

## PROCEDURES: HAZING<sup>1</sup>

### Notification of Hazing Policy<sup>2</sup>

Annually, the student handbook, which shall be presented to students prior to the commencement of any academic courses, shall contain: (1) a description of this hazing policy in age-appropriate language, (2) examples of hazing, and (3) the names and contact information of at least two persons whom the school board has designated to receive reports of hazing. The schools of the district also shall effectively inform students about the substance of this hazing policy and its procedures by (specify date).

Examples of hazing that may be published in notice to students include:<sup>3</sup>

- Any type of physical brutality such as whipping, beating, striking, branding, electrical shocks, placing a harmful substance on or in the body, or other similar activity; or
- Any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small space, or other activity that creates or results in an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; or
- Any activity involving consumption of food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects a student to an unreasonable risk of harm; or
- Activity that induces, causes, or requires a student to perform a duty or task, which involves the commission of a crime or an act of hazing.

Each student who participates in a co- or extra-curricular activity that begins prior to the commencement of any academic courses shall be provided by the coach or supervisor of the co- or extra-curricular activity a copy of the excerpt from the student handbook regarding the hazing policy prior to the first practice session. Each coach or supervisor of a co- or extra-curricular activity shall orally explain to participants the prohibition against hazing, the reasons for the prohibition, and the potential consequences to participants and, in the case of a club or an athletic team, to the club or team itself.

Annually, custodial parents and guardians of students shall be informed of this hazing policy prior to the commencement of co- or extra-curricular activities through publication in the student handbook or other publication that sets forth the comprehensive rules, procedures and standards of conduct for the school.<sup>4</sup>

Annually, staff members shall be informed of this hazing policy prior to the opening of school through publication in the student handbook or other publication that sets forth the comprehensive rules, procedures and standards of conduct for the school Coaches or

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<sup>1</sup> 16 V.S.A. § 565(c) requires that each of the following provisions be in administrative rules and procedures for dealing with harassment and hazing of students.

<sup>2</sup> See 16 V.S.A. 565(d).

<sup>3</sup> 16 V.S.A. 565(d) requires that the annual notice to students be in age appropriate language and include examples of hazing.

<sup>4</sup> See 16 V.S.A. 565(d).

supervisors of co- or extra-curricular activities shall be provided a copy of this hazing policy upon employment by the district.<sup>5</sup>

### **Investigation of Reports of Hazing**

The principal, or designee, upon receipt of a report of hazing, promptly shall cause an investigation to commence within \_\_\_\_ school days of receipt of the report. The investigation shall be timely and thorough and the findings and conclusions of the investigation shall be written. Unless there are exceptional circumstances, the investigation shall be concluded within ten school days.

It shall be a violation of the school board policy prohibiting hazing for a person to retaliate against a student or other person for reporting a suspected incident of hazing or cooperating in any investigation or disciplinary proceeding regarding an incident of hazing.<sup>6</sup>

### **Disciplinary Action**

It is not a defense in a disciplinary proceeding under this policy that the person against whom the hazing was directed consented to or acquiesced in the hazing activity.

1. If the investigation concludes that a student committed an act of hazing or otherwise violated this policy, the student shall be subject to disciplinary action, including but not limited to suspension or expulsion from co- or extra-curricular activities or from school. Any disciplinary action against a student shall be subject to the due process procedures set forth in the school discipline policy..
2. If the investigation concludes that a staff person committed an act of hazing or otherwise violated this policy, that person shall be subject to appropriate disciplinary action in accordance with applicable law and the provisions of any applicable collective bargaining agreement or other contract.
3. If the investigation concludes that an athletic team or other co- or extra-curricular activity or organization knowingly permitted, authorized, or condoned hazing, disciplinary action may be imposed against the team, activity or organization, including cancellation of one or more athletic contests or the entire athletic season, or revocation or suspension of an organization's permission to operate or exist within the District's purview.
4. Acts of hazing may also be illegal and may be prosecuted under 16 V.S.A. §§140b-140d or other state law.
5. Nothing in this policy shall limit or preclude the District from disciplining a student or other person affiliated with the District under any other District policy as well as under the terms of this policy.

### **Training of Staff**

The principal shall ensure that each staff member, with particular emphasis on staff members who are coaches or supervisors of co- or extra-curricular activities, receive training in preventing, recognizing and responding to hazing at least annually.

### **Reporting Incidents of Hazing to Law Enforcement Officials**

All staff members are subject to the confidentiality requirements of the Family Education Rights and Privacy Act (20 U.S.C. §1232g and 34 C.F.R. Part 99). Accordingly, personally identifiable information derived from student records , may not be disclosed without prior written parental

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<sup>5</sup> *id.*

<sup>6</sup> *See* 16 V.S.A. 565(c)(3).

consent unless it meets one or more of the exceptions specified in 34 C.F.R. Part 99. Certain of these exceptions, depending upon whether the circumstances meet the conditions set forth in those exceptions, may permit the reporting of hazing to law enforcement officials. Those relevant exceptions are:

1. Where there is a health or safety emergency;
2. Where the information has been subpoenaed; or
3. Where the records in question are created and maintained by a law enforcement unit established by the school.

### **Availability of Human Rights Commission and Office of Civil Rights .**

At least annually, parents and students will be notified of the availability of the Vermont Human Rights Commission, the Vermont Department of Education and the U.S. Office of Civil Rights to investigate allegations of violations of the school's hazing policy. Notice of availability, including contact information for each agency, will be published in student and parent handbooks, and will be posted in school offices and, as determined by the principal of each school, in other places in the school building or on school property.<sup>7</sup>

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<sup>7</sup> 16 V.S.A. § 565(c)(2).