

Hazing Policy

The Fargo Public School District ("District") is committed to providing all student with a safe learning environment where they are treated with dignity and respect. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited. The District will take appropriate action to investigate, respond to, remediate, and to discipline any acts of hazing.

Definitions

The following definitions are to be used for purposes of this policy:

1. "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:
 - a. Any type of physical brutality such as whipping, beating, striking, paddling, branding, electronic shocking or placing a harmful substance on the body.
 - b. 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.
 - c. Any activity involving the consumption of any alcoholic beverage, drug or medication, 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.
 - d. Any activity that does the following:
 - i. intimidates or threatens the student with ostracism,
 - ii. subjects a student to extreme mental stress, embarrassment, shame or humiliation,
 - iii. adversely affects the mental health, or dignity of the student, or
 - iv. discourages the student from remaining in school
 - e. 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.
2. "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.

Prohibition on Hazing

In order to maintain a learning environment free from hazing the District has established the following:

1. No student, teacher, administrator, coach/advisor, volunteer, contractor or other employee of the school district shall plan, direct, encourage, aid, or engage in hazing.
2. No teacher, administrator, coach/advisor, volunteer, contractor, or other employee of the school district shall permit, condone, actively ignore, or tolerate hazing.

3. Apparent permission or consent by a person being hazed does not authorize or mitigate the prohibitions contained in this policy.
4. The policy is applicable to hazing that occurs on or off school property and during and after school hours, whether school is in session or not.

Reporting Procedure for Alleged Policy Violations

1. *Reporting Options for Students and Community Members*

Students and community members may report known or suspected violations of this policy by filling a complaint with a District employee.

A hazing complaint may be filed anonymously. However, an anonymous complaint may limit the District's ability to investigate and respond to the alleged violations.

2. *Reporting Requirements for District Employees*

All District employees must be particularly alert to possible situations, circumstances, or events that might include hazing. Any District employee who receives a report of, observes, or has other knowledge or beliefs of conduct that may constitute hazing shall immediately report it by completing an online complaint form. If the alleged violation implicates the building principal, the employee must report the alleged violation to the Chief Human Capital Officer.

If the District determines that an employee knew of or suspected a violation of this policy and failed to report it in accordance with the reporting procedure above, the staff member may be subject to disciplinary action or other corrective measures.

3. *Reporting Considerations*

The District's investigation into the alleged behavior will determine whether the conduct meets the definition of hazing. If the misconduct does not meet the definition of hazing, the District may address the conduct under a different policy including Administrative Policy 6310 – Student Behavior, Discipline, and Reporting or Administrative Policy 5255 – Staff Conduct.

Supportive Measures

The District will offer and implement appropriate and reasonable supportive measures to the victim upon receipt of a complaint. Supportive measures are individualized support offered as appropriate and as reasonably available. The purpose of supportive measures is to restore or preserve access to the District's educational programs and activities, including measures designed to protect the safety of the Parties and the District's educational environment and to deter hazing or retaliation.

Supportive measures will be developed on a case-by-case basis and may be amended based on the totality of the circumstances upon the completion of an investigation substantiating a policy violation. The District will maintain the confidentiality of supportive measures provided that confidentiality does not impair the District's ability to provide the supportive measures. Supportive measures may include, but not be limited to, the following:

- Referral to counseling services
- Referral to the Employee Assistance Program
- Implementation of no contact orders between the Parties
- Modification of the classroom seating assignments

A violation of a no contact order issued as a supportive measure pursuant to this policy may be addressed under a different policy including Administrative Policy 6310 – Student Behavior, Discipline, and Reporting or Administrative Policy 5255 – Staff

Investigation Procedures

The District has an obligation to investigate violations of this policy when in receipt of actual notice of an alleged policy violation. Actual notice of an alleged violation occurs when alleged hazing, reprisal, retaliation, or false reporting is reported. Upon receipt of a report of an alleged policy violation, the designated administrator shall first determine if the alleged policy violation is based on a protected status, whether actual or perceived. Reports involving protected status must be investigated in accordance with Administrative Policy 4060/5060/6060 or Administrative Policy 5050/6050.

In all other cases, the designated administrator shall immediately undertake or authorize an investigation. In any case where there is a potential conflict of interest or bias, the designated administrator shall contact the Chief Human Capital Officer. Unless the complaint is regarding the Chief Human Capital Officer, the Chief Human Capital Officer, in their sole discretion, may assign a new investigator at any time.

The depth of the investigation will be based on numerous factors including the age of the parties involved; the nature of the allegations; the details, content, and context of the report. The investigation may also include the following steps or any other steps the designated administrator deems necessary:

1. Identification and collection of evidence, if available and accessible
2. Interviews with the complainant, the victim, and the accused. *At no time during the investigation will the victim be required to meet with the accused.*
3. Interviews with any others who may have witnessed or otherwise have knowledge of the circumstances giving rise to the alleged complaint. *Both the complainant and accused will have equal opportunity to present evidence and name witnesses. Witnesses shall be instructed not to discuss this matter with others.*
4. A review of any mitigating or extenuating circumstances.

Upon completion of the investigation, the designated administrator shall complete a written report containing a detailed description of their findings. The designated administrator must also make a determination as to whether the allegations were substantiated, whether the hazing policy was violated, and/or whether any other District policies were violated. Investigations must be completed within 60 days unless the designated administrator documents good cause for extending the deadline. Such documentation must be sent to the victim and the accused during the investigation.

Disciplinary Action

If the report against a student for hazing is substantiated, the building principal shall determine the appropriate disciplinary action. Parents shall be notified consistently with policies dealing with discipline and due process procedures. Disciplinary action shall be based on the totality of the circumstances and in accordance with the District Code of Character, Conduct, and Support. If the hazing report is unsubstantiated but another policy violation is identified, the building principal shall determine the appropriate level of discipline based on the applicable policy.

Disciplinary actions against students are protected student information pursuant to the Family Educational Rights and Privacy Act (“FERPA”) and only available to the parent and guardian of the student who is the subject of the discipline; disciplinary actions will not be provided to the complainant or victim.

If the accused is a District employee and the report is substantiated, the District shall take appropriate disciplinary action up to and including discharge for cause.

Reporting to Law Enforcement and Other Forms of Redress

Anytime there is reasonable suspicion that a hazing incident constituted a crime, District must report the alleged conduct to law enforcement. Nothing in this policy prevents a victim or their family from seeking redress under state and federal law.

Prevention

It is important that all students and employees understand what constitutes hazing or retaliation and their right to report unwelcome behavior. Building Principals, or their designee, should educate those within their building regarding this policy and should be watchful for behavior, which fits the description of hazing or retaliation.

Document Retention

All reports and documentation related to the investigation will be stored electronically by the District.

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