



Athletic Liability Series – Part 2 of 3

Stop Student Hazing

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In the world of athletics, hazing has been a traditional practice of coaches and players alike for centuries. In the current climate, this practice more often than not spells big trouble for school districts. Historically touted as a unity-builder or test of courage, strength and devotion, hazing is in reality wrong, unacceptable and often against the law, both criminally and civilly. Whether it is subtle behavior, such as freshman athletes carrying all supplies and equipment to and from practice on behalf of upper classmen, or serious behavior, such as physical abuse, hazing must not be tolerated.

While hazing in athletics is nothing new, what is relatively new, is that violent, humiliating and degrading initiation practices are no longer being tolerated by athletes, their parents, the general public or the media and that the number of reported incidents and related lawsuits is on the rise. As a result, coaches and school officials who may have "looked the other way" while hazing rituals proceeded in the past, must now be extremely vigilant in detecting, recognizing and stopping such behavior. A coach who fails to do so, may not only subject athletes to harm but may also subject the school district to civil liability. In addition, if it can be demonstrated that the coach acted intentionally or was reckless in allowing the behavior, the coach may also be held personally liable and subject to civil litigation.

Hazing may violate criminal statutes, such as those for assault, abuse and battery. It may also violate civil law if it can be shown that the hazing was a form of discrimination such as s'xual harassment. In 1998, the U.S. Supreme Court expanded the scope of s'xual harassment to include same gender conduct. The result is that certain types of male-to-male and female-to-female misconduct, including s'xual assault, may now be considered illegal discrimination.

In order to protect athletes from hazing and provide an environment free from harassment and intimidation, school districts should adhere to the following guidelines:

- Conduct regular proactive training for athletic directors, coaches and athletes (male and female on both co-ed and single gender teams) and discuss proper behavioral expectations.
- Establish firm, realistic school district policies with regard to hazing as a form of misconduct.
- Do not limit your vigilance regarding hazing to athletic programs alone. Closely supervise the activities of all clubs and teams, including spirit squads and drill teams, and all incoming classes (e.g. high school freshmen).
- Closely supervise vulnerable areas and "hot spots" on campus as well as school-sponsored activities and travel off campus. For example: locker rooms, hallways, areas on campus where certain groups (jocks, freshmen etc.) tend to congregate, places where prior incidents have occurred, bus rides to and from games and events, and so on.
- Thoroughly investigate all complaints and rumors of misconduct following the same guidelines and procedures that you have in place for documenting and investigating alleged bullying

and/or illegal harassment incidents.

- Avoid conflicts of interest. Make sure that the person investigating has no apparent or perceived conflict of interest in relation to any of the parties involved.
- Follow up after any investigation of misconduct to ensure that the conduct does not persist or resume.
- Provide athletes with alternatives to hazing as a means of initiating new team members. For example: team-building exercises and activities, ropes courses and leadership programs.

Start the 2006-2007 school year prepared!

Prepare your coaches for the fall season...

McGrath Fall Sports Liability: Minimize the Risk Short Course Topics include:

- Identify the greatest risks of harm and liability in fall sports and how to avoid them
- Liability for deliberate indifference toward hazing – don't let it happen to you
- Coaches' duties and responsibilities under the law
- Proper supervision of athletes and volunteers
- Checklists and report forms for facilities, practice sessions and events

For: Principals, athletic directors and coaches of fall sports programs

Prepare your district for Bullying Intervention...

Bullying and Harassment: Fundamentals of Detection, Identification, and Legally Fit Intervention

Covers:

- How to detect and identify incidents and patterns
- How to intervene on the spot in classrooms and nontraditional settings
- How to create, monitor and maintain a safe environment
- How to create legally fit records

For: Teachers, staff, extracurricular activity directors, and administrators.

Click here for a full list of fall [McGrath Short Course](#) offerings.

Don't forget to order your copies of Mary Jo's new book, School Bullying: Tools for Avoiding Harm and Liability (Corwin Press). This volume provides a wealth of information on liability for all types of peer harassment and intimidation, including hazing, and the tools and procedures needed for conducting legally fit investigations. It will be in print and available from McGrath on August 26th. [Order now!](#)

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