

CHAPTER 5.00 – STUDENTS

Hazing Prohibited

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1. Introduction. The St. Johns County School District condemns hazing in any form. Hazing will not be tolerated, and disciplinary action will be taken when hazing occurs in connection with athletics, clubs, extracurricular activities or any other educational environment.
2. Definition. Hazing means any action or situation that endangers the mental or physical health or safety of a student at a school serving any or all grades from 6 through 12 for purposes including, but not limited to, initiation or admission into affiliation with any organization operating under the sanction of a school serving any or all grades from 6 through 12.
 - a. Hazing includes, but is not limited to pressuring, coercing, or forcing a student into:
 - i. Violating state or federal law
 - ii. Consuming any food, liquor, drug, or other substance
 - iii. Participating in physical activity that could adversely affect the health or safety of the student
 - b. Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.
3. Hazing Prohibited. Hazing of any District student is prohibited:
 - a. On School District property;
 - b. In connection with school athletics, clubs or extracurricular activities; or
 - c. During any school or District related or school sponsored program or activity.
4. Incident Reporting. The following procedures are to be followed for reporting any alleged hazing incident:
 - a. Incidents of hazing are to be reported to the principal of the victim's school or the principal's designee.
 - b. All School District employees are required to report alleged violations of hazing to the principal or the principal's designee.

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- c. Alleged hazing may be reported anonymously. While such an anonymous report shall be used to initiate an investigation of the allegations, disciplinary action may not be taken based solely on an anonymous report.
 - d. Any District high school or other school that serves any or all grades from 9 through 12, shall report a hazing incident to local law enforcement if it appears that the alleged violation may constitute a criminal offense as defined in Section 106.135, Florida Statutes.
5. Investigative Procedure. The investigation of a reported act of hazing shall be school based.
- a. The principal or principal's designee shall document all complaints in writing to ensure that incidents are addressed in a timely manner.
 - b. The procedure for investigating hazing to be followed includes:
 - i. Documented interviews of the victim, alleged perpetrator(s), and witnesses are conducted privately and separately. At no time will the alleged perpetrator and victim be interviewed together. It is recommended that the victim be interviewed first.
 - ii. The investigator shall collect and evaluate the facts including, but not limited to:
 - Description of incident(s) including nature of the behavior (physical hurt or psychological distress), context in which the alleged incident(s) occurred, etc.;
 - How often the conduct occurred;
 - Whether there were past incidents or past continuing patterns of behavior;
 - The relationship between the parties involved;
 - The characteristics of parties involved (i.e., grade, age, etc.);
 - The identity and number of individuals who participated in hazing behavior;
 - Where the alleged incident(s) occurred;
 - Whether the conduct adversely affected the student's education or educational environment;

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- The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
 - iii. The determination of whether a particular action or incident constitutes a violation of this rule shall be based on all the facts and surrounding circumstances in a written final report to the principal and Superintendent or designee. The report should include recommended remedial steps necessary to stop the hazing behavior.
 - iv. The investigation shall be completed within 15 school days.
 - v. The investigation shall be conducted as confidentially as possible, consistent with the necessity of interviewing witnesses.
6. Parent/Guardian Notification. The principal, or the principal's designee, shall promptly notify via telephone, personal conference, and/or in writing, the occurrence of any incident of hazing as defined by this rule to the parent or legal guardian of all students involved as soon as possible after an investigation of the incident has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g (FERPA).
- a. Once the investigation has been completed and it has been determined that criminal misconduct may be involved, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.
 - b. If the hazing incident results in the perpetrator being charged with a crime, the principal, or principal's designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the hazing incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) which states "...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."
7. Consequences. The determination of whether a violation of this rule has occurred shall be based on all the facts and surrounding circumstances.
- a. Student consequences and appropriate remedial actions for a committed act of hazing are outlined in the Student Code of Conduct Level III infraction.

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- b. District employee consequences and appropriate remedial action for hazing will be instituted in accordance with District policies, procedures, and agreements. Additionally, acts of hazing by certified educators may result in the reporting to the State Board of Education, where a subsequent sanction against an educator's state issued certificate may occur under State Board of Education Rule 6B-1.006, *The Principles of Professional Conduct for the Education Profession in Florida*.
 - c. Visitor or volunteer consequences and appropriate remedial action for a committed act of hazing shall be determined by the school administrator after consideration of the nature and circumstances of the act including, if applicable, referral to appropriate law enforcement officials.
8. Referral for Counseling. The District will make counseling available to victims and perpetrators of hazing.
- a. The parent or legal guardian may request counseling.
 - b. The parent or legal guardian shall be notified when referral for services is contemplated. Counseling may be provided by certified School District counselors or contract providers. A referral may be made to Student Services for determination of counseling, assistance, and interventions.
 - c. Intervention and assistance include:
 - i. Counseling and support to address the needs of the victims of hazing, or
 - ii. Counseling and intervention to address behavior of the students who perpetrated the hazing, or
 - iii. Counseling and intervention, which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.
9. Actions to Protect Victim. According to the level of infraction, parents/legal guardians will be notified by telephone or writing of any actions being taken to protect a student from further incidents. Notifications must be consistent with the student privacy rights under FERPA.
- a. Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigate and take corrective action may supersede a student's right to privacy.

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- b. Retaliation against the complainant or witnesses is prohibited. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment in response to filing a complaint or assisting with an investigation under this rule.
- 10. Data Collection/Reporting. The procedure for a school to report incidents of hazing in its report of safety and discipline data is set forth in Florida Statute 1006.09(6). The school's safety and discipline report must include the number of incidents reported, the number referred to a local law enforcement agency, the number of incidents that result in school disciplinary action, and the number of incidents that do not result in either referral to law enforcement or school disciplinary action.
- 11. Guidelines and Procedures. The Superintendent is authorized to publish guidelines and procedures to implement this rule.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1006.135, 1006.09(6), F.S.

HISTORY:

Adopted: 10/14/14

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