

**Hazing/Harassment/Intimidation/Bullying/Menacing/Teen Dating Violence
Complaint Procedures – Staff**

Principals, the superintendent and, in cases having to do with gender, the Title IX coordinator, have responsibility for investigations concerning hazing, harassment, intimidation, bullying, menacing and acts of cyberbullying and incidents of teen dating violence. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

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

Definitions

1. “Third parties” include, but are not limited to, coaches, school volunteers, chaperones parents, 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, official school bus stop, 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, athletic events or where the employee is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.
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/staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, work group or work assignment, grade level attainment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged 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/staff); 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 protected class status.

5. “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 protected class status.
6. “Bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:
 - a. Physically harming a student or damaging a student’s property;
 - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
 - c. Creating a hostile educational environment.
7. “Menacing” includes, but is not limited to, any act intended to place a district employee, student or third party in fear of imminent serious physical injury.
8. “Cyberbullying” means the use of any electronic communication device to convey a message in any form (text, image, audio or video) that 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.
9. “Teen dating violence” means:
 - a. A pattern of behavior in which a person uses or threatens to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age; or
 - b. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.
10. “Protected class” status means a group of persons distinguished or perceived to be distinguished, by race, color, religion, age, sex or gender, sexual orientation¹, national origin, marital status, familial status, source of income or disability.

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.

¹“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.

Reporting

The principal will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation bullying, menacing and acts of cyberbullying or teen dating violence.

Any employee who has knowledge of conduct in violation of Board policy JFCF Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Teen Dating Violence- Student** that took place on district property, at an official school bus stop, at a district-sponsored activity or in a district vehicle or vehicle used for transporting students to a district activity, or feels that he/she has been hazed, harassed, intimidated, bullied, menaced or cyberbullied in violation of Board policy, or this administrative regulation, must immediately report his/her concerns to the principal who has overall responsibility for all investigations. Failure of an employee to report an act under this policy to the principal may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

An employee who makes a report is expected to preserve evidence of cyberbullying. For example, an employee may save or bring a copy of an email, text message, picture or other electronic transmission that the employee believes was intended harm, insult or humiliate.

Any employee who has observed someone to be in possession of a sexually explicit image of a child under 18, shall contact law enforcement immediately. While the mere possession of a sexually explicit image or video of a child under the age of 18 is a felony (ORS 163.688 or ORS 163 .689), reporting can provide mitigating evidence of innocence of those in possession.

Any volunteer, chaperone or third party who has knowledge of conduct in violation of this Board policy is encouraged to immediately report his/her concerns to the principal.

Complaint Procedure

Principals , Title IX coordinator- in cases having to do with gender, and the superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying or menacing and acts of cyberbullying and incidents of teen dating violence. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

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

- Step 1 Any hazing, harassment, intimidation, bullying, menacing or acts of cyberbullying or teen dating violence information (complaints, rumors, etc.) shall be presented to the principal or superintendent. Information may be presented anonymously. Complaints against the principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step 2 The principal or superintendent receiving the complaint shall appoint an investigator(s) to investigate promptly. The investigator shall be a neutral party having had no involvement in the complaint presented. Parents will be notified of the nature of any complaint involving their student. The investigator will arrange such meetings as may be necessary with all concerned parties within five 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 investigator conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

- Step 3 If the complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 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 10 working days.
- Step 4 If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 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, menacing, acts of cyberbullying complaints and documentation will be maintained as a confidential file in the district office.

Notice:

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student and employee handbook, and to third parties, on the school and district websites, and in school and district offices. Complaint procedures, as established by the district, shall be followed.

COMPLAINT FORM

Hazing Harassment Intimidation Bullying Menacing Cyberbullying Teen Dating Violence

Name of complainant: _____

Position of complainant: _____

If a student, name and address of the parent or guardian responsible for student: _____

Date of complaint: _____

Name of alleged harasser: _____

Position of alleged harasser: _____

A description of the nature and extent of the harassment, including any information which could be helpful in establishing cause of harassment and identity of the alleged harasser: _____

A description of how the initial report was made (i.e., phone or other method): _____

Name of the agency and individual who took the report: _____

Date and time the initial report was made: _____

Name of persons who received a copy of the initial written report: _____

Evidence (i.e., letters, photos, etc., excluding sexting or sexually explicit photos or videos of individuals under 18 years of age. If sexually explicit images/videos are observed, the person observing the images/videos shall immediately contact local law enforcement and report their observation (attach evidence if possible)): _____

Date and place of incident or incidents: _____

Name and position of witnesses (if any): _____

Name of all persons who received a copy of the written report: _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____