

Greater Albany SD 8J
Administrative Regulation

Code: **GBNA-AR**
Adopted: 3/12/01
Revised: 9/11/06, 8/13/07, 2/08/10

**Hazing/Harassment/Intimidation/Bullying/Cyberbullying/Menacing
Complaint Procedures - Staff**

The following definitions and procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying, cyberbullying and menacing.

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, parents or guardians¹, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises and nondistrict property if the employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events or where the employee is engaged in district business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity or grade level attainment, i.e., forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status.

¹As used in this document, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student whom rights have transferred and foster parent as defined in OAR 581-015-0005(18).

5. “Cyberbullying” means the use of any electronic communication device to convey a message in any form (text, image, audio or video) that defames, intimidates, harasses or is otherwise intended to harm, insult or humiliate another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity.
6. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.
7. “Menacing” includes, but is not limited to, any act intended to place a school employee, student or third party in fear of imminent serious physical injury.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Complaint Procedures

Building principals and the superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying acts of cyberbullying or menacing. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any employee who has knowledge of conduct in violation of Board policy JFCF - Harassment/Intimidation/Bullying/Cyberbullying - Student shall immediately report his/her concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harasses, intimidated, bullied, cyberbullied or menaced in violation of this policy shall immediately report his/her concerns to the designated district official.

Complaints will be promptly investigated in accordance with the following procedures:

- Step 1 Any hazing, harassment, intimidation, bullying, acts of cyberbullying, or menacing information (complaints, rumors, etc.) shall be presented to the building principal or superintendent. Complaints against the building principal shall be filed with the superintendent. Information may be presented anonymously. Complaints against the superintendent shall be filed with the Board chairman. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

- Step 2 The district official receiving the complaint shall promptly investigate. Parents or guardians will be notified of the nature of any complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within 10 working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The district official(s) conducting the investigation shall notify the complainant and parents as appropriate, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step 3 If the complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 15 working days after receipt of the Step II decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 15 working days.
- Step 4 If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within 15 working days after receipt of the Step III decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 15 working days following completion of the hearing.

Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing complaints and documentation will be maintained as a confidential file in the district office.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 163.197\(2\)](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 332.072](#)
[ORS 332.107](#)
[ORS 659A.030](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).