

**Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/
Teen Dating Violence/Domestic Violence – Student**

The Board is committed to providing a positive and productive learning and working environment. Hazing, harassment, intimidation, menacing, bullying, or acts of cyberbullying by students, staff, and third parties toward students is strictly prohibited and shall not be tolerated in the district. Teen dating violence is unacceptable behavior and prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry also is strictly prohibited. Every effort will be made by the administration to preserve confidentiality and protect the student's privacy to the extent the investigative process allows. False charges also shall 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 district also may 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 use of threats, intimidation, harassment, or coercion. Students also may be referred to law enforcement officials.

The building administrator, district department director, and superintendent are responsible for ensuring that this policy is implemented.

Definitions

"District" includes district facilities, district premises, and nondistrict property if the student is at any district-sponsored, district-approved, or district-related activity or function, such as field trips or athletic events or where students are under the control of the district.

"Third Parties" include, but are not limited to, coaches, school volunteers, 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.

"Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health, or safety of a student (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) 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; 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. It is not a defense against hazing that the student subjected to hazing consented to or appeared to consent to the hazing.

"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 district grounds, at any district-sponsored activity, on district-provided transportation, or at any official district 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,¹ national origin, marital status, familial status, source of income, or disability.

"Teen dating violence" means:

1. 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
2. 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.

"Domestic violence" means abuse as defined by Oregon Revised Statute (ORS) 107.705 between family and household members, as those terms are described in ORS 107.705.

"Cyberbullying" may be considered to be the use of any electronic communication device to harass, intimidate, or bully. Students and staff will refrain from using personal communication devices or district property to harass or stalk another.

"Retaliation "means hazing, harassment, intimidation, menacing, bullying, teen dating violence, or acts of cyberbullying toward a person in response to a student for actually or apparently reporting or participating in the investigation of hazing, harassment, intimidation, menacing, bullying, teen dating violence, or acts of cyberbullying, or reprisal.

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.

"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.

Reporting

The building principal or district department director² will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation, bullying, menacing, acts of cyberbullying, or incidents of teen dating violence.

Any employee who has knowledge of conduct in violation of this policy that took place on district property, at a district-sponsored activity, or in a district vehicle or vehicle used for transporting students to a district activity shall immediately report his/her concerns to the building principal or district department director who has overall responsibility for investigations. Failure of an employee to report an act of hazing, harassment, intimidation, bullying, menacing, cyberbullying, or teen dating violence to the building principal or district department director may be subject to disciplinary action, up to and including dismissal. Disciplinary action may not be based solely on an anonymous report.

Any student who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harassed, intimidated, menaced, bullied, cyberbullied, or a victim of teen dating violence in violation of this policy is encouraged to immediately report his/her concerns to the building principal or district department director who has overall responsibility for investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report his/her concerns to the building principal or district department director who has overall responsibility for investigations.

This report may be made anonymously. A student or volunteer also may report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official.

Complaints against the principal or department director shall be filed with the superintendent. Complaints against the superintendent 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 superintendent/designee review the actions taken in the initial investigation, in accordance with administrative regulations.

The district shall incorporate into existing training programs for students information related to the prevention of, and the appropriate response to, acts of harassment, intimidation, bullying, and cyberbullying.

The district shall incorporate into new or existing training for students in grade 7 through 12 age-appropriate education about teen dating violence and domestic violence.

²Required by state law House Bill 2599 (HB 2599)

The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of hazing, harassment, intimidation, bullying, cyberbullying, teen dating violence, and domestic violence.

The superintendent/designee shall be responsible for ensuring annual notice of this policy is provided in a student or employee handbook, school and district's website, and school and district office, as well as developing administrative regulations, including reporting and investigative procedures.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations on school campuses in accordance with rules adopted by the ODE.

END OF POLICY

Legal Reference(s):

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| ORS 163.190 | ORS 332.107 | OAR 581-021-0045 |
| ORS 166.065 | ORS 339.240 | OAR 581-021-0046 |
| ORS 166.155 to -166.165 | ORS 339.250 | OAR 581-021-0055 |
| ORS 174.100(7) | ORS 339.254 | OAR 581-022-1140 |
| ORS 332.072 | ORS 339.351 to -339.366 | |

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 - Violence and Threats of Violence