

## **Students**

### **Student Handbook - Hazing Prohibited** <sup>1</sup>

Soliciting, encouraging, aiding, or engaging in hazing, no matter when or where it occurs, is prohibited. *Hazing* means any intentional, knowing, or reckless act directed to or required of a student for the purpose of being initiated into, affiliating with, holding office in, or maintaining membership in any group, organization, club, or athletic team whose members are or include other students. <sup>2</sup>

Students engaging in hazing will be subject to one or more of the following disciplinary actions:

1. Removal from the extracurricular activities,
2. Conference with parents/guardians, and/or
3. Referral to appropriate law enforcement agency.

Students engaging in hazing that endangers the mental or physical health or safety of another person may also be subject to:

1. Suspension for up to 10 days, and/or <sup>3</sup>
2. Expulsion for the remainder of the school term. <sup>4</sup>

APPROVED:

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<sup>1</sup> State or federal law controls this student handbook provision's content. This provision concerns an area in which the law is unsettled in that a school's authority to discipline a student for off-campus hazing is unclear and highly fact-sensitive.

The district itself may be liable for a civil rights violation when school officials participate in hazing rituals. Hilton v. Lincoln-Way High Sch., 1998 WL 26174 (N.D. Ill. 1998) (female band member, who was hazed during a required retreat, stated a cause of action under §1983).

A district must identify a connection between a student's off-campus misconduct and the school before it may suspend or expel a student. In a case involving an off-campus *powder puff* football game that evolved into senior girls physically hazing junior girls, the federal judge upheld a school's authority to discipline students, saying: "When one set of students sets to prey upon another set of students in a ritualistic exercise, the consequences of which will necessarily effect the students' relationships while they are all in attendance at the same school, the ability of school officials to act in the area and discipline those who went beyond the pale of tolerable student behavior is manifest." Gendelman v. Glenbrook North High Sch. and Northfield Twp. Sch. Dist. 225, 2003 WL 21209880 (N.D. Ill. 2003). In that case, the school handbook expressly prohibited hazing and harassment; this prohibition was not limited to school sponsored events.

Schools have greater latitude to remove students from extracurricular participation than to suspend or expel them from school. See sample policy 7:240, *Conduct Code for Participation in Extracurricular Activities and its discussion of court cases in f/n 3*.

School employees who observe hazing that results in bodily injury to a student must report it to the building principal or superintendent; see sample policy 5:90, *Abused and Neglected Child Reporting*.

<sup>2</sup> According to Illinois criminal law, a person commits hazing who knowingly requires the performance of any act by a student or other person in a school, college, university, or other educational institution of this State, for the purpose of induction or admission into any group, organization, or society associated or connected with that institution if: (a) the act is not sanctioned or authorized by that educational institution; and (b) the act results in bodily harm to any person. 720 ILCS 5/12C-50(a). Consent to being hazed does not provide a defense to prosecution for hazing. 720 ILCS 5/12C-50(a-1), added by P.A. 103-765, eff. 1-1-25. Hazing is a Class A misdemeanor, except hazing that results in death or great bodily harm is a Class 4 felony. 720 ILCS 5/12C-50(b). People v. Anderson, 148 Ill.2d 15 (1992)(hazing statute was not overbroad by punishing constitutionally protected speech because it reached only conduct that recklessly, knowing, or intentionally results in bodily injury).

<sup>3</sup> See sample policy 7:200, *Suspension Procedures*, for further information concerning student suspension.

<sup>4</sup> See sample policy 7:210, *Expulsion Procedures*, for further information concerning student expulsion.