





## 247. HAZING

<p>Guidelines</p>	<p>When a student's behavior indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student to the threat assessment team, in accordance with applicable law and Board policy.<a href="#">[13]</a><a href="#">[14]</a></p> <p>In addition to posting this policy on the district's publicly accessible website, the district shall inform students, parents/guardians, sponsors, volunteers and district employees of the district's policy prohibiting hazing, including district rules, penalties for violations of the policy and the program established by the district for enforcement of the policy by means of <a href="#">[4]</a> publication in handbooks and verbal instructions by the coach or sponsor at the start of the season or program.</p> <p>This policy, along with other applicable district policies, procedures and Codes of Conduct, shall be provided to all school athletic coaches and all sponsors and volunteers affiliated with a student activity or organization, prior to coaching an athletic activity or serving as a responsible adult supervising, advising, assisting or otherwise participating in a student activity or organization, together with a notice that they are expected to read and abide by the policies, procedures and Codes of Conduct.<a href="#">[7]</a></p> <p><u>Complaint Procedure</u></p> <p>A student who believes that they have been subject to hazing is encouraged to promptly report the incident to the building principal or designee.</p> <p>Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.</p> <p>The Board directs that verbal and written complaints of hazing shall be provided to the building principal or designee, who shall promptly notify the Superintendent or designee of the allegations and determine who shall conduct the investigation. Allegations of hazing shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of hazing brought pursuant to this policy shall also be reviewed for conduct which may not be proven to be hazing under this policy but merits review and possible action under other Board policies.</p> <p><u>Interim Measures/Law Enforcement</u></p> <p>Upon receipt of a complaint of hazing, the building principal or designee, in consultation with the Superintendent or designee, shall determine what, if any interim</p>
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## 247. HAZING

measures should be put in place to protect students from further hazing, bullying, discrimination or retaliatory conduct related to the alleged incident and report. Such interim measures may include, but not be limited to, the suspension of an adult who is involved, the separation of alleged victims and perpetrators, and the determination of what the complaining student needs or wants through questioning.

Those receiving the initial report and conducting or overseeing the investigation will assess whether the complaint, if proven, would constitute hazing, aggravated hazing or organizational hazing and shall report it to law enforcement consistent with district practice and, as appropriate, consult with legal counsel about whether to report the matter to law enforcement at every stage of the proceeding. The decision to report a matter to law enforcement should not involve an analysis by district personnel of whether safe harbor provisions might apply to the person being reported, but information on the facts can be shared with law enforcement in this regard.[\[15\]](#)

### *Referral to Law Enforcement and School Safety and Security Incident Reporting –*

For purposes of reporting hazing incidents to law enforcement in accordance with school safety and security reporting, the term **incident** shall mean an instance involving an act of violence; the possession of a weapon; the possession, use or sale of a controlled substance or drug paraphernalia as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act; the possession, use or sale of alcohol or tobacco products; or conduct that constitutes an offense listed in the school safety and security provisions of School Code.[\[16\]](#)[\[17\]](#)[\[18\]](#)

The Superintendent or designee shall immediately report required incidents and may report discretionary incidents committed by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the law enforcement agency that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies.[\[16\]](#)[\[17\]](#)[\[19\]](#)[\[20\]](#)[\[21\]](#)[\[22\]](#)

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the law enforcement agency that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[\[17\]](#)[\[22\]](#)[\[23\]](#)

In accordance with state law, the Superintendent shall annually, by July 31, report all new incidents to the PA Department of Education on the required form.[\[16\]](#)[\[19\]](#)[\[22\]](#)

## 247. HAZING

### Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with applicable law, regulations, this policy and the district's legal and investigative obligations.

### Retaliation

Reprisal or retaliation relating to reports of hazing or participation in an investigation of allegations of hazing is prohibited and shall be subject to disciplinary action.

### Consequences for Violations

#### *Safe Harbor –*

An individual needing medical attention or seeking medical attention for another shall not be subject to criminal prosecution if the individual complies with the requirements under law, subject to the limitations set forth in law. [\[15\]](#)

#### *Students –*

If the investigation results in a substantiated finding of hazing, the investigator shall recommend appropriate disciplinary action up to and including expulsion, as circumstances warrant, in accordance with the Code of Student Conduct. The student may also be subject to disciplinary action by the coach or sponsor, up to and including removal from the activity or organization. The fact of whether a student qualified for and received safe harbor under a criminal investigation shall be considered in assigning discipline. [\[4\]](#)[\[7\]](#)[\[15\]](#)[\[24\]](#)[\[25\]](#)

#### *Nonstudent Violators/Organizational Hazing -*

If the investigation results in a substantiated finding that a coach, sponsor or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, the coach, sponsor or volunteer shall be disciplined in accordance with Board policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position as coach, sponsor or volunteer, and/or dismissal from district employment. [\[26\]](#)

If an organization is found to have engaged in organizational hazing, it shall be subject to the imposition of fines and other appropriate penalties. Penalties may include rescission of permission for that organization to operate on school property or to otherwise operate under the sanction or recognition of the district.

## 247. HAZING

### *Criminal Prosecution –*

Any person or organization that causes or participates in hazing may also be subject to criminal prosecution.[\[4\]](#)

### Legal References

1. 18 Pa. C.S.A. 2802
2. 18 Pa. C.S.A. 2803
3. 18 Pa. C.S.A. 2804
4. 18 Pa. C.S.A. 2808
5. 18 Pa. C.S.A. 2806
6. 18 Pa. C.S.A. 2801
7. 24 P.S. 511
8. 18 Pa. C.S.A. 2301
9. Pol. 122
10. Pol. 123
11. Pol. 103
12. Pol. 103.1
13. 24 P.S. 1302-E
14. Pol. 236.1
15. 18 Pa. C.S.A. 2810
16. 24 P.S. 1319-B
17. 22 PA Code 10.2
18. 35 P.S. 780-102
19. 24 P.S. 1306.2-B
20. 22 PA Code 10.21
21. 22 PA Code 10.22
22. Pol. 805.1
23. 22 PA Code 10.25
24. Pol. 218
25. Pol. 233
26. Pol. 317