

Policy #: 526
Title: HAZING PROHIBITION
Date of Initial Approval: 03-17-2004
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Reviewers: MSA Superintendent; MSAB/MSAD Directors; Director of Student Support Services; MSA Human Resources Office

I PURPOSE

The purpose of this policy is to maintain a safe learning environment for students that is free from hazing. "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. Hazing activities of any type are inconsistent with the educational goals of the Minnesota State Academies (MSA) and are prohibited at all times.

II GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor or other employee of MSA shall plan, direct, encourage, aid or engage in hazing.
- B. No teacher, administrator, volunteer, contractor or other employee of MSA shall permit, condone or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with MSA's policies and procedures.

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of hazing may include, but not be limited to, exclusion from MSA property and events and/or termination of services and/or contracts.

- F. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at any school location, at school functions or activities, or on school transportation.

- G. A person who engages in an act that violates MSA policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- H. MSA will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of MSA who is found to have violated this policy.

III DEFINITIONS

- A. "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:
 - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - 2. 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.
 - 3. 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.
 - 4. 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.
 - 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or MSA policies or regulations.
- B. "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.
- C. "School Locations" include any school building or grounds, whether leased, rented, owned, or controlled by the school; locations of school activities or trips; bus stops; school buses or school vehicles; school-contracted vehicles; the area of entrance or departure from school premises or events; all locations where school-related functions are

conducted; and any locations or activities where students are under the jurisdiction of MSA.

IV REPORTING PROCEDURES

- A. Any person who believes they have 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 MSA official designated by this policy. A person may report hazing anonymously. However, MSA may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The campus director or designee is the person responsible for receiving reports of hazing on each campus. Any person may also report hazing directly to the MSA human rights officer or the superintendent. If the complaint involves the campus director or designee, the complaint shall be made or filed directly with the superintendent or the MSA human rights officer by the reporting party or complainant. The person receiving the report shall ensure that this policy and its procedures, practices, consequences, and/or sanctions are fairly and fully implemented.
- C. Teachers, administrators, volunteers, contractors and other employees of MSA shall be particularly alert to possible situations, circumstances or events which 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 make reasonable efforts to address and resolve the hazing, and inform the campus director or designee immediately. MSA personnel who fail to inform the campus director or designee of conduct that may constitute hazing in a timely manner may be subject to disciplinary action.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational/work environments.
- E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. MSA will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with MSA's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V MINNESOTA STATE ACADEMIES ACTION

- A. Upon receipt of a complaint or report of hazing, MSA shall undertake or authorize an investigation by MSA officials or a third party designated by MSA administrators.
- B. MSA may take immediate steps, at its discretion, to protect the target or victim of the hazing, the complainant, the reporter, students, or others pending completion of an investigation of alleged hazing prohibited by this policy.

- C. Upon completion of the investigation that determines hazing has occurred, MSA 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 sufficiently severe to deter violations and to appropriately discipline prohibited behavior. MSA action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, and MSA policies/regulations.
- D. MSA is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MSA. MSA officials will notify the parent(s) or guardian(s) of students involved in a hazing incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.
- E. In order to prevent or to respond to hazing committed by or directed against a child with a disability, MSA shall, when determined appropriate by the child's individualized education program (IEP) team, allow the child's IEP to be drafted to address the skills and proficiencies the child needs to respond to or not to engage in hazing.

VI RETALIATION OR REPRISAL

MSA will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of MSA who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing, who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing, or who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct.

VII. DISSEMINATION OF POLICY

This policy shall appear in the MSA Parent-Student Handbook and be distributed to each student/family at the beginning of each school year or at the time of enrollment. The director of each campus shall discuss this policy with students and employees annually at the beginning of the school year.

Legal References:

Minn. Stat. § 121A.031 (School Student Bullying Policy)

Minn. Stat. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)

Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.69 (Hazing Policy)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

POLICY #526
MINNESOTA STATE ACADEMIES
FARIBAULT, MINNESOTA

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 506 (Student Discipline)

MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

MSBA/MASA Model Policy 525 (Violence Prevention [Applicable to Students and Staff])