise given that youth may be more likely to take risks.²³⁴ Fourth, although relatively few participants reported being compelled to use alcohol during initiation, when this did occur it had an impact on being hazed in other ways. Lastly, and perhaps most interesting, those with higher levels of impulse control, suppression of aggression, and responsibility experienced less hazing. However, the protective effects of these traits were notably reduced in the presence of alcohol use during initiation. These findings underscore the research that suggests that black fraternity men tend to indulge in less substance use and abuse than their white counterparts,²³⁵ but when alcohol plays a role in hazing it can be quite problematic.²³⁶

230. See Gregory S. Parks & Tiffany Southerland, *The Psychology and Law of Hazing Consent*, (2013), available at <http://ssrn.com/abstract=2235742>.

231. See Gregory S. Parks, Shayne E. Jones, & Matthew W. Hughey, *Belief, Truth, and Positive Organizational Deviance*, 56 *HOW. L.J.* 399 (2013).

232. See, e.g., RICKY L. JONES, *BLACK HAZE: VIOLENCE, SACRIFICE, AND MANHOOD IN BLACK GREEK-LETTER FRATERNITIES* (2004).

233. See Reynaldo Anderson et al., *Black Greek-Letter Fraternities and Masculinities*, in *BLACK GREEK-LETTER ORGANIZATIONS 2.0: NEW DIRECTIONS IN THE STUDY OF AFRICAN AMERICAN FRATERNITIES AND SORORITIES* 114 (Matthew W. Hughey & Gregory S. Parks eds., 2011); Alan D. DeSantis & Marcus Coleman, *Not on My Line: Attitudes about Homosexuality in Black Fraternities*, in *BLACK GREEK-LETTER ORGANIZATIONS IN THE 21ST CENTURY: OUR FIGHT HAS JUST BEGUN* 291 (Gregory S. Parks ed., 2008).

234. See Terrie L. Moffitt, *Adolescence-Limited and Life-Course Persistent Antisocial Behavior: A Developmental Taxonomy*, 100 *PSYCHOL. REV.* 674 (1993).

235. Tyra Black et al., *Racism, Sexism, and Aggression: A Study of Black and White Fraternities*, in *AFRICAN AMERICAN FRATERNITIES AND SORORITIES: THE LEGACY AND THE VISION* 363 (Tamara L. Brown et al. eds., 2005).

236. See HANK NUWER, *WRONGS OF PASSAGE: FRATERNITIES, SORORITIES, HAZING, AND BINGE DRINKING* (2001).