



OFFICE OF THE DEAN OF STUDENTS

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STUDENT CONDUCT AND ACADEMIC INTEGRITY ADMINISTRATIVE DISPOSITION FORM FOR STUDENT ORGANIZATION DISCIPLINE

Disciplinary Decision Notification Date: March 27, 2019

Student Organization: Texas Cowboys

Pursuant to Chapter 6 of the [Institutional Rules on Student Services and Activities, which may be found in Appendix C of the General Information Catalog](#), this form serves as written notification of Student Conduct and Academic Integrity in the Office of the Dean of Students' decision regarding the organization's case.

Violation(s):

2018-2019 Institutional Rules/Student Organization/Prohibited Conduct (6-400)/Section 6-400(a)(6) - Hazing - violates the University's prohibition of hazing as contained in Chapter 14 of the Institutional Rules

2018-2019 Institutional Rules/Student Organization/Prohibited Conduct (6-400)/Section 6-400(a)(3) - Harmful Behavior - behaves in a manner that threatens or endangers the health or safety of any student or employee of the University, or of visitors on the campus.

2018-2019 Institutional Rules/Student Organization/Prohibited Conduct (6-400)/Section 6-400(a)(7) - Alcohol Misconduct - engages in unauthorized use or possession of alcoholic beverages in a University classroom building, laboratory, auditorium, library building, museum, faculty or administrative office, intercollegiate or intramural athletic facility, residence hall, or any other campus area (see Regents' *Rules and Regulations*, Rule 80102 for more information); or engages in the improper use, possession, or consumption of alcoholic beverages, including but not limited to underage possession of alcohol, underage consumption of alcohol, providing alcohol to a minor, public intoxication, minor driving under the influence of alcohol, driving while intoxicated.

Summary of Rationale:

On or around November 13, 2018, the family of University of Texas at Austin ("UT Austin" or "university") student Nicholas Cumberland contacted UT Austin's Student Conduct and Academic Integrity ("Student Conduct") to share concerns they had regarding the Texas

Cowboys (“Cowboys” or “organization”) registered student organization¹ and their September 29, 2018 new member retreat (“Retreat”) . The Cumberland family informed the university that members of the Cowboys told them that hazing behavior had occurred at the Retreat, also known as “Ranch.” Based on its receipt of this information, Student Conduct then conducted its own, independent, investigation into the hazing allegations.

Ultimately, Student Conduct found, by a preponderance of evidence, that new members of the Cowboys were subjected to multiple forms of hazing, including physical brutality, physical activity, forced ingestion of unwanted substances, coerced consumption of alcohol, and degradation, as defined in Section 14-103(3) of Appendix C of the *Institutional Rules on Student Services and Activities* (2018-2019). Such conduct violates university policy. Additionally, the Cowboys facilitated possession and consumption of alcohol by minors, which violates both university policy and state law.

A summary of Student Conduct’s investigation and its findings of fact are provided below.

Referral:

- Student Conduct initially spoke with the Cumberland family on November 13, 2018, along with having several follow-up conversations, and received the following report:
 - Nicholas Cumberland was a new member of the Cowboys registered student organization in the Fall 2018 semester.
 - Nicholas was also an active member in the Kappa Sigma fraternity chapter at UT Austin.
 - The Cumberland family provided Student Conduct with the Cowboys’ new member GroupMe chat messages obtained from Nicholas’s phone and a shopping list of items that new members were instructed to bring to the Retreat.
 - The shopping list included items such as a live chicken, a live hamster, large quantities of hot dogs, tobacco, and copious amounts of alcohol.
 - The Cumberland family also reported that members of the Cowboys informed them that the following activities took place at the Retreat on the night of September 29, 2018, beginning sometime between 5 and 7pm and continuing late into the night and early morning of September 30, 2018:
 - Nicholas was paddled and had significant, specific bruising on his buttocks nearly a month after the Retreat and car accident.
 - New members were made to eat hot dogs laced with tobacco.
 - One new member bit the head off a live hamster.
 - New members were sleep deprived at the Retreat and then allowed to drive back to Austin at 4:00 a.m. the next morning.
 - New members played a game of football in the mud.
 - Those Cowboys who were also members of other individual fraternities had their own hazing activities that they went off in separate groups to do.

¹ Section 6-101(14) of the University of Texas at Austin’s *Institutional Rules on Student Services and Activities* (2018-2019) defines a “registered student organization” as a “student organization holding a valid registration under this chapter. Registered student organizations are considered private entities and are not viewed as extensions of an academic or administrative unit, or of the University. Registration ensures privileges as outlined in subsection 6-301 and allows the registered student organization to function within the institutional context.”

- In the early morning of September 30, 2018, en route back to Austin from the Retreat, Nicholas, along with several other members of the Cowboys, were involved in a car accident that occurred near Lampasas County, Texas. On October 30, 2018, Nicholas died from injuries sustained during the accident.

Investigation:

- Student Conduct interviewed all five university students that were both members of the Cowboys and that [REDACTED]
- Student Conduct interviewed 23 university students that were listed as new members, or “New Men,” of the Cowboys on or around November 27, 2018.
- Student Conduct interviewed 72 university students that were listed as active members, or “Old Men,” of the Cowboys on or around November 27, 2018.
- Student Conduct also interviewed three university students named by the Cumberland family as people peripheral to the investigation. These people included [REDACTED]
- Student Conduct received and reviewed information and evidence provided by the Cumberland family, as well as, information and evidence provided by other members of the organization.

Information Regarding Sub-Groups

During the course of this investigation, Student Conduct found that the Cowboys recruit heavily from certain fraternities. As part of their initiation into the Cowboys, members of those fraternities engaged in behavior directed at their own fraternity brothers. Accordingly, Student Conduct did consider whether the identified fraternity organizations were culpable, separate and apart from the Cowboys, because of their sub-group activities within the Texas Cowboys’ organization. While this investigation did find that the actions of the fraternity sub-groups contributed to the hazing culture within the Texas Cowboys, Student Conduct did not find sufficient evidence to indicate that the identified fraternities themselves engaged in hazing outside of the Texas Cowboys organization. Because the sub-group hazing activities were all behaviors directly connected to gaining membership into the Texas Cowboys organization, Student Conduct determined that these actions were unrelated to the students’ parallel memberships in separate fraternal organizations. Additionally, because the hazing at issue here was not directly tied to gaining membership into any of the separate organizations, the individual fraternities identified in this report were likely unaware that their members engaged in these activities as part of their affiliation with the Cowboys. For this reason, this investigation focuses on the Texas Cowboys and the individual behavior of its members.

Findings of Fact:

- Student Conduct received statements from several organization members indicating that they personally experienced or witnessed hazing during the Fall 2018 Retreat as part of their new member process. The hazing behavior includes but is not limited to:

- At the Retreat, the Cowboys who were active members of ██████████ used a wooden stick to strike the Cowboy new members from ██████████ as part of their initiation into the Cowboys.
 - This occurred when the sub-groups within the Cowboys branched off separately.
- Members stated that they were forced or coerced to ingest unwanted substances, including chugging a gallon of milk, cat food, Spam, tabasco sauce, minced garlic, and whole onions.
 - While the Cumberland family reported that new members were made to eat tobacco-laced hot dogs, no new member reported doing so or having any knowledge of tobacco-laced hot dogs.²
- Members stated that they were forced or coerced to consume alcohol, including finishing a bag of wine and shotgunning beers³.
- Student Conduct found that underage drinking was encouraged, coerced, and a major facet of the organization’s culture, which is evident from the amount of alcohol included on the shopping list that active Cowboys provided to new members.⁴
 - Of the 25 new members in the Fall 2018 semester, 14 were under the legal drinking age at the time of the Retreat.
- Members of the Cowboys coerced a ██████████ new member into biting the head off a live hamster.
 - This occurred in the presence of both new and active members of the Cowboys and included other sub-groups of Cowboys.
 - A Cowboy who is also an active member of ██████████ reported that he brought up the idea of utilizing a hamster at the Retreat during a meeting with the ██████████. This member also acknowledged that he, along with the larger group of Cowboys surrounding the new member during the incident, coerced the new member to bite the head off the hamster at the Retreat.
- Members stated that they were subjected to physical activity, including playing a game of football, being coerced into the cannon’s trailer and dropped off a distance away from the Retreat site to find their way back together, participating in relay races, barrel rolls, bear crawls, human wheelbarrow races, and throwing football passes to hit people with accuracy.
- Members stated that they were subjected to calisthenics, including Oklahoma Drills⁵ during the football game.

² Even though no new members reported engaging in hazing activities that involved ingesting tobacco, note that the new member shopping list did include instructions that all new men should bring tobacco to the Retreat.

³ “Shotgunning” is a means of consuming a beverage, commonly beer, very quickly by punching a hole in the side of the can, near the bottom, placing the mouth over the hole, and pulling the tab to open the top. The beer is then quickly consumed by the individual. See: <https://en.wikipedia.org/wiki/Shotgunning>

⁴ To the extent that underage new men received the shopping list instruction to bring alcohol and complied, the Cowboys potentially coerced students to engage in illegal behavior.

⁵ In an “Oklahoma drill,” two people line up three yards opposite one another. Typically, a corridor is set up using three blocking bags on each side creating a wall spaced about one yard apart. This creates an area of about three feet by nine feet. The two persons, at the sound of the whistle, then run at one another and the drill is over when one is on the ground, or if a ball carrier is involved, when he is tackled. In football, the drill is used to test players in confined, full contact situations. See: https://en.wikipedia.org/wiki/Oklahoma_drill.

- Members stated that they experienced degradation, including having chips and mustard poured into their shirts before competing in the relay race.
 - Members reported that they were required to bring items for the Retreat from a shopping list provided to them. The list included large amounts of food, tabasco bottles, gallons of milk, copious amounts of alcohol, tobacco, a live chicken, and a live hamster.
 - Members confirmed that while the hamster was killed at the Retreat, the chicken was not harmed. Multiple members stated that a new member held the chicken while they were in the cannon's trailer and it was carried back to the Retreat with the group.
- Student Conduct received statements from several active members of the Cowboys indicating that they personally experienced or witnessed hazing in prior semesters as part of the Cowboys' new member process. Such hazing activities include, but are not limited to:
 - Cowboys who were members of ██████████ used a paddle to strike their fraternity brothers as part of a "Tap Out"⁶ tradition around the time of their initiation into the Cowboys; this event would occur at the ██████████ house without members of that fraternity present. This event reportedly took place every semester except Fall 2018.
 - In the Spring 2018 semester, the Cowboys who were members of ██████████ struck the Cowboys new member from ██████████ with a piece of wood.
 - Cowboys struck new members ██████████ with a paddle as part of a "Tap-In / Tap-Out" tradition around the time of their initiation into the Cowboys; this event would occur at the ██████████ house without members of that fraternity present. This tradition allegedly ceased in 2016.
 - Members of the organization reported that biting off the head of a hamster as part of initiation into the Cowboys has been a tradition, not unique to one sub-organization, since before 2015.
 - Allegedly, a ██████████ new member bit the head off a hamster at the Fall 2015 retreat.
 - At the Fall 2017 new member retreat, active Cowboys ██████████ ██████████ coerced a ██████████ new member into biting the head off a live hamster.
 - Reportedly, a Cowboys new member, who was also a member of ██████████, bit the head off a hamster on yet another occasion.
 - Until the Fall 2018 semester, the Cowboys held a talent show at the end of the new member process where the new members perform skits or consume unwanted substances, such as syrup.
 - Members stated that a tradition at every semester's retreat is to force or coerce new members into the cannon's trailer. This tradition has a consistent pattern at each retreat, including the Fall 2018 retreat. Specifically, new members are told to go into the trailer and are then driven a distance away from the retreat location.

⁶ "Tap Out" is the colloquialism used by members of the organization to describe the paddling ritual that occurred at the end of the New Man semester.

They are dropped off and told to find their own way back to the retreat as an act of bonding.

Additional Information Received:

- In October 2018, the Texas Cowboys Alumni Association led an internal investigation into the organization following the Retreat. This investigation reportedly centered around the events at the Retreat and the subsequent car accident.
- Student Conduct received statements from several [REDACTED] that on or around November 28, 2018, the Texas Cowboys Alumni Association reprimanded or expelled several members of the Cowboys as a result of the external investigation.
 - The [REDACTED] or [REDACTED] of the Cowboys was suspended.
 - The [REDACTED] a role akin to a [REDACTED] in a fraternity, was expelled from the organization.
 - The [REDACTED] active members in the Cowboys were expelled from the organization for allegedly initiating the hamster incident, and the [REDACTED] new member was allegedly reprimanded for biting the head off the hamster.
 - The [REDACTED] active members in the Cowboys were reportedly individually reprimanded for striking their new members with a wood stick at the Retreat.
 - A member of the [REDACTED], was allegedly reprimanded.
- Student Conduct received statements from Cowboys who are also members of [REDACTED] that in recent years, including the Fall 2018 semester, there has been a [REDACTED] new members tradition regarding recruitment and admission into the Cowboys. The active [REDACTED] members inform their new members that they are being “put up” for Cowboys and put the new members in the cannon’s trailer. The [REDACTED] active members then drove the new members in the cannon’s trailer to a bar in Austin, where they would celebrate the occasion.
- Student Conduct received statements from members of the Cowboys [REDACTED] that helped to plan the events and activities of the Retreat, along with the organization’s [REDACTED]. A member of the [REDACTED] reported that he brought up the idea to utilize a hamster at the Retreat in a [REDACTED] meeting where they were “brainstorming” ideas for the event.

Preponderance of Evidence:

Student Conduct determined that a preponderance of evidence exists, meaning that it is more likely than not, that the Texas Cowboys student organization engaged in hazing during the Fall 2018 semester. This conduct violates Section 14-103(3) of Appendix C of the *Institutional Rules on Student Services and Activities* (2018-2019). As well, a preponderance of evidence exists to support that the Cowboys also violated Section 6-400(a)(7) of the *Institutional Rules on Student Services and Activities* (2018-2019). Specifically, the Cowboys engaged in alcohol misconduct, harmful behavior, and hazing activity including, but not limited to, physical brutality, physical activity, forced ingestion of unwanted substances, coerced consumption of alcoholic beverages, and degradation of its new members.

However, Student Conduct did not find a preponderance of evidence to determine that hazing behavior, in the form of sleep deprivation, occurred at the Retreat in September 2018. During the investigation, multiple members reported that they were able to go to sleep at various times of the night. As well, no one reported having been prevented from sleeping.

Student Conduct received statements from several Cowboys who reported that [REDACTED] spoke with multiple members, including the [REDACTED], regarding their plan to leave in the early morning after the Retreat. These individuals also confirmed that they had a sober driver. Statements from the [REDACTED] corroborated the information provided by other Cowboys. Additionally, another car left the Retreat before the car involved in the accident, suggesting that members were free to come and go.

Based on the totality of circumstances, even if the car accident had not occurred, it is important to note that the Texas Cowboys' behavior at the Retreat, and at the other specific occasions discovered in the course of this investigation, does in fact meet the institutional definition of hazing. However, as with many accidents, the car accident that led to Nicholas Cumberland's death could have been avoided had there been adequate risk management practices in place, such as providing transportation to all members and choosing a safer location, closer to campus.

Sanction Rationale:

In 1995, the University of Texas at Austin cancelled the Texas Cowboys for five years after repeated instances of hazing culminated in the death of university student Gabe Higgins, at the Cowboys' new member retreat, then referred to as "Picnic." At the time of the 1995 incident, the Cowboys were already on probation for engaging in hazing activities, including paddling, three times in so many years. After their five-year cancellation, the Cowboys returned to campus in 2000.

Much like the Cowboys' Picnic of Spring 1995, the Fall 2018 Retreat subjected new members to an unreasonable risk of danger and harm. While now renamed to, "Ranch," the Cowboys' Retreat has changed little in almost 25 years. The facts of the current case demonstrate that the Fall 2018 Retreat continues to follow the same model and utilized many of the same traditions as the Picnic of 1995.

Both the 1995 and 2018, incidents involved behaviors that violate the *Institutional Rules* of the University of Texas at Austin, including physical brutality, physical activity, the ingestion or consumption of unwanted substances, coerced consumption of alcohol, and degradation. In both cases, the Cowboys facilitated possession and consumption of alcohol by minors. Throughout the current investigation, members expressed their feeling that because of the minimum class year for admission and the prestige of becoming a member, the power dynamic that causes peer-to-peer abuse did not exist within the Cowboys. However, this investigation did not support that belief. Rather, the facts revealed a widespread, long-standing culture of peer-to-peer abuse, or hazing, within the Cowboys.

While the organization made overtures towards risk management and safety after the 1995 incident, much like the Cowboy Picnic of Spring 1995, the Fall 2018 Retreat subjected new

members to an unreasonable risk of danger and harm. Not only do the Cowboys continue to choose poor locations for their retreats, their escalation to animal cruelty at the Fall 2018 Retreat demonstrates that past lessons have not changed the Texas Cowboys' culture of hazing.

The events that took place in Spring 1995 and now in Fall 2018, share a tragic history; both incidents have significantly impacted the campus community. The concerning behaviors uncovered as part of this case investigation today are eerily similar to those that led to the Cowboys' cancellation in 1995. In fact, the organization still engages in paddling, excessive alcohol consumption, relay and drinking races, and selecting of dangerous retreat locations that create an unreasonable risk of danger and harm. These actions evidence a disturbing, long-standing pattern of behavior that directly endangers the health and safety of University of Texas at Austin community members.

The 1995 cancellation of the Texas Cowboys sought to provide the organization with the opportunity to abandon the Cowboys' culture of hazing. However, nearly twenty-five years after Gabe Higgins' death, the current investigation found that hazing within the Texas Cowboys has not only persisted, but continues to escalate and now includes unconscionable and meaningless levels of animal cruelty. The Cowboys continue to engage in egregious peer-to-peer abuse which included paddling Nicholas Cumberland so brutally that bruises on his buttocks were visible a month after the retreat. As well, the Cowboys continue to place new members' health and safety at risk by requiring them to participate in unprotected football drills and unnecessarily creating an environment that can result in alcohol related health emergencies.

While it is likely that most of the Texas Cowboy members responsible for the current hazing violations were not even born when Gabe Higgins lost his life, they nevertheless continue to follow the poor examples set by their predecessor members. The facts of the 1995 and current case are so similar it is clear that the Texas Cowboys are adept at passing on traditions, but not lessons. The facts uncovered here evidence the need for more severe sanctions because the Cowboys' dangerous behaviors have not changed. Most unfortunately, neither have the consequences. Two families have lost their sons and The University of Texas at Austin community has lost two of its students because the Texas Cowboys continue to perpetuate unlawful and irresponsible behavior time and time again.

The findings of this investigation, coupled with the history of the Cowboys' failure to uphold the university's *Institutional Rules*, demand a sanction commensurate with the seriousness of this tragedy. Accordingly, the most appropriate outcome in this case is a six (6) year cancellation of the Texas Cowboys' status as a Registered Student Organization.

Furthermore, during the six-year period of cancellation, the university will not recognize any other versions of this organization and will not grant the status of Registered Student Organization to any other version of this organization. The university also prohibits any other version of this organization from having a direct tie to, or affiliation with, the University of Texas at Austin. Finally, the university further prohibits any other version of this organization from representing itself as having any tie to or connection with, the University of Texas at Austin for any purposes, including but not limited to: new member recruitment, representing the university as official ambassadors, and participation in Game Day operations.

Therefore, the Dean of Students recommends the following sanction(s):

Sanction(s):

1. Cancellation for six years (February 2019 – May 2025) to include loss of the following privileges:
 - a. Removal from Game Day operations.
 - b. Moratorium on representing the university as official ambassadors.
2. Probation for two additional years after reinstatement.
3. Prohibition of separate student organization sub-groups within the Cowboys' registered student organization. This prohibition is to be permanent in nature.
4. Use of the cannon's trailer to transport any members is permanently prohibited.
5. Use of live animals for events or other purposes is permanently prohibited.
6. Pre-approval, by the organization's advisor,⁷ for all future Cowboys events that take place off-campus. This pre-approval is to be permanent in nature, must be in writing, and maintained by the organization internally.
7. An organization advisor must be present at all future retreats or off-campus events. The presence of an advisor at these events is to be permanent in nature.
8. Use of chartered buses for all members and persons attending, during any future off-campus events. This requirement is to be permanent in nature.
9. Prohibition of taking away members' ability to use various methods of communication, including, but not limited to, cell phones, smart watches, and computers, during organization retreats, unless for purposes approved by the organization's advisor. This prohibition is to be permanent in nature.

At the end of the six-year cancellation, the organization will be eligible to resume their status as a Registered Student Organization so long as the following sanctions have been completed:

10. Creation of a Risk Management position on the Executive Committee prior to reinstatement. This position is to be permanent in nature.
11. The Cowboys must create a safety and risk management plan to be approved by the organization's advisor and submitted to the Office of the Dean of Students prior to reinstatement. This safety and risk management plan is to be updated annually and is to be permanent in nature.
12. Creation of a presentation to be shared with all future Texas Cowboys new member classes detailing the events that took place in the Fall 2018 and Spring 1995 semesters as a result of the Cowboys' hazing behaviors. Active members and organization leadership will be responsible for presenting this information to future new member classes. The presentation must be completed and approved by the organization's advisor and

⁷ Section 6-101(15) of the Institutional Rules on Student Services and Activities (2018-2019) defines a "registered student organization advisor" to be "a person serving in an advisory capacity to a registered student organization to provide guidance to the registered student organization and its members. A person serving as an advisor to a registered student organization affected by section 51.9361 of the Texas Education Code must be someone who

- A. Is at least twenty-one years of age;
- B. Is not enrolled as a student at the University; and
- C. Serves as either
 1. A part-time or full-time employee of the University; or
 2. A representative of a national organization that is associated with the registered student organization."

submitted to a representative of the Office of the Dean of Students before the organization can apply for reinstatement. This presentation requirement is to be permanent in nature and is to be completed during every recruitment cycle.

13. All incoming new member classes will be required to read the book, “The Cowboy’s Secret”, about Gabe Higgins, the UT Austin student, who died at his Cowboys new member retreat in 1995. Following the completion of the book, each new member must write a two-page reflection paper outlining key points from the book that resonated with them. The organization’s advisor must approve these reflection papers and provide copies to a representative of the Office of the Dean of Students in order to fulfill this sanction. This requirement is to be permanent in nature.
14. All incoming new member classes will be required to complete an alcohol education program organized through the Office of Health Promotion. All new members must be in attendance for the program and the organization will be required to submit a sign-in sheet to the Office of the Dean of Students detailing which members were in attendance. Additionally, one member in attendance at each session will submit a one-page reflection paper to the Office of the Dean of Students noting key points covered during the program. This program must be scheduled or fulfilled in order to apply for reinstatement. This requirement is to be permanent in nature.

With regard to the pending disciplinary case, I hereby certify that my organization understands the violation for which we are responsible. There are three ways to resolve this matter as described below:

_____ Option 1: The authorized representative(s), on behalf of their organization, acknowledges the disciplinary decision of the Office of the Dean of Students, waives its right to an appeal or hearing, and accepts the finding and sanction(s) as described above.

_____ Option 2: The authorized representative(s), on behalf of their organization, choose to appeal the disciplinary decision assessed by the Office of the Dean of Students. This appeal must be made in writing to the Vice President for Student Affairs, who will then delegate review of the appeal to a designated Appellate Officer, within fourteen (14) days from the date on which authorized representatives were notified of the disciplinary decision, pursuant to Section 6-516 of the *Institutional Rules* (2018-2019). The deadline to submit* the appeal is

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_____ Option 3: The authorized representative(s), on behalf of their organization, choose to request a formal hearing before a University hearing officer to contest the disciplinary decision assessed by the Office of the Dean of Students. This request must be made in writing to the Office of the Dean of Students within fourteen (14) days from the date on which authorized representatives were notified of the disciplinary decision, pursuant to Section 6-508 of the *Institutional Rules* (2018-2019). The deadline to submit* this request is

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*I will copy studentconduct@austin.utexas.edu when I submit my appeal/hearing request.

I understand that this organization will appear on the Hazing Memorandum issued by the Office of the Dean of Students for the duration of the disciplinary term and remain on the memorandum

for three (3) years following the completion of the disciplinary term, in accordance with requirements of the Texas Education Code, Section 51.936(c).

I understand that this document and related case materials will be kept in a confidential file in the Office of the Dean of Students for at least seven (7) years per the university's record retention policy.

I understand that further violations, including the failure to complete the terms of assessed sanctions, may result in additional sanctions from the Office of the Dean of Students.

Authorized Representative Name (please print): _____

Representative Signature: _____ Date: _____

Staff Signature: _____ Date: _____