

January 28, 2019

Dr. Gregory L. Fenves  
President  
The University of Texas at Austin

Dr. Soncia Reagins-Lilly  
Vice President for Student Affairs/Dean of Students  
The University of Texas at Austin

Dear President Fenves and Dean Lilly,

Thank you for the actions you are undertaking to make The University of Texas an exemplar, superior and safe institution of learning and growth for so many exceptional students from around the world.

We appreciate the sincere efforts of your departments in the investigations into the hazing and death of our son Nicky Cumberland.

As mentioned in our discussions, I have been putting together requests for improvement and reform, including specific reforms for the Cowboys and more general reforms across student organizations.

### **Cowboys Reformation**

The first topic covers the next crucial reformation of the honorary service organization, The Cowboys.

During my seven years at the University (1979-83; 1983-86), I tried to attend every football game at home and in Dallas against OU. I recall fondly and proudly how impressive our side looked on the field – from the team’s uniform to the cheerleaders to our Longhorn band and all of the folks dressed in traditional cowboy gear.

I confess that I didn’t have much of an understanding of The Cowboys or Silver Spurs, their history, how they were selected, or what they did beyond handling Bevo and Smokey the Cannon. I just thought they looked cool at the games.

It wasn’t until Nicky was “tapped” to become a Cowboy that I came to realize the magnitude of the honor of being selected. However, given Nicky’s many accomplishments and high spirit throughout his life and his loyalty to the University, it didn’t come as a big surprise to me. I sincerely do not intend to diminish any of the many illustrious Cowboy alumni, but I would stack Nicky’s character, selflessness and love against anyone. Hundreds of tributes received in the aftermath of his passing attest that Nicky was a unique and special person.

Following Nicky’s senseless death, I’ve learned much more about The Cowboys and their history. I’ve met with a number of Cowboy alumni who spoke negatively of the violent paddling they received. I’ve read Ruth Harten’s painful book “The Cowboys’ Secret.” I’ve read Tim Taliaferro’s article “[When the Smoke Cleared, the Rise, Fall and Return of the Texas Cowboys](#)”<sup>1 2</sup> published in the September/October

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<sup>1</sup> Taliaferro article link - <https://web.archive.org/web/20100920212347/http://www.texasexes.org/alcalde/feature.asp?p=3492>

<sup>2</sup> Taliaferro article link - <https://issuu.com/timtalialferro/docs/texascowboys>

2008 edition of the alumni magazine *The Alcalde*. The article is well-written, however inaccurate in stating that branding chests ended in the 40s; and, I have now been told that excessive forms of paddling continued through the period I attended the University and beyond.

One could be excused for being left with the mistaken impression that Mr. Taliaferro (Cowboy Newman 2008) quasi-romanticizes some of the extreme forms of hazing that he chronicles in his piece. Explicit and implicit glorification of past hazing rituals or traditions is a major contributor to the cycle of hazing. Ms. Harten's important book about the death of her son Gabe Higgins at a Cowboy's initiation event -- together with a detailed account of some of the darker aspects of *The Cowboys* -- certainly leaves no room for glorification of such unacceptable conduct. It's worth noting that *The Cowboys* were already on probation for paddling at the time of Gabe's death.

I've had a series of conversations with Ms. Harten. As outlined in her book, in the Fall of 2000, upon the restoration of *The Cowboys* after a 5-year ban, she was invited as a special honored guest to attend their inaugural return to the football field. In her section covering the last reformation, she states that it took her through the expiration of the suspension before she could arrive at a position of forgiveness. Ruth was deeply saddened to learn the same hazing activities had resurfaced at the last Cowboy's initiation. A chapter in her book concludes with a quote from former Texas Senator Gonzalo Barrientos, "Whose son is going to be next?"

Based upon the actions that were taken on September 29, 2018, there can be no choice but to ban *The Cowboys* again for an appropriate amount of time.

Nevertheless, given the alluring western image of the Texas Cowboy, I can't envision a permanent elimination from the beautiful tapestry of our University. My questions would be: What should the resurrected organization stand for and how should it be administered?

As we discussed in your office, the smart thematic uniform of *The Cowboy* should represent an uncompromising force for good, a promotor of equality and protector against humiliation. In short, *The Cowboys* should be the staunch anti-hazing organization on campus.

Based on the above and discussions with a number of interested parties, our reform recommendations are as follows:

1. Fresh reform committee. Based upon failure of the last reform, a new group should be selected to craft the details of the next reformation based on the parameters described below. Any committee for the next reformation should not be limited to (or dominated by) Cowboy alumni. Ruth Harten and a representative for Nicky should be invited to serve on such committee.
2. Membership Representation. Cowboy membership should become coed. Both Greek and non-Greek organizations should continue to put forth at least one representative to serve on *The Cowboys*. However, the composition should represent half women and half men. The endzone space on the field rightfully belongs to the entire University student body. The University's two icons (Bevo and Smokey) and the national spotlight should not be monopolized by two all-male groups.
3. Qualifications. The academic performance requirement should be lifted above the current minimum 2.5 GPA.

4. Historical Appreciation. Each candidate for membership should be required to read Ruth Harten's book. They should also be able to display knowledge of the types of hazing and its individual, organizational, and cultural implications.
5. Member Obligations. The members should undertake to report promptly all observed cases of hazing within their representative organizations directly to the Dean of Students. At the end of each semester, the members should be required to submit a sworn affidavit to the Chief of Police of the University regarding both observed and rumored hazing within their representative organizations.
6. Website. The Cowboys website should clearly contain the details of the prior hazing history of The Cowboys along the lines outlined by Taliaferro together with a strong repudiation of such behavior going forward.
7. The Motto: The motto should be amended as follows: *To serve The University of Texas at Austin by promoting the spirit and high ideals of the Texas Cowboys, defending against hazing, and fostering a safe environment and positive relationships among all members of the University community.*
8. Remembrances. Something should mark the young men who've died at Cowboy's events. For example, the Cowboy Pavilion could be renamed after Gabe Higgins (or at least have a prominent plaque at the entrance); and the hatbands for the uniform could contain the #LoveLikeNicky phrase.

### **Broad-based Reforms**

In addition, there needs to be further hazing reforms applicable across the campus for sanctioned student organizations.

I've now met with current members from a few different fraternities at Texas. With very limited exceptions, they stated that hazing exists today within their organizations, they don't like it, they wish things were different, but there's nothing they can do about it. If what they have told me is true, then that is unacceptable. These are wonderful young men but caught in a flawed system.

One of the young men who disclosed the hazing activities at Nicky's tragic Cowboys retreat to me and my daughter Alexandra subsequently asked me with a tone of futility "what can one guy alone do?"

What I've sadly discovered is that we are not alone in our quest. Active parents and administrations across the country are aggressively tackling the problem. And, for better or worse, my family and friends and I are not defeatist.

Accordingly, as mentioned in prior communications, we are putting forth the following requests for further reform to continue to improve conditions at the University.

1. Strict Enforcement Against Silence. The "Code of Silence" is already clearly outlawed under Texas state statutes and against existing University Policy. From the many books and articles I've now read, together with the numerous interviews I've conducted with current and past Greek members and grieving parents, *silence perpetuates and protects hazing*. However, the absence of enforcement perpetuates and protects the illegal Code of Silence. The well-known lack of enforcement is what allows new members to sign with impunity the requisite non-hazing undertakings with a wink and nod; and for the heads of alumni organizations to claim: "but all the pledges signed an obligation not to haze."

Students who witness, but fail to report hazing, should be subject to expulsion from the University. A reasonable window of time could be established from which to report -- say 10 days from the hazing incident. Until the Code is crushed, the tragic sine-curve of hazing will never be eliminated.

2. Lobbying/Third Party Input – Conflicts of Interest. From all my reading and discussions, it has struck me as odd that prior perpetrators have a serious and legitimate voice at the table when it comes time to determine appropriate sanctions against an organization or individual or lobbying for rehabilitation or reformation of an organization. I struggle to find an analogue in any jurisprudence situation. At the very least, all potential conflicts of interest should be clearly disclosed. Anyone approaching the Administration on behalf of an organization or individual about to be sanctioned should be required to sign an affidavit disclosing whether such person previously received or inflicted hazing at that organization (or any other). The opinions of someone that had previously been branded or badly beaten as part of past hazing (much less the inflictor of such acts) regarding the degrees of severity of various forms of hazing or appropriate sanctions comes with compromised credibility that should be openly acknowledged.
3. Prohibit Confiscation of Cell Phones. It should be both illegal and against school policy for any school social organization to confiscate a student's cell phone. The cell phone represents an important possible lifeline for a student to call for help. Further, today's phones also serve to record (or deter) potential bad acts. Without a cell phone video from that infamous Oklahoma SAE bus ride, we may never have sadly heard members signing "There will never be a n\_\_\_er at SAE" to the tune of "If you're happy and you know it." I'm learning cell phone confiscation is a pervasive course of action (for understandable reasons) at many fraternity and social organization events here and across the country. This dangerous practice needs to end.

There is one unifying theme to the three broad recommendations: transparency. Transparency would have prevented Nicky's meaningless death.

In total, the above reforms would send a strong statement to the country and the world of the superior institution that we all know The University of Texas to represent.

If my daughter Alexandra Cumberland (BBA-Finance 2018) ultimately decides to have children, then hopefully we'll have a 4<sup>th</sup> generation Longhorn attending the best university in the country. And, if per chance she has a daughter that decides to attend UT, then perhaps Nicky would have a niece that might go on to become a Foreman of the Texas Cowboys.

I look forward to our continued discussions and working together with you and the various departments at Texas.

With sincere love, Shawn Cumberland

#LoveLikeNicky

Hook Em Horns

cc: Colton Becker  
Student Body President, The University of Texas