

Adopted: November 24, 1997
Revised: October 23, 2000
June 13, 2016 [Mandatory / Routine Review / MSBA Model Policy Modified]
Contact Person: Assistant Superintendent

POLICY 540 HAZING PROHIBITION

I. PURPOSE

To maintain a safe learning environment for students and staff that are free from hazing. Hazing activities of any type are inconsistent with the educational goals of the District and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor or other employee of the District shall plan, direct, encourage, aid or engage in hazing.
- B. No teacher, administrator, volunteer, contractor or other employee of the District shall permit, condone or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this Policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. False accusations or reports of hazing against a student, staff, administrator, volunteer, contractor, or other staff member are prohibited.
- F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with the District's Policies and procedures.

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for staff who permit, condone, or tolerate hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of hazing may include, but not be limited to, exclusion from District property and events and/or termination of services and/or contracts.

- G. This Policy applies to behavior that occurs on or off school property and during and after school hours.

- H. A person who engages in an act that violates school Policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- I. The District will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the District who is found to have violated this Policy.

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REGULATION 540 HAZING PROHIBITION

I. DEFINITIONS

- A. "Hazing" means committing an act against a student, or coercing a student into any other purpose. Hazing includes, but is not limited to:
1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.
- B. "Immediately" means as soon as possible but in no event longer than 24 hours.
- C. "On school premises or District property, or at school functions or activities, or on school transportation" means all District buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for District purposes, the area of entrance or departure from school grounds, premises, or events, and all of school-related functions, school-sponsored activities, events, or trips. District property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, the District does not represent that it will provide supervision or assume liability at these locations and events.
- D. "Remedial response" means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.

- E. "Student" means a student enrolled in a public school.
- F. "Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

II. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct, which may constitute hazing, shall report the alleged acts immediately to an appropriate school district official designated by this Policy. A person may report hazing anonymously. However, the District may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The District encourages the reporting party to use the report form available from the principal or building supervisor of each building or available from the District office, but oral reports shall be considered complaints as well.

The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult school personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to the District human resources director, or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the District human resources director by the reporting party or complainant.

The building report taker shall ensure that this Policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as primary contact on Policy and procedural matters.

- C. Teachers, administrators, volunteers, contractors and other staff of the District shall be particularly alert to the possible situations, circumstances or events, which might include hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct, which may constitute hazing, shall inform the building principal immediately.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades or work assignments.
- E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and record of any resulting investigation.

- F. The District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

III. SCHOOL DISTRICT ACTION

- A. Within three (3) days of the receipt of a complaint or report of hazing, the District shall undertake or authorize an investigation by District officials or a third party designated by the District.
- B. The District or building report taker may take immediate steps, at its discretion, to protect the target or victim of the hazing, the complainant, the reporter, students, or others pending completion of an investigation of hazing prohibited by this Policy.
- C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of the investigation that determines hazing has occurred, the District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior. District action taken for violation of this Policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, District Policies and regulations.
- E. The District is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the District. School officials will notify the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or to respond to hazing committed by or directed against a child with a disability, the District shall, where determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in hazing.

IV. RETALIATION OR REPRISAL

The District will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the District who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing, who provides information about hazing, or who testifies, assists, or participates in an investigation of alleged hazing, or against any person who testifies, assists or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engage in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

V. DISSEMINATION OF POLICY

This Policy shall appear in each school's student handbook and in each school's building and staff handbooks.