

Hazing Policy

The purpose of this policy is to maintain a safe learning environment for students 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.

General Statement of Policy

It is the policy of the Fargo Public School District to maintain a learning environment that is free from hazing and therefore sets the following:

- A. No student, teacher, administrator, coach/advisor, volunteer, contractor or other employee of the school district shall plan, direct, encourage, aid or engage in hazing.
- B. No teacher, administrator, coach/advisor, volunteer, contractor, or other employee of the school district shall permit, condone, actively ignore, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. This policy applies to hazing that occurs on or off school property and during and after school hours, whether school is in session or not.
- E. 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.
- F. The school district will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, coach/advisor, administrator, volunteer, contractor or other employee of the school district who is found to have violated this policy.

Definitions

"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 any student organization. The term hazing includes:

1. Any type of physical brutality such as whipping, beating, striking, paddling, 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 other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the student's mental or physical health or safety.
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, which 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.

"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.

Reporting Procedure

Any person who believes they have been the victim of hazing or any person with knowledge or belief of conduct that may constitute hazing shall report the alleged acts immediately to an appropriate school district official. Generally the building principal is the person responsible for receiving reports of hazing at the building level. School employees are considered mandatory reporters.

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. The principal will further report such incidents to law enforcement when it is appropriate.

Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades or work assignments.

Investigation Procedures

The building principal, direct supervisor, or Human Resources Officer upon receipt of a report or complaint alleging hazing, either verbal or written, shall immediately undertake or authorize an investigation. If one or more of the following circumstances exist, the investigation shall be conducted by an individual located outside of the building:

1. The building level administrator who would normally be responsible for the investigation expresses a concern about their ability to be unbiased;
2. The supervisor of the building level administrator perceives a potential conflict of interest or bias; or
3. The complainant, because of a past experience or history, expresses a concern about the person who would normally be assigned to conduct the investigation.

The Fargo Public School District will respect the privacy of the complainant, the individual against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

Investigation Timeframes

The investigation shall be completed within 60 calendar days of the District receiving the report or being made aware of an incident.

Interim Measures

Pending the final outcome of an investigation the District shall institute interim measures to protect the complainant and inform them of support services available. These interim measures should have minimum impact on the complainant.

Investigation Report

After the fact-gathering process, the investigator shall complete a written investigative report. The investigative report must contain a determination of whether allegations were substantiated, whether a violation of the hazing policy occurred, and any recommendations for corrective action. These determinations shall be made on a case-by-case basis. The investigator shall consider the following criteria when assessing whether a violation of this policy occurred:

1. Whether evidence suggests a pattern of conduct supporting or disproving the allegations of hazing
2. Whether behavior meets the definition of hazing
3. Ages of the parties involved
4. Relationship between the parties involved
5. Severity of the conduct
6. How often the conduct occurred, if applicable
7. How the District resolved similar complaints, if any, in the past.

The investigation investigative report shall indicate if any measures must be instituted to protect the complainant. Such measures may include, extending any interim protection measures taken during the investigation. The investigative report shall also inform the complainant of support services available.

The investigative report shall contain a monitoring plan to evaluate the effectiveness of the resolution and help prevent recurrence.

The resolution listed in the investigation report shall be final and binding; however, nothing shall prevent the parties from seeking judicial redress through a court of competent jurisdiction or through any applicable state or federal complaint procedures.

Disciplinary Action

If a substantiated complaint is filed against an employee, the Human Resources Officer shall review the findings and recommendation of the building. If the Human Resources Officer disagrees with the recommendation of the building regarding discipline, the Human Resources Officer shall determine the appropriate disciplinary action.

If a substantiated complaint is filed against a student, the building principal shall determine the appropriate disciplinary action. Parents shall be notified consistent with policies dealing with discipline and due process procedures. Disciplinary action shall be in accordance with AP 6310 – Student Behavior, Discipline, and Reporting and AP 6320 – Suspension and Expulsion.

The principal or Human Resources Officer will notify the complainant that the investigation has been completed within ten working days following the receipt of the investigation report. Due to confidentiality laws, information regarding the disciplinary action taken against a student should not be disclosed to the complainant.

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 retaliates against any person who makes a good faith report, testifies, assists, or participates in an investigation, or participates in a proceeding or hearing relating to hazing. The complainant or the individual against whom the complaint is filed may appeal to the Superintendent of Schools if he or she believes they have not received fair treatment under this policy. Retaliation includes, any form of intimidation, harassment, or intentional disparate treatment.

Victim Protection

When the District confirms that a violation of this policy has occurred, it shall notify the victim, or the victim's parents or legal guardian and shall implement victim protection strategies. These strategies shall be developed on a case-by-case basis after administration has reviewed the totality of the circumstances surrounding the hazing or any other violations of this policy.

Strategies may include, the following:

- Additional training for all students and applicable staff on implementation of this policy or hazing prevention.
- Notice to the victim's teachers and other staff to monitor the victim and their interaction with peers or the assignment of a staff member to escort the student between classes.
- Assignment of district staff to monitor, more frequently, areas in the school where hazing has occurred.
- Referral to counseling services for the victim and wrongdoer.
- Modification of the classroom assignment or schedule
- Any other appropriate measures imposed to minimize the contact between a perpetrator and the victim.

Prevention

It is important that all students and employees understand what constitutes hazing and the importance of reporting this behavior. Supervisors should educate those within their building regarding this policy and should be watchful for behavior, which fits the description of hazing or retaliation. Employees who witness such behavior as a third party have a responsibility to report it.

Document Retention

All investigation reports will be forwarded and filed with the Human Resource Department.

Students

Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for six years after a student turns 18 or graduates from high school, whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for six years after the student turns 18.

Staff

For employees, investigation reports shall be retained by the District during the time of employment and six years post-employment. In accordance with NDCC 15.1-17-04, a complaint

against a teacher, an individual for whom the teacher is administratively responsible or a staff member will be placed in the personnel file. The school principal, administrator, or school district superintendent shall inform the employee of the complaint.

Employee Assistance Program

The Employee Assistance Program (EAP) is available for employees involved in a hazing accusation, incident of hazing, or retaliation. The intent of this program in this case would be to help the employee deal with the psychological effects of being involved in the process.

Adopted 8/19/04
Reviewed 12/2012
Revised 7/2015
Revised 12/2015
Revised 9/2022

HAZING CLAIM FORM

The Fargo Public School District maintains a firm policy prohibiting all forms of hazing. Hazing will not be tolerated under any circumstances.

Grievant Information

Complainant _____

Home Address _____ Phone _____

School _____

Nature of the Hazing Alleged (check all that apply)

- | | | | |
|-----------------------------------|-------------------------------------|--|---|
| <input type="checkbox"/> Verbal | <input type="checkbox"/> Religion | <input type="checkbox"/> Race | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Physical | <input type="checkbox"/> Disability | <input type="checkbox"/> Retaliation | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Visual | <input type="checkbox"/> Age | <input type="checkbox"/> National Origin | |

Summary of the Alleged Complaint

1. Date(s) on which alleged conduct occurred:
2. Where the alleged conduct occurred:
3. Names of witnesses (please specify whether employee, student, or other):
4. Name of person(s) who engaged in hazing (respondent), if the alleged hazing was toward another person, identify that person:
5. Describe in detail (include where and when) the specific incidents, occurrences, decisions, and other factual matters believed to constitute hazing or retaliation, including what force if any, was used; any verbal statements (e.g. threats, demands, requests); what if any physical contact was involved (use additional sheets if needed):

6. Harm caused:

7. I request the following action be taken:

ACKNOWLEDGMENTS

I understand the following:

1. I have the right to be free of retaliation for filing this grievance. I agree to report any conduct which I believe is motivated by retaliation for filing this complaint. I understand, however, that if this statement contains accusations which I know are false, I may be subject to disciplinary action within the district and external legal action from those I have falsely accused.
2. The Fargo Public Schools will try to protect my identity from public exposure. The respondent, however, may be given factual information contained in this grievance in order to have an opportunity to respond to it.
3. I may have the right to file a complaint with civil rights agencies or to file legal actions in a court of law.
4. I understand that the investigating personnel are advocates for neither the grievant nor the respondent. Their responsibility is to investigate complaints from a neutral position to determine whether violations of the district's hazing policy have occurred.

I certify that the statements made in this grievance are true and accurate, and that I have read and understand the statements made in the acknowledgments section of the grievance.

Signature of Grievant