

## **Harassment/Intimidation/Bullying/Cyberbullying – Student**

The Board is committed to providing a positive and productive learning environment. Harassment, intimidation or bullying and acts of cyberbullying by students, staff and third parties toward students is strictly prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. The public charter school may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for menacing another student or employee, willful damage or injury to district property or for the use of threats, intimidation, harassment or coercion. Students may also be referred to law enforcement officials.

The administrator or director is responsible for ensuring that this policy is implemented.

### **Definitions**

“Public charter school” includes public charter school facilities, public charter school premises and non-public charter school property if the student is at any public charter school-sponsored, public charter school-approved or public charter school-related activity or function, such as field trips or athletic events where students are under the control of the public charter school.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in public charter school business, such as employees of businesses or organizations participating in cooperative work programs with the public charter school and others not directly subject to public charter school control at inter-public charter school and intra- public charter school athletic competitions or other school events.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to public charter school grounds, at any public charter school-sponsored activity, on public charter school-provided transportation or at any official public charter school bus stop, that may be based on, but not limited to, the protected class status of a person, having the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;

3. Creating a hostile educational environment including interfering with the psychological well being of the student.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income or disability.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully.

“Retaliation” means harassment, intimidation or bullying and acts of cyberbullying toward a person in response to a student for actually or apparently reporting or participating in the investigation of harassment, intimidation or bullying and acts of cyberbullying or retaliation.

### **Reporting**

The director or administrator will take reports and conduct a prompt investigation of any report of an act of harassment, intimidation or bullying and acts of cyberbullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the [employee position title] who has overall responsibility for all investigations. Any student who has knowledge of conduct in violation of this policy or feels he/she has been harassed, intimidated or bullied and acts of being cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to the administrator or director who has overall responsibility for all investigations. This report may be made anonymously. A student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate public charter school official.

Complaints against the administrator shall be filed with the director.

Complaints against the director shall be filed with the Board chair.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken. The complainant may request that the administrator or director review the actions taken in the initial investigation, in accordance with administrative regulations.

The director shall be responsible for ensuring annual notice of this policy is provided in a student or employee handbook, school and district website, and school and public charter school office and the development of administrative regulations, including reporting and investigative procedures.

END OF POLICY

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**Legal Reference(s):**

[ORS 163.190](#)

[ORS 166.065](#)

[ORS 166.155 - 166.165](#)

[ORS 174.100\(6\)](#)

[ORS 332.072](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.254](#)

[ORS 339.351 - 339.364](#)

[OAR 581-021-0045](#)

[OAR 581-021-0046](#)

[OAR 581-021-0055](#)

[OAR 581-022-1140](#)

HB 4077 (2012)

SB 1555(2012)

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

**Cross Reference(s):**

GBN/JBA - Sexual Harassment

JBA/GBN - Sexual Harassment

JFCM - Threats of Violence