



**Superintendent's
Circular
School Year 2011-2012**

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LGL-1

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September 1, 2011

HAZING LAW

Massachusetts law makes it a crime to engage in hazing activities. Hazing means any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. A copy of the Commissioner of Elementary and Secondary Education's advisory is attached hereto as Attachment 1.

Middle School Principals, Headmasters and Principals of K-8 schools should treat hazing as a violation of Section 7.2.5 of the Code of Conduct with attendant sanctions. They are required by state law to take the following steps:

1. Distribute a copy of the amended law Attachment 1, to each school-based student organization on or before September 15.
2. Obtain from each such student organization a statement, signed by a designated officer of the organization, indicating that:
 - a. the organization has received a copy of the law.
 - b. each of its members, plebes, pledges, or applicants has received a copy of the law.
 - c. the organization understands and agrees to comply with the law.

The designated officer's signature should be witnessed by an adult (i.e. faculty advisor), who should also sign the statement. These statements should be retained in the main office. A sample acknowledgment is attached to this memorandum as Attachment 2 for your convenience.

3. Distribute a copy of the law to all students in grades 7 through 12 at least annually. On or before September 30, each Headmaster, each Middle School Principal and Principals of K-8 school shall send the Anti Hazing Report, Attachment 3, to their Academic Superintendent. The Academic Superintendent shall certify compliance with the Superintendent's Office on or before October 15 for transmittal to the Massachusetts Department of Elementary and Secondary Education to certify compliance by the school system on or before October 31.
4. The law also requires anyone who knows that another person is the victim of hazing to report such an incident to an appropriate law enforcement official as soon as possible and provides criminal penalties for failure to do so.

Summary of significant dates and deadlines:

Date	Activity
By September 15	Building Administrators distribute Attachment 1 to all school based student organizations.
By September 30	Building Administrators send Anti-Hazing Reports Attachment 3 to their Academic Superintendent.
By October 15	Academic Superintendents' certified compliance with Superintendent's Office.
By October 31	Superintendent's Office transmits compliance certification to Mass DESE.

For more information about this circular, contact:

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Carol R. Johnson, Superintendent

Attachment 1

Reminder about Massachusetts Law Prohibiting the Practice of Hazing

To: Principals and Headmasters of Middle and High Schools, Charter School Leaders, Directors of Educational Collaboratives, Directors of Private Schools, Superintendents of Schools

From: Mitchell D. Chester, Ed.D.,
Commissioner of Elementary and Secondary Education

Date: June 1, 2010

As part of the Commonwealth's effort to support safe school environments for students, I want to take this opportunity to remind public and private secondary school leaders of the requirements in state law and regulation prohibiting the practice of hazing, and to offer guidance on ways to meet those requirements. The anti-hazing law, which was enacted in 1985, applies only to secondary schools in Massachusetts. Please note that a public middle school that has been designated as secondary school by the school committee must comply with the anti-hazing law and regulations.

Under Massachusetts General Laws Chapter 269, Sections 17-19 and 603 CMR 33.00, all secondary schools, both public and private, must:

- adopt anti-hazing policies as part of their disciplinary policies, and
- distribute copies of the anti-hazing law to all students enrolled full-time; to all student groups, teams, and organizations that are part of or are recognized by the school, or are permitted by the school to use its name and facilities; and to all known unaffiliated student groups, teams, or organizations.

Every year, secondary school principals or headmasters must:

- collect a signed acknowledgement from a contact person for each student organization regarding distribution of information and agreement to comply with the law, and
- submit a report to the Department of Elementary and Secondary Education ("the Department") certifying that the school has complied with the law. The reports must be filed with the Department on or before October 1. By November 1, the Department must notify the Attorney General of any school that has not filed a report.

We assume that secondary school administrators routinely include the anti-hazing information in the school's discipline code/student handbook, or in other such information that is distributed to students. A secondary school will meet the requirement to distribute information about the anti-hazing law to students if it can document that its student handbook includes the anti-hazing law (M.G.L. c. 269, §§ 17-19) and that all students have received a copy of the handbook. Please review your school discipline code/student handbook to be sure it includes the anti-hazing law and any policies that your school or district has adopted to prevent and address hazing.

We also assume that secondary school administrators routinely notify and receive acknowledgement from all school affiliated and non-school affiliated student groups, teams, and organizations of the provisions of the anti-hazing law, as required. To assist in the documentation of this, the Department has developed the attached form that principals or headmasters may give to the designated officer or contact person of each such group or team. Each year, the secondary school principal or headmaster must collect a signed copy of this statement from each officer or contact person, and keep it on file to demonstrate compliance with this aspect of the law.

As noted earlier, each secondary school principal or headmaster must *certify to the Department each year, on or before October 1*, that the school has met the requirements of the anti-hazing law. To help with

this process, the attached Anti-hazing Report form is for your use and convenience. This form may be submitted to the Department in paper or electronic format. By November 1, the Department is required to notify the Attorney General of any secondary school that has not filed an anti-hazing report.

The guidance in this memorandum is intended to ensure that all public and private secondary schools meet their obligations under this important law and that students know the rules, expectations, and consequences regarding hazing. If you need additional information about the anti-hazing law and secondary schools' responsibilities, please contact Program Quality Assurance at 781-338-3700.

Massachusetts General Laws -- Chapter 269

C. 269, S.17. Crime of Hazing: Definition: Penalty

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or any other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage or drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action. Added by St.1985, c.536; amended by St.1987, c.665.

C. 269, S.18. Duty to Report Hazing

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine or not more than one thousand dollars. Added by St.1985, c.536; amended by St.1987, c.665.

C. 269, S.19. Hazing Statutes To Be Provided; Statement of Compliance and Discipline Policy Required

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges or applicants has received a copy of sections seventeen and eighteen, and that such group, team or

organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary schools, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams, or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institution, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution, which fails to make such report. Added by St.1985, c.536; amended by St.1987, c.665; St.1998, c. 161 §§ 557, 558.

Attachment 2

**SAMPLE ANNUAL STATEMENT OF ACKNOWLEDGEMENT
FOR STUDENT GROUPS, TEAMS, AND ORGANIZATIONS**

ANTI-HAZING LAW, M.G.L. c. 269, §§ 17-19

To: Secondary School Principal or Headmaster

On behalf of _____, I certify that the
(name of student group, team, or organization)

_____, and its members, plebes,
(name of student group, team, or organization)

pledges, or applicants for membership have received a copy of An Act Prohibiting the Practice of

Hazing, M.G.L. c. 269, §§ 17-19; and that the _____
(name of student group, team, or organization)

understands and agrees to comply with the law.

Date: _____

Signed: _____
(Designated Officer)

(Printed Name)

Faculty Advisor or Leader: _____
(for school affiliated group, team, or organization only)

Date Received by Principal or Designee: _____

Attachment 3

SECONDARY SCHOOL ANNUAL ANTI-HAZING REPORT

Name of Secondary School: _____

School District (if applicable): _____

In compliance with An Act Prohibiting the Practice of Hazing, M.G.L. c. 269, §§ 17-19, and state anti-hazing reporting regulations, 603 CMR 33.00, I certify the following statements are true:

- (a) The school has issued a copy of M.G.L. c. 269, §§ 17 through 19 to every student group or organization under its authority and to every member, plebe, pledge, or applicant for membership in such group or organization;
- (b) The school has issued a copy of M.G.L. c. 269, §§ 17 through 19, to every non-school affiliated student organization;
- (c) The school has obtained an acknowledgement of receipt from an officer of every group or organization under its authority, and every individual who has received a copy of M.G.L. c. 269, §§ 17 through 19;
- (d) The school has obtained an acknowledgement from a contact person for each non-school affiliated student organization that such organization has distributed a copy of M.G.L. c. 269, §§ 17 through 19, to every member, plebe, pledge, or applicant for membership in such group or organization; and
- (e) The school has adopted a disciplinary policy with regard to organizers of and participants in hazing, which is available to anyone upon request, and, for public schools, has been approved by the school committee and has been filed with the Department of Elementary and Secondary Education as required by M.G.L. c. 71, § 37H.

Date: _____

Signed: _____

Secondary School Principal/Headmaster

Print Name

Date submitted to ESE: _____