# HAZING 101

MAY 1, 2019

#### **OVERVIEW**

- INTRODUCTION
- STUDENT/PARENT HANDBOOK
- TEACHER AGREEMENT
- MEMO TO PRINCIPALS
- TEST VERSION #1
- RE-TAKES VERSION #2
- INVESTIGATION- if necessary

#### Who TAKES THE TEST?

- Each student participating in extracurricular activities
- Prior to participation in any of the organizational activities.
- Grades 6-12
  - All Fine Arts- theatre, speech & debate, band, choir, orchestra & others
  - Athletics
  - Spirit Groups- dance, cheer, pep & any others
  - JROTC
  - Academic clubs/organizations- others
  - Any other extra-curricular club/organization belonging to the school

# When do they take the Test?

- All Fall sports before the first contest
  - To include Band & Spirit groups
  - Volleyball, Cross Country, Football, Team Tennis
  - Any groups that meet in August prior to school
- All other extra-curricular groups/clubs
  - The first week of school
  - The first meeting
  - Must make a 90 to pass or re-take

# Student/Parent Handbook

HAZING: SECTION TEC 37.151 The Texas Education Code provides criminal penalties for students and organizations that engage in or have association with acts of hazing "occurring on or off the campus of an educational institution." Hazing is defined as, "any intentional, knowing, or reckless act...by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, or holding office in an organization."

# Student/Parent Handbook

Students who violate the district hazing policies or state law [FNCC (Legal) and FNCC (Local)], Texas Education Code Chapter 37, Subchapter F, North East ISD Student Code of Conduct shall be subject to disciplinary action as deemed appropriate by the Superintendent or his designee which may include, but is not limited to, suspension, removal to alternative educational placements and/or expulsion if criteria for expulsion are met (Texas Education Code 37.007). Students may also face probation or removal from extra-curricular activities.

# NORTH EAST INDEPENDENT SCHOOL DISTRICT EXTRACURRICULAR POLICIES & PROCEDURES TEACHER AGREEMENT 2018 - 2019

- I have reviewed and emphasized the rules and expectations for extracurricular participation to include hazing with the students in my care.
- I understand that a student may not participate in an extracurricular activity until all policies including the hazing policy have been reviewed with them by me.
- I have stressed the hazing policy, and have administered a hazing test to each student in my program; I will continue to re-teach and review the information on hazing and administer the test until each student makes a grade of 90% or above. I will be responsible for grading the test as a teacher, sponsor, director, or coach.

# Teacher Agreement cont.

- I will insist on an appropriate testing setting, and will maintain the integrity and security of the test(s).
- I will keep the Student-Parent agreement and all of the hazing tests on file for one (1) calendar year.
- I will immediately report any incident of hazing to my immediate supervisor and the principal of the school.
- I understand that failure to enforce the laws and policies regarding hazing may result in personnel action, up to, and including termination.

# Teacher Agreement cont.

■ SIGNATURE OF EMPLOYEE: \_\_\_\_\_

DATE:

This form is to be kept on file in the principal's office for one (2) calendar years.

# Memo To All Secondary Principals

- North East ISD is committed to maintaining a safe learning environment for students that is free from hazing in any form and from any person. Each secondary principal is to meet with all campus sponsors, coaches and directors before the beginning of the 2018 – 2019 school year to stress the District's expectations and requirements regarding hazing.
- The Texas Education Code (TEC) provides criminal penalties for students and organizations that engage in or have association with acts of hazing, "occurring on or off the campus of an educational institution."

#### Memo:

- Hazing is defined as: "Any intentional, knowing, or reckless act... by one person alone or acting with others, directed against a student, that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, or holding office in an organization.
- The term includes: A) Any type of physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity;
- B) Any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, "dropping to do pushups", or other activity that subjects the student to an unreasonable risk of harm or that can adversely affect the mental or physical health or safety of the student;

#### Memo

- C) Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other 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;
- D) Any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from entering or remaining registered in an educational institution, or that may be reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described in this subdivision; and
- E) Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Penal Code."

#### Memo

In addition, TEC 37.154 states, "It is not a defense to prosecution of an offense under this subchapter that the person against whom the hazing was directed consented to or acquiesced in the hazing activity."

TEC 37.152 and TEC 37.153 provide additional definitions of hazing as well as the misdemeanor and felony charges that can be filed for the offense of hazing. Furthermore, subsequent sentencing, jail time, and the assessment of monetary fines to an individual found guilty of hazing are described.

#### Memo

- Any student who violates the state law, Texas Education Code Chapter 37, Subchapter F, or the District's hazing policies (FNCC – Legal and FNCC – Local), or the North East Student Code of Conduct pertaining to hazing shall be subject to disciplinary action that may include, but may not be limited to, suspension.
- Other disciplinary action may include alternative educational placement and/or expulsion if criteria for the expulsion are met (Texas Education Code 37.007). The student may also face probation, temporary and/or permanent removal from any extracurricular activities in which the student participates.

# Principal's Responsibility

- Each principal is to ensure the following:
- That all staff, including any extracurricular activity sponsors or coaches understand that any employee who has knowledge and/or allows, initiates or promotes hazing, or takes a casual indifference to acts of hazing shall be subject to disciplinary action, up to and including immediate termination depending on the circumstances.
- That in order to avoid any accusation that the District or the individual staff member acted with casual or deliberate indifference in response to learning of potential hazing, all staff ensure that proper reports are made and investigations conducted to determine whether hazing occurred and if so, what actions are necessary to end the hazing and make sure appropriate disciplinary actions are taken.

# Principal's Responsibility cont.

- Keep in mind that case law has found that hazing allegations can lead to claims of gender, race, national origin, or other forms of prohibited discrimination. For this reason, campus administrators should be extra vigilant in responding to hazing allegations, and should be consistent in the way these allegations are handled.
- Understand that interpretation of the law is reserved for the District's legal counsel only.

# Principal's Responsibility

- Each student participating in extracurricular activities (including fine arts activities, athletics, JROTC, and any academic and extracurricular clubs/organizations) is to be tested over the District's hazing policy and their respective organization's constitution, by-laws, code of conduct, etc. prior to participation in any of the organizational activities. Testing procedures are as follows:
- Dates for test administration must be approved by the principal.
- Tests are not to be altered.
  - Each student should be required to score a minimum grade of 90 before being allowed to participate in any activities.
  - Two versions of the hazing test are enclosed with this memo. You are to ensure that the tests are secured as with any other test and properly administered.

# Principal's Responsibility cont.

- Keep the attached employee signature form, documentation of your informational staff meeting, and student tests for one calendar year. The employee signature form is to be kept in the principal's office.
- It is important that every secondary school principal stress the importance of the hazing policy with each sponsor, coach and director on campus before activities begin for the new school year.
- Do not hesitate to call Student Support Services should you have any questions.

### North East ISD Hazing Test 2018 – 2019 ® Version #1

- Circle the best answer
- T F 1. A person who has firsthand knowledge of a hazing incident is to report
  the incident to an appropriate school official.
- T F 2. Hazing means endangering the mental or physical health or safety of a
  student.
  - 3. An activity that intimidates or threatens another student with ostracism is considered hazing.
  - T F 4. Hazing is not a violation of Texas Law.
  - T F 5. School property is the only place hazing is illegal.
    - F 6. Hazing is a violation of the North East ISD Student Code of Conduct.

#### Test #1

■ The following can be considered to be "hazing" acts:

■ T F 7. Being locked in a small space for an extended period of time.

TF 8. Physically beating a student with any instrument.

TF 9. Making a person drink excessive amounts of water.

T F 10. Making a person eat excessive amounts of food.

# Answer Key #1

- **■** 1. T
- **■** 2. T
- **■** 3. T
- **■** 4. F
- **■** 5. F

- 5. T
- 7. T
- 8. T
- 9. T
- 10. T

#### INVESTIGATION

- Sponsor to Principal
- Campus investigation
  - Sponsor
  - Principal
- Central Office Investigation
  - Principal
  - Student Services
  - Joint Disciplinary Action

#### What More Can We Do?

- Have we done enough to educate our parents and students?
  - What are you doing on your campus besides your coaches/sponsors discussing hazing at the beginning of a season and completing the hazing tests? Is it enough?
  - As a school administrator, has anyone experienced hazing at their school? If so, how did you handle it? What type of investigation took place? What was it like? Share your experience to help others...
  - At what times throughout the year would it be appropriate for our coaches/sponsors to remind students about hazing guideline?

# VAPINGELECTRONICCIGARETTES

Vaping is not illegal. How can my child be disciplined for vaping? Engaging in tobacco/electronic device violations, including but not limited to possessing or using nicotine products, cartridges, oils or the like is explicitly prohibited by the Student Code of Conduct. Violations are subject to disciplinary action regardless of state law. Also, note that the Texas Legislature recently raised the legal age to buy, use or own e-cigarettes from 18 to 21.

#### Student-Parent Handbook

- TOBACCO/VAPE PRODUCTS ON SCHOOL PROPERTY
- North East ISD prohibits the following in accordance with Texas Education Code Section 38.006 and Texas Health and Safety Code Section 161.081:
- 1. Any adult and/or student from smoking cigarettes, tobacco, tobacco products, electronic, vapor, smokeless or any other substitute form of cigarettes, tobacco or tobacco-like products, as well as the use of any devices which are used for the purpose of ingesting or transmitting any type

#### Student-Parent Handbook

Students from possessing or using cigarettes, tobacco, tobacco products, electronic, vapor, smokeless or any other substitute form of cigarettes, tobacco or tobacco-like products, as well as the use of any devices which are used for the purpose of ingesting or transmitting any type of tobacco, or tobacco-like products at a school-related or school-sanctioned activity on or off school property.

#### Student-Parent Handbook

- North East ISD will ensure that school personnel will enforce the tobacco/vapor rules.
- State law prohibits the possession, purchase, consumption or acceptance of an electronic cigarette, cigarette or tobacco product by an individual who is younger than 18 years of age.
- An offense under state law is punishable by a fine. Additionally, students will face disciplinary consequences which could include a DAEP placement or an expulsion for a THC or CBD related violation.

- Why are there greater penalties for THC/oil vs. marijuana in plant form?
- The potential potency of THC oil can be 3-10 times that of marijuana in plant form. Possession of less than an ounce of THC oil is a state jail felony and will result in a recommendation for expulsion.

#### What's the difference between CBD and THC?

CBD (cannabidiol) is the substance found in both cannabis plants and hemp plants. It is not psychoactive and produces no "high." CBD must be closely licensed, tested, and regulated in order to be legal in Texas. THC (tetrahydrocannabinol) is the illegal psychoactive ingredient in marijuana and is used exclusively as a recreational drug.

# Principal's Letter

- Confiscated devices, cartridges and oils will be subject to immediate on-campus chemical testing. Students who are in possession of any item which tests positively for THC will be recommended for expulsion as such possession is a state jail felony.
- Note that possessing or being under the influence of any controlled substance as detailed above can also result in separate criminal penalties as determined by law enforcement.