

APPENDIX III

ON HAZING

THE COMMONWEALTH OF MASSACHUSETTS: AN ACT INCREASING THE PENALTIES OF HAZING

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 269 of the General Laws is hereby amended by striking out sections 17 to 19, inclusive, and inserting in place thereof the following three sections:

Section 17. 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 by 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 other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, 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.

Section 18. 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 of not more than one thousand dollars.

Section 19. Each institution of secondary education and each public and private institution of post secondary education shall issue to every 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 institutions an attested acknowledgment stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, and that such group, team or organization understand 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 regents of higher education and in the case of secondary institutions, 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 regents and, in the case of secondary institutions, 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.

Approved January 5, 1988.

ON HARASSMENT and SEXUAL HARASSMENT

Students, faculty, staff members, and others connected with Middlesex School should expect to be treated with consideration. As a community enriched by its diversity, we recognize and respect differences in culture, race, ethnic origin, religion, gender, and sexual orientation.

To preserve and protect the health of the community and those differences among individuals, the School will not tolerate harassment of any kind and is prepared to respond with appropriate discipline, including dismissal, under the same School rules as those governing physical abuse, hazing, or behavior detrimental to the School. In addition, as required by state law, the School will refer cases of reported child abuse to appropriate authorities.

Harassment is not to be confused with honest and constructive criticism or a respectful and even energetic expression of differences of opinion; such behavior is of value to the goals of the School.

Harassment is uninvited and unwanted physical or verbal behavior that creates an intimidating, hostile, or demeaning environment for education or employment. Such behavior is detrimental to the community. Examples of such inappropriate behavior include:

- uninvited pressure for sexual activity;
- verbal or physical abuse;
- obscene or physical abuse;
- uninvited pressure to participate in illegal activities such as smoking or the use of alcohol or drugs;
- public display of explicitly offensive or demeaning materials;
- comments or actions demeaning to race, religion, ethnic origin, gender, or sexual orientation;
- intentionally false accusations of harassment;
- retaliation towards someone making a complaint about harassment.

Students or adults experiencing harassment should follow any or all of these measures.

1. If you are comfortable and do not feel seriously threatened, let the offender know you want the behavior to stop. Say, “No!” Be direct and clear. Do not apologize.
2. Make a record of when, where, and how you have been mistreated; include witnesses (if any), direct quotes, evidence.
3. If you are a student, notify the Deans of Students as soon as possible; if you are uncomfortable doing so, ask your advisor, a member of the counseling staff, another adult, a senior proctor, or a student friend to help you.
4. If you are an adult, notify the Head of School, Dean of Faculty, Chief Operating Officer, or Staff Department Head as soon as possible.

As soon as possible, the adult notified will report the complaint to the Head of School. The Head of School will notify the Department of Children and Families as required by law.

For all complaints of harassment, the Head of School may direct appropriate administrators to investigate and make a recommendation for appropriate action. If the case involves student misconduct, the Head of School may refer the case to the Discipline Committee for deliberation and recommendation. The Head of School will take administrative and disciplinary recommendations into consideration before making a decision concerning consequences and responsibility.

Either party in the complaint may ask the Head of School for a review of the decision.

Revised: June 28, 2005