

MODEL HAZING PREVENTION POLICY

Purpose

It is the policy of the _____ School District/Independent School (hereinafter "District/School") that all its schools provide safe, orderly, civil and positive learning environments. Hazing has no place in the District/School and will not be tolerated. Accordingly, the District/School adopts the following policy and procedures to prohibit hazing and will ensure the enforcement thereof.

Definitions

"Hazing" means any act committed by a person, whether individually or in concert with others, against a student in connection with pledging, being initiated into, affiliating with, holding office in, or maintaining membership in any organization which is affiliated with any school or program operated by the District/School; and which is intended to have the effect of, or should reasonably be expected to have the effect of, humiliating, intimidating or demeaning the student or endangering the mental or physical health of the student. "Hazing" also includes soliciting, directing, aiding, or otherwise participating actively or passively in the above acts. Hazing may occur on or off school grounds.

Examples of hazing include:

1. Any type of physical brutality such as whipping, beating, striking, branding, electrical shocks, placing a harmful substance on or in the body, or other similar activity; or
2. Any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, or other activity that creates or results in an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; or
3. Any activity involving consumption of food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects a student to an unreasonable risk of harm; or
4. Any activity that induces, causes, or requires a student to perform a duty or task, which involves the commission of a crime or an act of hazing.

Hazing shall not include any activity or conduct that furthers the legitimate curricular, extracurricular, or military training program goals provided that the goals are approved by the District/School and provided that the activity or conduct furthers those goals in a manner that is appropriate, contemplated by the District/School, and normal and customary for similar public school programs. An example of this exception might be reasonable athletic training exercises.

"Organization" means a fraternity, sorority, athletic team, association, corporation, order, society, corps, cooperative, club, or other similar group, whose members primarily are students of the District/School, and which is affiliated with the District/School.

"Pledging" means any action or activity related to becoming a member of an organization.

"School Administrator" means a superintendent, principal/head of a school/director of a technical center or his/her designee.

“Staff Member” means any person employed directly by or retained through a contract with the District/School, an agent of the school, a school board member/member of the board of trustees, including a school administrator, coach or supervisor of a co- or extra-curricular team or activity, teacher, student teacher, school nurse, guidance counselor, intern or volunteer. For purposes of this policy, “agent of the school includes supervisory union staff.

"Student" means any person who: (1) is registered in or in attendance at any school or program operated by the District/School; (2) has been accepted for admission into any school or program operated by the District/School where the hazing incident occurs; or (3) intends to attend any school or program operated by the District/School during any of its regular sessions after an official academic break.

Notification of Hazing Policy

Annually, prior to commencement of curricular and co-curricular activities, the District/School shall provide notice of this policy and procedures to students, custodial parents or guardians of students, and staff members. Notice to students shall be in age-appropriate language and include examples of hazing. At a minimum, this notice shall appear in any publication of the District/School that sets forth the comprehensive rules, procedures and standards of conduct for the school. [e.g., the student handbook]

The District/School shall use its discretion in developing and initiating age-appropriate programs to effectively inform students about the substance of the policy and procedures in order to help prevent hazing. Each coach or supervisor of a co- or extra-curricular activity shall orally explain to participants the prohibition against hazing, the reasons for the prohibition, and the potential consequences to participants and, in the case of a club or an athletic team, to the club or team itself.

Procedures for Reporting of Hazing and Filing Complaints

Annually, two or more individuals within each school or program operated by the District/School shall be designated to receive hazing complaints. The names, positions and availability of these individuals shall be publicized. [e.g., in the student handbook]

Students who believe that they have been subjected to an incident of hazing, or who have reason to believe that conduct that may constitute an incident of hazing might or did occur should report such belief to either of the individuals designated to receive such complaints, or to any staff member or school administrator. The initial report may be written or oral.

Staff members who have received such a report from a student or who otherwise have reason to believe that conduct that may constitute an incident of hazing might or did occur shall take prompt and appropriate remedial action to stop or prevent the conduct and shall report such report or belief to either of the individuals designated to receive hazing complaints or to the school administrator.

If the report is made orally, the designated employee or the school administrator shall make a written record of the report. The designated individual(s) shall immediately inform the school administrator of any reports or complaints of hazing.

It shall be a violation of this policy for a person to retaliate against a student or other person for reporting a suspected incident of hazing or cooperating in any investigation or disciplinary proceeding regarding an incident of hazing.

It is possible that an incident of hazing might also fall within the definition of abuse, neglect, or exploitation as those terms are defined in 33 V.S.A. §4912(2) and 33 V.S.A. §6902(1), (6) and (7). To the extent a staff member is a mandatory reporter of suspected child abuse or neglect or abuse of disabled adults, reporting a suspected incident of hazing to the school administrator does not relieve the reporter of any obligations additionally to report such suspicions to the commissioner of the Vermont Department for Children and Families as set forth in 33 V.S.A. §§4913 and 4914 or to the commissioner of the Vermont Department of Disabilities, Aging, and Independent Living as set forth in 33 V.S.A. §§6903 and 6904.

Because it is also possible that incidents of hazing, under certain circumstances, may also constitute acts of harassment, the District/School shall publicize the availability of the Vermont Human Rights Commission and the federal Department of Education's Office of Civil Rights to receive complaints of harassment if the complainant reasonably believes that they have been subjected to, or are about to be subjected to, unlawful harassment based on the complainant's membership in a protected class pursuant to 9 V.S.A. §4500 et seq.

Procedures for Investigation of Reports of Hazing

The school administrator, upon receipt of a report or complaint of hazing, promptly shall cause an investigation to commence. The investigation shall be timely and thorough and the findings and conclusions of the investigation shall be reduced to writing. Unless there are exceptional circumstances, the investigation shall be concluded within ten school days.

Disciplinary Action

It is not a defense in a disciplinary proceeding under this policy that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

1. If the investigation concludes a student committed an act of hazing or otherwise violated this policy, that student may be subject to appropriate disciplinary action, including but not limited to suspension or expulsion from co- or extra-curricular activities or from school. Any disciplinary action against a student shall be subject to the procedures set forth in _____ of this Policy Manual.
2. If the investigation concludes that a staff person committed an act of hazing or otherwise violated this policy, that person may be subject to appropriate disciplinary action in accordance with applicable law, District/School policy and the provisions of any applicable collective bargaining agreement or other contract.
3. If the investigation concludes that two or more students from the same athletic team or other co- or extra-curricular activity directed, engaged in, aided or otherwise participated in actively or passively an incident of hazing, disciplinary action may be imposed against the team or activity, including cancellation of one or more athletic contests or activities or the entire athletic or activity season.
4. If the investigation concludes that an athletic team or other co- or extra-curricular activity or organization knowingly permitted, authorized, or condoned hazing, disciplinary action may be imposed against the team, activity or organization, including cancellation of one or more athletic contests or activities or the entire athletic or activity season, or

revocation or suspension of an organization's permission to operate or exist within the District/School's purview.

5. Acts of hazing may also constitute unlawful conduct and may be prosecuted under 16 V.S.A. §§140b-140d or other state law.
6. Nothing in this policy shall limit or preclude the District/School from disciplining a student or other person affiliated with the District/School under any other District/School policy as well as under the terms of this policy.

Training of Staff

The school administrator shall ensure that each staff member, with particular emphasis on staff members who are coaches or supervisors of co- or extra-curricular activities, receive training in preventing, recognizing and responding to hazing. At minimum, the school administrator shall annually, prior to commencement of curricular and co-curricular activities, provide notice of this policy and procedures to staff members, and _____.

Reporting Incidents of Hazing to Law Enforcement Officials

All staff members are subject to the confidentiality requirements of the Family Education Rights and Privacy Act (FERPA)(20 U.S.C. §1232g and 34 C.F.R. Part 99). Accordingly, personally identifiable information derived from student records may not be disclosed without parental consent unless it meets one or more of the exceptions specified in 34 C.F.R. Part 99. Certain of these exceptions, depending upon whether the circumstances meet the conditions set forth in those exceptions, may permit the reporting of hazing to law enforcement officials. Those relevant exceptions are:

- (1) Where there is a health or safety emergency;
- (2) Where the information has been subpoenaed; or
- (3) Where the records in question are created and maintained by a law enforcement unit established by the school.

If the information is obtained through means other than student records, the restrictions of FERPA may not apply. For example, reporting to law enforcement officials may be made pursuant to criminal statutes or 16 V.S.A. §140a-d.

Date Warned:

Date Adopted:

Legal

Reference(s):

16 V.S.A. §11(a)(30) (Definition of hazing)

16 V.S.A. §§140a-140d (Hazing)

16 V.S.A. §165(a)(1), (8) (School Quality Standards)

16 V.S.A. §166(e) (Approved and Recognized Independent Schools)

16 V.S.A. §565 (Powers of school boards)

20 U.S.C. §1232g (FERPA)

34 C.F.R. Part 99 (FERPA rules)

Cross Reference: Reporting Suspected Child Abuse or Neglect (F8)

Harassment of Students (F20)