Book	Policy Manual
Section	200 Pupils
Title	Hazing
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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 center 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 to 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 center (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 center, 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 center (school) property or outside of school hours.[4][5][7][9]

No student, parent/guardian, coach, sponsor, volunteer or center 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.

Title IX Sexual Harassment and Other Discrimination

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 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 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 as well as the incidents of alleged hazing.[10][11]

Delegation of Responsibility

Students, parents/guardians, sponsors, volunteers, and center employees shall be alert to incidents of hazing and shall report such conduct to the building administrator or designee.

Guidelines

In addition to posting this policy on the center publicly accessible website, the center shall inform students, parents/guardians, sponsors, volunteers and center (school) employees of the center policy prohibiting hazing, including center rules, penalties for violations of the policy, and the program established by the center for enforcement of the policy by means of [4] publication in handbooks

This policy, along with other applicable center policies, procedures and Codes of Conduct, shall be available to all center sponsors and volunteers affiliated with a student activity or organization, advising, assisting or otherwise participating in a student activity or organization. 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 the Administrative Director or designee.

Students are encouraged to use the center report form, available from the Administrative Director, or designee, 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 Executive Director or designee, who shall promptly notify the Executive 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/Police

Upon receipt of a complaint of hazing, the participating district building administrator or designee, in consultation with the Executive 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 the state police consistent with center practice and, as appropriate, consult with legal counsel about whether to report the matter to

the state police at every stage of the proceeding. The decision to report a matter to the police should not involve an analysis by center personnel of whether safe harbor provisions might apply to the person being reported, but information on the facts can be shared with the Pennsylvania State Police in this regard.[12]

Referral to Law Enforcement and Safe Schools Reporting Requirements –

For purposes of reporting hazing incidents to law enforcement in accordance with Safe Schools Act 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; or conduct that constitutes an offense listed under the Safe Schools Act.[13][14][15]

The Executive Director or designee shall immediately report required incidents and may report discretionary incidents, as defined in the Safe Schools Act, committed by students in center, at any center sponsored activity or on a conveyance providing transportation to or from center or center sponsored activity to the local or state police department that has jurisdiction of where the incident occurred, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Joint Operating Committee policies.[13][14][16][17][18][19]

The Executive Director or designee shall notify the parent/guardian of any student directly involved in a defined incident as a victim or suspect immediately, as soon as practicable. The Executive Director or designee shall inform the parent/guardian whether or not the state police department that has jurisdiction over the center program location has been or may be notified of the incident. The Executive Director or designee shall document attempts made to reach the parent/guardian.[13][19][20]

In accordance with state law, the Executive Director or designee shall annually, by July 31, report all new incidents to the Office for Safe Schools on the required form.[14][19]

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 center'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.[12]

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][12][21][22]

In addition to other authorized discipline, building administrators shall have the authority, after providing the student or students an informal hearing, to impose a fine of up to

Fifty dollars ($50) on each student determined to have engaged in hazing in violation of this policy.[4][21]

When recommended disciplinary action results in a formal hearing before the Joint Operating Committee, in addition to other authorized disciplinary consequences, the Joint Operating Committee may also impose a fine of up to One hundred fifty dollars ($150) on each student determined to have engaged in hazing in violation of this policy.[4][22]

When fines have not been paid, the Executive Director shall have the authority to direct that student diplomas and/or transcripts be withheld until payment in full is made or a payment plan is agreed upon. In cases of economic hardship, the Administrative Director shall consider whether diplomas and/or transcripts should be released despite an unpaid fine.[4]

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 as sponsor, or volunteer, and/or dismissal from center employment.[23]

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 center program participating school district property or to otherwise operate under the sanction or recognition of the center.

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

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. 18 Pa. C.S.A. 2810
13. 22 PA Code 10.2
14. 24 P.S. 1303-A
15. 35 P.S. 780-102
16. 22 PA Code 10.21
17. 22 PA Code 10.22
18. 24 P.S. 1302.1-A
19. Pol. 805.1
20. 22 PA Code 10.25
21. Pol. 218
22. Pol. 233
23. Pol. 317

18 Pa. C.S.A. 2801 et seq
22 PA Code 10.23
Pol. 113.1
Pol. 916

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