Hazing Laws and Policies

State Laws

- Check your state's laws on hazing by following this link: http://www.stophazing.org/laws.html

High School Associations' Policies

- Contact your state high school association (all 50 states and the District of Columbia) for more information.

Hazing Prohibition

Purpose - The purpose of this policy is to maintain a safe learning environment that is free from hazing for students and staff members, 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 - No student, teacher, administrator or other school district employee, contractor or volunteer shall plan, direct, encourage, aid or engage in hazing.

No student, teacher, administrator or other school district employee, contractor or volunteer shall permit, condone or tolerate hazing.

Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.

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.

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This policy applies to hazing behavior that occurs on or off school property and during and after school hours.

The school district will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator or other school district employee, contractor or volunteer 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 a student organization, or for any other purpose. The term hazing includes, but is not limited to:

Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.

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.

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.

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.

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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 Procedures

Any person who believes he or she has been the 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.

The building principal is the person responsible for receiving reports of hazing at the building level. Any person may report hazing directly to a school district human rights officer or to the superintendent.

Teachers, administrators, other school district employees as well as contractors and volunteers shall be particularly alert to possible situations, circumstances or events that might include hazing. 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.

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

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School District Action

Upon 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.

The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students or others pending completion of an investigation of hazing.

Upon completion of the investigation, 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 administered consistently. They will appropriately discipline prohibited behavior and deter others from hazing. School district action taken for violation of this policy will be consistent with other school policies and applicable collective bargaining agreements and statutory authorities.

Reprisal - The school district will take appropriate action against any student, teacher, administrator or other employee of the school district, or any contractor or volunteer who retaliates against anyone who makes a good faith report of hazing, or who testifies, assists or participates in an investigation or hearing about a hazing incident. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Dissemination of Policy - This policy shall appear in each school's Student Handbook and in each school's Building and Staff handbooks. Further, it will be disseminated to parents and presented to attendees of the first meeting of the school year of each student organization (including all athletic teams and clubs).

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Internet Safety

Do's

- Do follow the rules that your parents have set regarding the time you are allowed to use the internet, the purpose of your use of the internet, the sites you are allowed to visit, and the limitations they have set.
- If you are using instant messaging or entering chat rooms, stay in publicly monitored and child-friendly rooms.
- Do tell your parents immediately if you have encountered any problem while using the internet or if you have engaged in an uncomfortable situation.
- Do use an alias or nickname every time you enter chat rooms or forums.
- Do avoid posting your personal profile on the web. This may be used by online predators against you.
- Do close the web browser immediately if you see any images of violence, nudity, pornography, sex, and other contents that aren't right for your age. Do tell your parents about this immediately.

Don'ts

- Don't give your real identity to anyone you meet online. This includes your real name, address, school information, e-mail address, password, and bank account information.
- If you are using instant messaging or entering chat rooms, DON'T allow others to harass you or put you in an uncomfortable situation.
- Don't reply to or start a conversation with people you don't know. Don't accept gift offerings from them.
- Don't fill out any survey, membership, or application forms asking for your personal information from an unsecured site.
- Don't disable any security settings your parents have set such as antivirus, firewall, filtering, and site monitoring programs.

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- Don't open, reply, or download attachments from spam or from unknown senders. These may contain viruses or other threats that can harm your computer.
- Don't download any files that are given to you by people you've met online. Don't download any files from your e-mail unless they are solicited.
- Don't use free and downloadable peer-to-peer file sharing programs.
- And most of all…do not hide anything from your parents.

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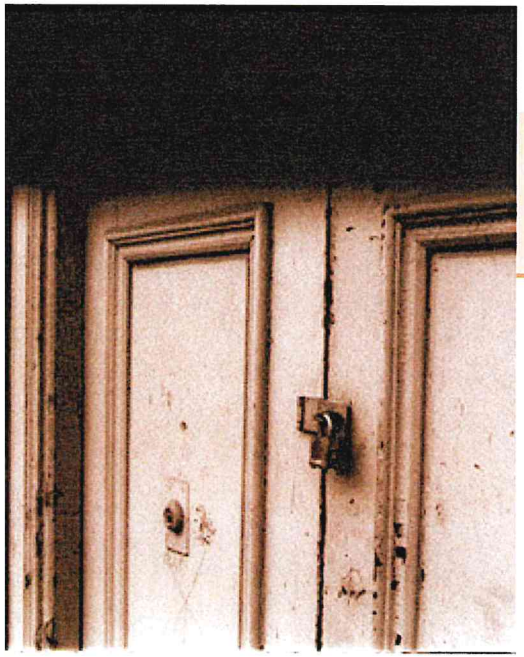

Key Elements of a Good Reporting System:

1. Communicate to your students, coaches/activity personnel, officials and parents that you have a policy against hazing, sexual misconduct and other forms of harassment.
2. Make the process of reporting allegations simple and direct.
3. Make the principal, as the highest administrative official in the building, directly responsible for directing the investigation of any allegation of misconduct, hazing or harassment.
4. Document, in writing, any allegation of misconduct, hazing or harassment, and the results of the investigation.
5. Promptly take such remedial action as is necessary and appropriate.

Two Generally Recognized Categories of Sexual Harassment

1. Quid Pro Quo
Quid Pro Quo Harassment occurs when one person (generally in a supervisory capacity such as an upperclassman or a coach) makes known, unwelcome sexual demands of a subordinate (such as an underclassman, or an athlete) in order for him or her to gain an advantage, promotion, influence an evaluation, affect playing time or other benefits that come from educational, athletic or employment opportunities.

2. Hostile Environment
Hostile Environment Harassment is unwelcome conduct by a person that is sufficiently serious, persistent or pervasive, so that it affects another person's ability to participate in or benefit from the school program or activity by creating an intimidating, threatening or abusive environment. Conduct contributing to a hostile environment might include:

- Sexual propositions communicated via e-mail, in person, graphically;
- Verbal expressions of a sexual nature including comments about hair, dress, physical appearance or sexual activities;
- Sexually suggestive jokes, innuendoes, sounds, gestures or leering;
- Anecdotes, questions or comments about sexual activities;
- Excessive or inappropriate physical contact;
- Use of sexually suggestive objects, articles, tapes, pictures or other materials;
- Any persistent and pervasive pattern of sex-related conduct that is offensive;
- Deliberate indifference by supervisory personnel in responding to allegations of harassment.

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Sexual Harassment and Hazing:

Your Actions Make a Difference!

Each school and community has a responsibility to protect against harassment and hazing. This responsibility extends to the school's athletic programs. Each school should have a policy against discrimination, including grievance procedures, providing for prompt and equitable resolution of hazing, harassment and sex discrimination complaints. This information should be shared with students and any persons who have direct or indirect contact with students.

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Sexual Harassment and Hazing: Your Actions Make a Difference!

This brochure addresses the legal rights of high school students, coaches/activity personnel and officials to enjoy an appropriate environment in athletics and other activities. All forms of harassment should be reported to school authorities.

Key Elements of a Good Reporting System

A clearly worded and well-publicized policy is essential in order to inform students and employees that sexual harassment or other forms of hazing will not be tolerated, ensure that they know how to report complaints, and assure them that harassment may be reported without fear of repercussions.

Factors Used to Evaluate Sexual Harassment

- The degree to which the conduct affects one or more students' education.
- The degree to which the conduct affects the coaching or work environment.
- The type, frequency and duration of the conduct.
- The identity of and relationship between the alleged harasser and the subject or subjects of the harassment.
- The number of individuals involved.
- The age and gender of the alleged harasser and the subject or subjects of the harassment.
- The size of the school, location of the incidents and context in which they occurred.
- Other incidents of sexual harassment at the school.
- Incidents of gender-based, but non-sexual harassment.
- Consensual behaviors.

(Source: Federal Register /Vol 65, No. 213, November 2, 2000)

Indiana Coalition Against Sexual Assault, INCASA is a private, non-profit organization funded from federal dollars through the Indiana Department of Health, Family and Social Services Administration, Indiana Criminal Justice Institute and through a grant from the Office on Violence Against Women. This project is made possible through a grant from the Women's Fund and from the Rape Prevention Education Funds through the Centers for Disease Control and Prevention, administered by the Indiana State Department of Health. All contributions to INCASA are tax-deductible to the extent allowable by the Internal Revenue Service. Equal Access/Equal Opportunity organization. www.incasa.org

Sexual Harassment and Hazing:

Your Actions Make a Difference!

Reporting Hazing and Harassment

Hazing or harassment by any name is wrong. Anyone who witnesses or hears about a form of harassment can and should report it. Allegations of harassment may be the result of words, physical contact, e-mail or other unwelcome verbal or non-verbal communication.

Communication – A victim of hazing or harassment can report it, but so can a person who may not know the victim. The information may have come to him/her through conversation or may have been overheard in a classroom situation. Even in situations where information is gathered indirectly, members of the school community have a responsibility to report damaging behavior.

Observation – Supervisors or teachers have responsibilities for the behavior of students. Whenever harassment is observed by a teacher or the adult in charge, he or she should recognize and address the matter for what it is – a serious violation of school policy.

Who can report hazing or harassment?

- A victim.
- A person who witnesses the incident.
- A third party who may not have witnessed the incident, but hears about it.

How to Handle Hazing

1. Establish welcome programs for first-year and transfer students.
2. Reconsider all "team-bonding" or "initiation" traditions in all school groups.
3. Urge your school to adopt a statement of awareness.
4. Create a spirit of camaraderie.
5. Don't cover-up hazing incidents.

(Source: "High School Hazing: When Rites Become Wrong," by Hank Nuwer)

Establishing Boundaries

Sexual Misconduct
Sexual Misconduct covers a wide spectrum of inappropriate behavior. Individuals who engage in sexual misconduct may be subject to disciplinary actions at school or in a court of law.

Sexual Harassment
Sexual Harassment is a form of gender discrimination that consists of unwelcome verbal, electronic, or physical interaction between two or more people. Harassment can happen between people of the same gender or people of different genders.

Hazing
Hazing is any action or activity which inflicts physical or mental harm or anxiety, or which demeans, degrades or disgraces a person, regardless of location, intent or consent of participants.
(Employment Practice Group 2000, RI)

Ten Recommendations for Preventing Sexual Harassment in Schools and Athletics Programs

1. Teachers and athletics personnel should never use sexually explicit language or tell sexually explicit/off color jokes in the presence of students or student-athletes.
2. Teachers and athletics personnel should never display sexually explicit or pornographic pictures/materials on school property and should never show such materials to students or student-athletes under any circumstances.
3. Teachers and athletics personnel should avoid engaging in excessively personal conversations, both in person and on the phone, with students or student-athletes.
4. Teachers and athletics personnel should avoid sending excessively personal letters, cards, e-mails, or gifts to students or student-athletes.
5. Teachers and athletics personnel should avoid commenting on the physical appearance, including manner of dress and specific physical attributes, of students or student-athletes.
6. Teachers and athletics personnel should avoid to the greatest extent possible physical contact with or touching of students or student-athletes.
7. Teachers and athletics personnel should avoid giving students or student-athletes rides home alone or even in groups where eventually only one student will remain in the car alone with the adult.
8. Teachers and athletics personnel should avoid off-school-property, one-on-one meetings alone with students or student-athletes, especially in the home of the student or the adult.
9. Teachers and athletics personnel should never plan or take unchaperoned overnight school or athletics trips with students or student-athletes and, on properly chaperoned trips, should exercise the highest degree of caution and propriety regarding interaction with students or student-athletes.
10. Teachers and athletics personnel should never date students or student-athletes under any circumstances. Issues of power differential, consent and credibility make such relationships untenable within any level of educational institution.

(Source: Dr. Lee Green, Baker University Sportslaw Publishing .com/slpnewsl.htm)