LENAPE TECHNICAL SCHOOL

SECTION: PUPILS

TITLE: HAZING

ADOPTED: December 16, 2004

REVISED: May 21, 2015; September 15, 2016
February 21, 2019; September 17, 2020
September 16, 2021; March 20, 2025

247. HAZING

Purpose

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

Definitions

Hazing occurs when a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a student with an organization, or for the purpose of continuing or enhancing membership or status in an organization, causes, coerces or forces a student do any of the following:[1]

1. Violate federal or state criminal law.
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the student to a risk of emotional or physical harm.
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
5. Endure brutality of a sexual nature.
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the student.

Aggravated hazing occurs when a person commits an act of hazing that results in serious bodily injury or death to the student and:[2]

1. The person acts with reckless indifference to the health and safety of the student; or
2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the student.

Organizational hazing occurs when an organization intentionally, knowingly or recklessly promotes or facilitates hazing.[3][4]

Any activity, as described above, shall be deemed a violation of this policy regardless of whether:[5]

	1. The consent of the student was sought or obtained, or 2. The conduct was sanctioned or approved by the school or organization. **Student activity or organization** means any activity, society, corps, team, club or service, social or similar group, operating under the sanction of or recognized as an organization by the school, whose members are primarily students or alumni of the organization.[6][7] For purposes of this policy, **bodily injury** shall mean impairment of physical condition or substantial pain.[8] For purposes of this policy, **serious bodily injury** shall mean bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.[8]
Authority	The Joint Operating Committee prohibits hazing in connection with any, student activity or organization regardless of whether the conduct occurs on or off school property or outside of school hours.[4][5][7][9] No student, parent/guardian, coach, sponsor, volunteer or school employee shall engage in, condone or ignore any form of hazing. The Joint Operating Committee encourages students who believe they, or others, have been subjected to hazing to promptly report such incidents to the building administrator or designee. <u>Discrimination/**Harassment**</u> Every report of alleged hazing that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination **or harassment** shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer and Title IX Coordinator. If, in the course of a hazing investigation, potential issues of discrimination **or harassment** are identified, the Title IX Coordinator shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination **or harassment** as well as the incidents of alleged hazing.[10] [11]
Delegation of Responsibility	Students, parents/guardians, coaches, sponsors, volunteers, and school employees shall be alert to incidents of hazing and shall report such conduct to the building administrator or designee. When a student's behavior indicates a threat to the safety of a student, other students, school employees, school facilities, the community or others, staff shall report the student to the threat assessment team, in accordance with applicable law and Joint Operating Committee policy.[12][13]
Guidelines	In addition to posting this policy on the school's publicly accessible website, the

school shall inform students, parents/guardians, sponsors, volunteers and school employees of the school's policy prohibiting hazing, including school rules, penalties for violations of the policy, and the program established by the school for enforcement of the policy, by means of distribution of the written policy, publication in handbooks, presentation at an assembly.[4]

This policy, along with other applicable school policies, procedures and Codes of Conduct, shall be provided to all school employees, sponsors and volunteers affiliated with a student activity or organization prior to 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.[7]

Complaint Procedure

A student who believes that they have been subject to hazing is encouraged to promptly report the incident to a building administrator or designee.

Students are encouraged to use the school's report form, available from the building administrator, 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.

The Joint Operating Committee directs that verbal and written complaints of hazing shall be provided to the building administrator or designee, who shall promptly notify the Administrative Director 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 Joint Operating Committee 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 Joint Operating Committee policies.

Interim Measures/ Law Enforcement

Upon receipt of a complaint of hazing, the building administrator or designee, in consultation with the Administrative Director or designee, shall determine what, if any interim 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 school practice and, as appropriate, consult with legal counsel about whether to report the matter to the police at every stage of the proceeding. The decision to report a matter to **law enforcement** should not involve an analysis by school personnel or 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.[14]

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**.[15][16][17]

The Administrative Director 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 the school or a 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 Joint Operating Committee policies.[15][16][18][19][20][21]

The Administrative Director 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 Administrative Director 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 Administrative Director or designee shall document attempts made to reach the parent/guardian.[16][21][22]

In accordance with state law, the Administrative Director shall annually, by July 31, report all new incidents to the **PA Department of Education** on the required form.[15][18][21]

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 school'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.[14]

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 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][14][23][24]

Nonstudent Violators/Organizational Hazing –

If the investigation results in a substantiated finding that a sponsor, or volunteer affiliated with the student activity or organization engaged in, condoned or ignored any violation of this policy, the sponsor or volunteer shall be disciplined in accordance with Joint Operating Committee policy and applicable laws and regulations. Discipline could include, but is not limited to, dismissal from the position of sponsor or volunteer, and/or dismissal from school employment.[25]

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 school.

Criminal Prosecution –

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

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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. 1850.1 8. 18 Pa. C.S.A. 2301 9. Pol. 122 10. Pol. 103 11. Pol. 103.1 12. 24 P.S. 1302-E 13. Pol. 236.1 14. 18 Pa. C.S.A. 2810 15. 24 P.S. 1319-B 16. 22 PA Code 10.2 17. 35 P.S. 780-102 18. 24 P.S. 1306.2-B 19. 22 PA Code 10.21 20. 22 PA Code 10.22 21. Pol. 805.1 22. 22 PA Code 10.25 23. Pol. 218 24. Pol. 233 25. Pol. 317 18 Pa. C.S.A. 2801 et seq 22 PA Code 10.23 Pol. 113.1 Pol. 916 Copyright PSBA 2024