

HAZING: Breaking the Cycle

Cuddy Law Firm, LLP
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High Profile Hazing Cases

- It Could Happen to Your District!
- Are You Ready?
- New Cases Reported After Media Attention
- Hazing is recognized as a major problem in schools
- Hazing has been around for a long time
- Hazing has been viewed as innocent fun

Hazing: More than harmless pranks

- Common among student groups
- Particularly athletic teams
- Danger of hazing
 - “Harmless pranks” escalate to injuries, accidents, and even death!
 - Not taken seriously by school personnel, coaches, students, & parents.
 - Code of silence allows hazing to go undetected for years.

Myths about Hazing

- ***Myth:*** Hazing is no more than foolish pranks that sometimes go awry.
- ***Fact: Hazing is an act of power and control over others – it is victimization. Hazing is pre-meditated and NOT accidental. Hazing is abusive, degrading and often life-threatening.***

Myths about Hazing

- **Myth:** If someone agrees to participate in an activity, it can't be considered hazing.
- **Fact:** *In states that have laws against hazing consent of the victim can't be used as a defense in a civil suit. This is because even if someone agrees to participate in a potentially hazardous action it may not be true consent when considering the peer pressure and desire to belong to the group.*

Current Laws on Hazing

- All but 6 states have adopted laws prohibiting hazing/bulling.
- New Mexico, Wyoming, South Dakota, Montana, Alaska, and Hawaii have no laws on hazing.
- Thus, it is important to have school policies prohibiting hazing.

Hazing Defined

- Includes but is not limited to
 - Engaging in any offensive or dangerous physical contact, restraint, or isolation of a student, or
 - Requiring or encouraging a student to perform any dangerous, painful, offensive, or demeaning physical or verbal act, including the ingestion of any substance, exposure to the elements, deprivation of sleep or rest or extensive isolation, or

Hazing Defined (cont.)

- Subjecting a student to any dangerous, painful, harmful, offensive, or demeaning conduct or to conduct reasonably likely to create extreme mental distress

Hazing Study – Alfred Univ.

- Hazing is prevalent among HS students
 - 48% students who belong to groups reported being hazed
 - 43% reported being subjected to humiliating activities
 - 30% reported performing potentially illegal acts as part of their initiation

Hazing hurts children

- **Physically & Emotionally**
 - 71% of students subjected to hazing reported negative consequences, such as getting into fights, being injured, fighting with parents, doing poorly in school, hurting other people, having difficulty eating, sleeping, or concentrating, or feeling angry, confused, embarrassed or guilty.

Adults must take responsibility

- 36% of the students said they did not report hazing primarily because
 - “There’s no one to tell.”
 - “Adults won’t handle it right”

Alfred Univ. Study on Hazing

Students do not distinguish ...

- **Between “Fun” and Hazing**
 - Most students said they participated in humiliating, dangerous or potentially illegal activities as a part of joining a group because those activities are “fun and exciting.”
 - Hazing incidents thought to be “fun” often escalate into dangerous situations where students are hurt, injured, or even killed.

Why students do not report hazing

- Students surveyed said,
 - “It’s not a problem.” (28%)
 - “Accidents just happen.” (28%)
 - “Other kids would make my life miserable.” (24%)
 - “I just wouldn’t tell on my friends no matter what.” (16%)

What Can Schools Do?

- To Stop Hazing
 - Adopt and publish clear policies that prohibit hazing
 - Hold meetings with students, coaches, sponsors, parents and administrators to review policies, consequences and emphasize the dangers of hazing
 - Use Anti-Hazing Contracts
 - Enforce the policies with strict sanctions

Drastic Changes in Culture Needed

- Needed to Prevent Hazing
- Hazing is an integral part of tradition and culture and therefore extremely difficult to prevent
- Commitment to civility, community & equality
- Increase Awareness
- Parents need to part of the change

Educating to Eliminate Hazing

- Websites where you can find information on hazing prevention
 - Mothers Against School Hazing, Inc. (MASH Inc.)
www.mashinc.org
 - Stop Hazing www.StopHazing.org
 - Alfred University Study on High School Hazing
www.alfred.edu/hs_hazing/
 - Inside Hazing www.OutsideHazing.org
 - Hank Nuwer: Hazing Clearinghouse
www.hazing.hanknuwer.com

Other Education/Information Sources on Hazing

- NMAA Presentations for coaches, athletes, parents, others
 - “Pursuing Victory with Honor”
- Books
 - *Preventing Hazing: How Parents, Teachers, and Coaches can Stop the Violence, Harassment, and Humiliation*, Susan Lipkins
 - *The Hazing Reader*, Hank Nuwer
 - *Wrongs of Passage*, Hank Nuwer

Break the Code of Silence

- Break the taboo and communicate openly about the issue.
- NEVER downplay the situation. Treating the issue as a serious situation is very crucial, and will determine how the coaches, students, and community will react to the situation.
- NEVER assume you have an isolated incident.

When You Receive Reports or Allegations of Hazing

- Take immediate action
- Investigate
 - Decide who will investigate
- Notify the Police when necessary
 - Do not delay if crimes are suspected
- Follow your policies strictly
- Be prepared to deal with the media

Investigate

- Interview the victims and students who were accused of perpetrating the hazing.
- Strict consequences for perpetrators are essential to make a statement to other students that this will not be acceptable behavior.
- Meet with parents of both groups to let them know what is being done to address the issue and enlist their support.

Investigate (cont.)

- Provide counseling with the school psychologist for both the victims and perpetrators.
- Address the entire team. Allow players to give answers in writing. Ask specific questions.
 - Have you ever been hazed?
 - Have you ever been involved in hazing others?
 - If you have, what part did you play?

Investigate (cont.)

- Make sure to make students aware that they could be subject to disciplinary action.
- Broaden the investigation to other teams and organizations.
- Speak with former players to find out how long it has been going on. They have no reasons not to be honest with you.

Be Prepared!

- Take student disciplinary action when there is evidence of student hazing.
- Take employee disciplinary action when there is evidence that employees failed to take the appropriate steps to prevent hazing.

Don't Be Surprised!

- As a result of hazing incidents, the District may be sued by
 - Victims – allegations of injuries/damages
 - Perpetrators – allegations of due process or equal protection violations in discipline process and hazing condoned by staff
 - Employees – allegations of due process violations or assertions of no “just cause” in statutory termination or discharge procedures

Involve Law Enforcement

- Hazing often involves criminal violations
- Report criminal/juvenile delinquent acts to local law enforcement officials promptly
- Conduct a separate and independent school investigation for school discipline process and let law enforcement conduct its own criminal investigation

Criminal Defense Attorneys?

- If the hazing incident involves possible criminal offenses, expect parents to hire criminal defense attorneys who will also represent the perpetrator students in school discipline procedures.
- School officials will need to strictly follow student discipline procedures.
- Criminal defense attorneys will challenge all due process procedures.

The Press Wants to Know All

- Hazing incidents will draw plenty of press attention.
- Be ready to deal with the press
 - Prepare talking points that stress how school is dealing with the issue
 - Emphasize procedures without discussing names and details of incidents
 - Remind the press that student information is protected by FERPA and employee personnel matters are confidential

Policy Enforcement + Education

- Both needed to help prevent the dangers of hazing
- Focus on
 - Breaking the Cycle
 - Changing the Culture

HAZING

- *“Hazing is an extraordinary activity that, when it occurs enough, becomes pervasively ordinary as those who engage in it grow desensitized to its inhumanity.”*

Hank Nuwer, author

Wrongs of Passage, p.31

Question & Answers

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