

Adopted: October 27, 1997
Revised: August 24, 2015
Revised: October 26, 2020

526 HAZING PROHIBITION

I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor or other employee of the school district shall plan, direct, encourage, aid or engage in hazing.
- B. No teacher, administrator, volunteer, contractor or other employee of the school district shall permit, condone or tolerate hazing.
- 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, teacher, administrator, volunteer, contractor, or other employee 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 school 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 employees 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 school district property and events and/or termination of services and/or contracts.

- G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
- 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 school 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 school district who is found to have violated this policy.

III. DEFINITIONS

- A. “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term 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 a 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 school district property, or at school functions or activities, or on school transportation” means all school 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 school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School 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 school 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 or a charter 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.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or 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 school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party to use the report form available from the principal or building supervisor of each building or available from the school 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 district 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 a school district human rights officer 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 school district human rights officer 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 a primary contact on policy and procedural matters.

- C. A teacher, administrator, volunteer, contractor, and other school employees shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- 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 the record of any resulting investigation.
- F. The school 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 school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Within three (3) days of the receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students; or others pending completion of an investigation of alleged 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 an investigation that determines hazing has occurred, the school 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 try to deter violations and to appropriately discipline prohibited behavior. School 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; and applicable school district policies and regulations.

- E. The school 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 school district. School officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and 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 respond to hazing committed by or directed against a child with a disability, the school 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.

VI. RETALIATION OR REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the school 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, who testifies, assists, or participates in an investigation of alleged hazing, or 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 engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

VII. DISSEMINATION OF POLICY

- A. This policy shall appear in each school's student handbook and in each school's building and staff handbooks.
- B. The school district will develop a method of discussing this policy with students and employees.

Legal References: Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 121A.40 - 121A.56 (Pupil Fair Dismissal Act)
Minn, Stat. § 121.69 (Hazing Policy)

Cross Reference: MSBA/MASA Model Policy 403 (Discipline, Suspension and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)
MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])

The following two items are provided as examples for your use in dissemination of this policy and in providing training.

A Simple Test

If you aren't sure if something is hazing or not, try answering the following questions.

- Does this activity promote or conform to the values of the school or organization?
- Will this activity increase respect for the school or the organization?
- Is everyone equal in this activity?
- Would you be able to defend the activity in a Court of Law?
- Does the activity have value in and of itself?
- Would you be willing to allow parents to witness this activity*?

Keeping in mind that many hazing activities are “traditions” that parents themselves have experienced, would you still be willing for all parents to witness this activity?

Discipline

While still applying the hazing policy in discipline, many other policies can be applied in handling the discipline aspect of a situation in your school district to increase the opportunity to learn. Some of the activities may involve criminal statutes – many hazing incidents involve the use of alcoholic beverages by underage students, and may involve criminal sexual contact or assault. Sometimes the activities involve sexual, racial and religious harassment and violent, depending upon that statements and behaviors are made to the students based on sex, race or religion during the hazing incident. Other activities may involve both criminal statutes and violations of multiple school district policies.

One example is provided to illustrate how discipline was handled at a Midwestern secondary school. The incident involved a target student, a group of students, a group of bystanders and a videotape of the whole event. The target student was duct taped and bound with plastic wrap covered by shaving cream and suspended from a bridge. The student was clearly upset and afraid during the incident as recorded on the video tape. The discipline involved the following: 1) The school district suspended the students who actively participated in the event for seven days. 2) The bystanders who did not intervene were disciplined on an individual basis to varying degrees depending on the circumstances. Those who were athletes and who were videotaped using alcohol were disciplined using the athletic association's policy. 3) The contract of the part-time instructor who witnessed the event and did not intervene was terminated. 4) An act of reprisal that involved scratching the word “bitch” into the side of a car of a student's parents (for “snitching”) was treated as a criminal offense and the school district sexual harassment policy was used in addition to the hazing policy. The school district learned of no incidents of hazing the following year.

RECOMMENDED SUPPLEMENT TO MODEL POLICY RELATING TO SEXUAL HARASSMENT AND VIOLENCE, HAZING, RACIAL AND RELIGIOUS HARASSMENT AND VIOLENCE

ISD #879 is committed to the elimination and prevention of harassment (sexual, racial and religious) and student or staff hazing. (M.S. 127.46 and M.S. 127.465)

To reach this goal, the district will provide (1) staff development for identification and prevention, (2) classroom curriculum and instruction, (3) student services, and (4) student, staff and community participation. All these strategies will be designed to help prevent hazing, harassment (sexual, racial and religious) and violence.

I Plan for In-service in the Identification and Prevention of Harassment, Hazing and Violence

After adoption of the Harassment and Hazing policies all of the district employees, contracted program staff and volunteers will receive an initial training which will include:

- a. Definition of harassment (sexual, racial and religious), hazing, and violence
- b. Explanation of the district policies and grievance procedures.
- c. Legal prohibitions and consequence for violations of the policies.
- d. Pertinent examples of sexual, racial, and religious harassment and violence, and hazing.
- e. Overview of harassment, hazing, and violence prevention curriculum and resources for educators and parents.

New employees and others who come into contact with learners will receive initial training soon after they begin their responsibilities with the district. Every effort should be made to include the entire district staff in the initial training: administrators, early childhood through adult teachers, aids, office staff, custodial staff, food service workers and bus drivers, etc.

Each subsequent year, ISD #879's employees, contracted program staff and volunteers will be provided with additional training opportunities which will restate the district's commitment to providing harassment and hazing free working and learning environment and provide the staff with opportunities to broaden their knowledge of the issues related to sexual, racial, religious harassment and violence and hazing. Some examples of subjects for inservice training include: "the images of females and males in the media and in advertising," "societal expectations of males and females and the resulting impact on behavior," "historical influences which perpetuate sexism and heterosexism in the legal system and in American life," "how to make the curriculum inclusive of both females and males," "historical implications of race, sex and class," "progress on the multicultural/gender-fair/disability aware inclusive education plan and implications for improving the climate in our school," "Twenty-five years with Title IX, how does our school rate and what did our self-evaluation show?"

II Plan for Classroom Curriculum and Instruction in the Identification and Prevention of Harassment (Sexual, racial and religious) and Hazing, and Violence

Upon the adoption of ISD #879's policies prohibiting harassment and hazing, all students will receive age-appropriate information which includes the following:

- a. A copy of the district's policies on harassment and on hazing.
- b. An explanation of the policies and their purpose.
- c. A definition of the terms in the policies.
- d. Instruction in what to do if one is a victim, a bystander, or a person who commits acts of harassment, hazing, or violence
- e. A clear delineation of the sanctions against anyone found to have been a person who committed acts of harassment, hazing, or violence.
- f. A safe and supportive forum for discussion by the students of the issues involved in harassment, hazing, or violence.
- g. Age-appropriate curriculum for the classroom on these topics which will include how to treat each other with courtesy and respect.

III Plan for Student Service in the Identification and Prevention of Harassment, Hazing and Violence

Upon the adoption of ISD #879's policies prohibiting harassment (sexual, racial and religious) and hazing, and violence, a plan will be made to provide staff and students with student service professionals (such as counselors, school nurses, social workers and psychologists) who will:

- a. Provide support services to help individuals determine whether or not an experience may have violated either of these school policies.
- b. Provide counseling and other support services to help persons who are the target of these activities to cope with lowered self-esteem.
- c. Provide consultation and support to enable individuals to file a complaint regarding an accusation, when appropriate.
- d. Provide support services to perpetrators or victimizers to deal with their dominance issues.
- e. Provide referral services to other agencies or organizations which needed to meet the needs of individuals.

These services can be provided within the education system or in cooperation with other community agencies.

IV Plan for Student, Staff and Community Participation on the Identification and Prevention of Harassment and Hazing and Violence

Community representatives will be actively involved in the development of policies and programs relating to harassment, violence and hazing.

Parents will be informed of ISD #879's policy prohibiting these activities by the inclusion of information about the policies and procedures for filing grievances and complaints in printed materials sent home with students who are under 18 years of age.

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Members of the community will be informed by the publication of ISD #879's policies in the community or local newspaper.

In addition there will be a continuing effort to provide opportunities for further community participation on the issues related to harassment, hazing and violence through its inclusion in Parent Teacher Student Association programs or other public forums. Other organizations such as the Chamber of Commerce, League of Women Voters, American Association of University Women, and various men's organizations could be approached as well.

The Minnesota Department of children, Families and Learning would appreciate receiving a copy of your hazing policy, and if you have not already done so, as required by M.S. 127.46, we would appreciate receiving your revised sexual, racial and religious harassment and violence policy. Please send them to: Minnesota Department of Children, Families and Learning
Sue Sattel, Equity Building
522 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

For questions or assistance: phone 612/297-2792.

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