

HAZING

Section 400, #416

Students and
Student Personnel

Procedures for Implementation:

Date of Last Review:
3/15/07

Definitions

1. **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 the District; 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:

- 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
- 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
- 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
- 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 School Board of the District and provided that the activity or conduct furthers those goals in a manner that is appropriate, contemplated by the School Board, and normal and customary for similar public

school programs. An example of this exception might be reasonable athletic training exercises.

2. **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, and which is affiliated with the District.
3. **Pledging** means any action or activity related to becoming a member of an organization.
4. **Principal** means the Principal of a school or the director of a technical center or any person designated by them to carry out a particular function.
5. **Student** means any person who: (1) is enrolled in any school or program operated by the District, (2) has been accepted for admission into any school or program operated by the District, or (3) intends to enroll in any school or program operated by the District during any of its regular sessions after an official academic break.

Notification of Hazing Policy

Annually, student handbooks, which shall be presented to students prior to the commencement of any academic courses, shall contain: (1) a description of this hazing policy in age-appropriate language, (2) examples of hazing, and (3) a listing of those persons whom the Superintendent has designated to receive reports of hazing. The schools of the District also shall effectively inform students about the substance of this hazing policy and its procedures by October 1 annually.

Each student who participates in a co- or extra-curricular activity that begins prior to the commencement of any academic courses shall be provided by the coach or supervisor of the co- or extra-curricular activity a copy of the excerpt from the student handbook regarding the hazing policy prior to the first practice session. 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.

Annually, custodial parents and guardians of students shall be provided a copy of this hazing policy prior to the commencement of co- or extra-curricular activities.

Annually, staff members shall be provided with a copy of this hazing policy prior to the opening of school. Coaches or supervisors of co- or extra-curricular activities shall be provided a copy of this hazing policy upon employment by the District.

Reporting of Hazing

Students who have reason to believe that an incident of hazing might or did occur shall report such belief to any coach of an extracurricular team, teacher, school nurse, guidance counselor, or school administrator. Staff members who have received such a report from a student or who otherwise have reason to believe that an incident of hazing might or did occur shall report such belief to the Principal of the school, or, in the event of the unavailability of the Principal, to the designated person. The report may be in writing or orally. If the report is made orally, the receiver shall make a written record of the report.

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), (7) and (9). Reporting a suspected incident of hazing to the Principal does not relieve the reporter of any obligations additionally to report such suspicions to the Commissioner of the Vermont Department of Social and Rehabilitation Services as set forth in 33 V.S.A. §4914 or to the Commissioner of the Department of Aging and Disabilities as set forth in 33 V.S.A. §6904 as outlined in policy F8.

Investigation of Reports of Hazing

The Principal, or designee, upon receipt of a report 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 shall 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 policy.
2. If the investigation concludes that a staff person committed an act of hazing or otherwise violated this policy, that person shall be subject to appropriate disciplinary action in accordance with applicable law and the provisions of any applicable collective bargaining agreement or other contract.
3. 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 the entire athletic season, or revocation or suspension of an organization's permission to operate or exist within the District's purview.
4. Acts of hazing may also be illegal and may be prosecuted under 16 V.S.A. §§140b-140d or other state law.
5. Nothing in this policy shall limit or preclude the District from disciplining a student or other person affiliated with the District under any other District policy as well as under the terms of this policy.

Training of Staff

The Principal 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.

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 (20 U.S.C. §1232g and 34 C.F.R. Part 99). Accordingly, information deriving from student records (if the information is obtained through other means, the restrictions of FERPA do not apply) which is personally identifiable, 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.

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. §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
Harassment of Students