

August 9, 2018

Hazing in the Armed Forces

Background

Initiation customs have long been part of the culture in the United States Armed Forces as a method to welcome new members and mark rites of passage. However, several high-profile incidents have raised congressional concern that some of these traditions may subject service members to harmful or humiliating acts.

Hazing may pose a threat to trust, cohesion, safety, and health of members of the Armed Forces. Congress has oversight of this issue under Article 1, Section 8 of the U.S. Constitution, which grants Congress the authority to raise and support armies, provide and maintain a navy, and to make rules relevant to their organization and discipline. Therefore, an understanding of the context of this issue and recent actions taken to counteract it may help Congress decide whether or not to address hazing in the military through oversight and legislation.

Key Definitions

One of the main obstacles to effectively counteracting hazing is its similarity to other forms of unwelcome behavior, including harassment, bullying, and discrimination. Inconsistent and overly broad definitions may create confusion for victims and challenges to incident response, reporting, and data collection. For example, surveys of male service members have found that incidents reported as hazing often meet the definition of sexual assault. The term used in reporting can impact investigations and adjudications. DOD makes distinctions between these behaviors in order to establish a comprehensive policy across all services (see **Table 1**).

Perceptions of Hazing

Initiation rituals commonly follow a path of separation, transition, and incorporation, which brings members into a new role. Within the military, *esprit de corps*, or the capacity of a group's members to maintain belief in their mission, is considered a sacred value and produced through various trials. Some believe that shared experiences of hardship during initiation rituals lead to greater group commitment and dependency. On the other hand, some contend that these rituals waste time and reduce a service member's ability to perform at their psychological and physical peaks. As Armed Forces personnel often undergo physically and mentally rigorous training, particularly as new recruits, the line between acceptable behavior and reportable behavior (i.e., hazing) easily blurs. Some members may even seek to participate in certain activities that are prohibited by policy (e.g., *blood-wing/blood-pinning*) in order to prove that they belong. Proponents of these rituals justify them by pointing to the differences in military and civilian culture.

The services have established formal, community-specific indoctrination processes. For example, military members must meet certain standards in terms of conduct, physical fitness, and marksmanship in order to be accepted and retained.

Table 1. Department of Defense Definitions

Term	DOD Definition
Harassment	Behavior that is unwelcome or offensive to a reasonable person, whether oral, written, or physical, that creates an intimidating, hostile, or offensive environment. Harassment may be discriminatory (based on race, color, religion, sex, gender identity, national origin, or sexual orientation) or involve unwelcome sexual advances or comments of a sexual nature.
Hazing	A form of harassment that includes conduct through which service members or DOD employees, without a proper military or other governmental purpose but with a nexus to military service, physically or psychologically injure or create a risk of physical or psychological injury to service members for the purpose of: initiation into, admission into, affiliation with, change in status or position within, or a condition for continued membership in any military or DoD civilian organization.
Bullying	A form of harassment that includes acts of aggression by service members or DOD civilian employees, with a nexus to military service, with the intent of harming a service member either physically or psychologically, without a proper military or other governmental purpose. Bullying may involve the singling out of an individual from his or her coworkers, or unit, for ridicule because he or she is considered different or weak. It often involves an imbalance of power between the aggressor and the victim.

Source: Department of Defense Instruction 1020.03, "Harassment Prevention and Response in the Armed Forces."

Notes: All evaluations are based on a *reasonable person standard* and do not include properly directed command or organizational activities that serve a proper military or governmental purpose or their preparatory training requirements.

Prevalence Rates

Efforts to discern accurate hazing prevalence rates have faced challenges. In 2016, the Government Accountability Office (GAO) found that each service branch has different

data tracking requirements and often limited reports to reflect only cases investigated by military criminal investigative organizations, rather than allegations handled by the chain of command or inspector general. Moreover, services used inconsistent methods of counting cases and had decentralized points of contact throughout the force. However, an estimate of prevalence can be obtained from command climate surveys that include questions related to hazing and demeaning behaviors. **Table 2** describes the degree to which service members perceive hazing and demeaning behaviors within their own units.

Table 2. Prevalence of Hazing and Demeaning Behaviors Across the U.S. Military

Service	Perceived Hazing Behaviors	Perceived Demeaning Behaviors
Army	9%	14%
Navy	5%	9%
Marine Corps	11%	15%
Air Force	2%	5%

Source: 2014 Organizational Climate Survey Data gathered by the Defense Equal Opportunity Management Institute and analyzed by the Government Accountability Office.

Notes: Percentages in each category are those that agreed or strongly agreed with all statements regarding hazing or demeaning behavior. The scope of data is limited to active-duty units.

Comparison to the General Population

Within the civilian population, hazing is most common within athletic organizations and university groups such as fraternities and sororities. Similar data collection issues prohibit accurate assessments of prevalence in these groups, but the 2008 National Study of Student Hazing found that 55% of college students involved in extracurricular activities experienced hazing. Although the 1990 Clery Act (P.L. 101-542) required all institutions of higher education that receive federal financial aid to maintain and disclose campus crime statistics, its provisions do not extend to hazing or bullying. Currently, the House Committee on Education and the Workforce is reviewing the Report and Educate About Campus Hazing Act (REACH Act, H.R. 2926), which would extend the provisions of the Clery Act to include hazing incidents. Nevertheless, some institutions, such as the University of Arizona and Cornell University, have implemented their own methods to track and combat hazing independently. These efforts could provide a model for the Armed Forces.

Response to Hazing Incidents

To standardize responses across the services, DOD has established policies with regard to preventive training, reporting, adjudication, and accountability. The secretaries of the military departments are responsible for creating service-specific mechanisms that collect, track, assess, and analyze data related to hazing allegations. Neither these systems nor the data are publicly available.

General Timelines

Under DOD policy, informal complaints of hazing should be addressed at the lowest possible level in the chain of command. Formal complaints that do not involve sexual harassment or assault allegations should be forwarded to a military officer with the authority to convene a general court-martial. Investigations are to commence within 5 duty days and conclude after no more than 30 duty days later. A final report, including actions taken, is due to the immediate superior officer within 36 days after the investigation began.

Punishment for Perpetrators

The Uniform Code of Military Justice (UCMJ) does not specifically define or prohibit hazing. However, since 1950 hazing has been prosecuted under punitive articles such as Article 93, Cruelty and Maltreatment, or Article 128, Assault. Unit commanders have the ultimate authority to adjudicate hazing incidents as they see fit, including non-judicial punishment.

Recent Legislation

Until recently, Congress has deferred to DOD for implementation of anti-hazing policies. However, in 2016 GAO concluded that DOD did not know the extent to which its policies had been implemented by each service. In the wake of several high-profile incidents, the following legislative actions have occurred:

- House Committee on Armed Services hearing on “Hazing in the Military,” March 2012.
- FY2013 NDAA (P.L. 112-239): requires each service secretary to submit reports that evaluate policies to track and prevent hazing incidents.
- FY2015 NDAA (P.L. 113-291): the lack of reliable statistics and information in the previous reports led Congress to call for an independent review of DOD hazing policies by the Comptroller General.
- FY2016 NDAA (P.L. 114-92): requires DOD to more comprehensively address incidents where hazing could constitute sexual assault through mandatory training.
- FY2017 NDAA (P.L. 114-238): requires DOD to establish a comprehensive data-collection system for incidents of hazing, improve its anti-hazing training, and submit annual reports describing its efforts to Congress from January 31, 2019, through January 2021.

Issues for Congress

The following questions may help Members of Congress exercise oversight and analyze forthcoming reports from the various services with regard to hazing:

- Do these reports provide an accurate accounting of the prevalence of hazing?
- Has data been collected and analyzed consistently across each branch of the Armed Forces?
- Do victims of hazing understand how it is defined and have appropriate access to investigative services?
- Are there any areas where preventive training has been inadequate or adjudications have been dismissed?
- On what aspects of this issue should future congressionally funded studies focus?

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IF10948

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