

Eugene School District 4J

Code: **JB**

Adopted: 2/03/88

Readopted: 6/17/98; 4/30/03; 6/06/07;
8/19/09; 9/05/12; 5/20/15

Orig. Code(s): 5205

Harassment, Intimidation, Bullying, Cyberbullying, Hazing and Teen Dating Violence

Each student has a right to a safe learning environment. Harassment, intimidation, bullying, cyberbullying or hazing of students is prohibited. Teen dating violence is unacceptable behavior and prohibited. Students may face disciplinary consequences for any off-campus behavior that would disrupt the educational process or the operation of the school or district.

A student or staff member may not engage in reprisal or retaliation against a victim of, witness to or person with reliable information about an act of harassment, intimidation, bullying, cyberbullying, hazing or teen dating violence. 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 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.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. The district 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, for 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.

1. “Harassment, intimidation or bullying” means any act that:
 - a. Substantially interferes with a student’s educational benefits, opportunities or performance;
 - b. 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;
 - c. Has the effect of:
 - (1) Physically harming a student or endangering 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; or
 - (3) Creating a hostile educational environment, including interfering with the psychological well-being of a student.
 - d. May be based on, but is not limited to, the protected class status of a person.

2. “Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation¹, gender identity or expression, national origin, marital status, familial status, source of income or disability.
3. “Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully.
4. “Hazing” means intentionally taking action or creating a situation that inflicts physical harm, psychological harm or distress on a student regardless of the consent or location of the participants.
 - a. Hazing occurs when the action or situation has the purpose or effect of demeaning or humiliating a student or group of students.
 - b. Hazing is typically but not exclusively committed as a form of initiation, discipline or rite of passage for a particular club, team or activity, and almost always includes new members showing subservience to existing members.
 - c. In considering a hazing case, it is not a defense that the student subjected to hazing consented to or acquiesced in the hazing activity
5. “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.
6. Staff’s Responsibility: Staff, including student teachers and practicum students, are required to report an act of harassment, intimidation, bullying or cyberbullying to the staff member on duty at the time or to the student’s teacher or to the principal or assistant principal. If the principal is believed to be involved, the report may be made to the Superintendent’s office. Failure of an employee to report an act of harassment, intimidation, bullying or cyberbullying may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.

A staff member who has knowledge of an incident of teen dating violence that took place on district property, at school-sponsored activities or in vehicles used for school-provided transportation is encouraged to immediately report the incident, following the reporting and complaint procedures in this policy.
7. Informing Volunteers and Others: Staff are responsible for informing volunteers and other adults working in schools and with extracurricular programs of this policy and for supervising their activities.

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.

8. Student Responsibility: Students are expected to follow the standards for student behavior outlined in school board policy and the district's *Student Rights and Responsibilities Handbook*, which includes the requirement that they refrain from intimidation, bullying, harassment, discrimination, and hazing and comply with this policy.
 - a. Students are expected to hold their peers and other students to the standards established by this policy and are encouraged to bring violations to the attention of a teacher, counselor or administrator. These reports may be made anonymously.
 - b. Students who violate this rule are liable for discipline, suspension or expulsion following the rules established in the *Student Rights and Responsibilities Handbook*.
9. Tracking: The district and its staff will track incidents of harassment, intimidation, bullying, cyberbullying and hazing and report this information annually to the Board.
10. Training: The district shall provide for the training of staff and students on the contents of this policy and the prevention of and appropriate response to acts of harassment, intimidation, bullying, cyberbullying, hazing and teen dating violence.

The district shall provide age-appropriate education about teen dating violence for students in grades 7-12.

11. Reporting and Complaint Procedures:
 - a. A student, his or her parent or guardian, or a volunteer who believes that the student is the recipient of harassment, intimidation, bullying, cyberbullying or hazing from another student, staff member, or volunteer is encouraged to report the incident to the staff member on duty at the time or to the student's teacher or to the principal or assistant principal. If the principal is believed to be involved, the report may be made to the Superintendent's office. Information may be presented anonymously. Teachers and other staff who observe students engaging in harassing, intimidating, bullying, cyberbullying or hazing behaviors are responsible for taking action to deal with the behavior and are required to report the incident.
 - b. A student and his or her parent or guardian are encouraged to attempt to resolve concerns through discussions with school staff. Upon a report, or knowledge of, an incident, the principal or person assigned by the principal to resolve the issue shall investigate the incident. The investigation shall include interviews of the complainant and the individual(s) alleged to have acted improperly. The principal or person assigned shall work with the complainant and other parties to resolve the issue.
 - c. If the student or his or her parent or guardian are unable to resolve the complaint after working with school staff, they are encouraged to file a complaint of discrimination or harassment with the superintendent's office, using a form available in school offices and from the Superintendent's office. The superintendent will follow the procedure outlined in the *Student Rights and Responsibilities Handbook* and the district's complaint process and will send a written acknowledgment, postmarked within 10 working days of receiving the complaint, which will identify the person who has been assigned to handle the complaint.
 - d. There will be an attempt to assist students and/or parents in resolving concerns and issues prior to the use of the formal disciplinary or complaint procedures. This may include counseling, education, mediation and/or other opportunities for problem solving between both parties. However, the severity of a specific incident may require immediate disciplinary action.

12. Annual Review: This policy and any procedures developed as a result of this policy will be reviewed annually, in the fall, with each building and department staff.
13. Publicizing this Policy: This policy shall be publicized within the district by making the policy annually available to parents, guardians, school employees and students in the student handbook, and readily available to parents, guardians, school employees, volunteers, students, school administrators and community representatives at each school office, the school district office and the district website.
14. The superintendent is responsible for developing appropriate administrative rules, procedures or guidelines for implementation of this policy, as needed.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 326.051](#)
[ORS 329.025](#)
[ORS 329.035](#)
[ORS 336.067](#)
[ORS 336.082](#)

[ORS 336.086](#)
[ORS 342.123](#)
[ORS 659.850](#)
[ORS Chapter 659](#)
[ORS Chapter 659A](#)
[ORS 659A.003](#)
[ORS 659A.006](#)

[ORS 659A.030](#)
[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-022-1140](#)
[OAR 839-003-0000](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).
 Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).
 Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2006).
 Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).
 Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
 Americans with Disabilities Act Amendments Act of 2008.

Cross Reference(s):

AC - Nondiscrimination