

Intimidation, Bullying, Harassment, Discrimination, Hazing and Retaliation

School board policy prohibits discrimination, harassment, intimidation, hazing or bullying, as defined by this policy, against students on or immediately adjacent to school grounds, at any school-sponsored activity, including athletic activities, on school-provided transportation, or at any official school bus stop. Students may face disciplinary consequences for any off-campus behavior that would disrupt the educational process or the operation of the school or district. The district expects that staff, including student teacher, and practicum students, volunteers, and students will provide equal treatment and access to educational programs, services, and aid to students without regard to their disability, race, color, national origin, ethnicity, sex, sexual orientation, age, religion, marital status, socioeconomic status, source of income, cultural background, familial status, physical characteristic, or linguistic characteristics of a national origin group.

1. **“Intimidation or bullying”**:
 - a. Means any act that substantially interferes with a student’s educational benefits, opportunities or performance, and that have 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; and
 - b. May include, but is not limited to, actions based on the protected class of a person.
2. **“Harassment”** means unwanted behavior of a nonverbal, verbal, written, graphic, sexual, or physical nature that is directed at an individual or group of students, based upon, but not limited to, the protected class status of the person or persons.
3. **“Discrimination”** means any act that has the purpose or effect of unreasonably differentiating in treatment of any member of a protected class, as defined in Section 6.
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. **“Retaliation”** is defined as harassment, intimidation or bullying toward a person in response to previously reported harassment, intimidation or bullying. 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.
6. **“Protected class” and “Sexual Orientation”:**
 - a. **“Protected class”** means a group of persons distinguished or perceived to be distinguished by disability, race, color, national origin, ethnicity, sex, sexual orientation, age, religion, marital status, socioeconomic status, source of income, cultural background, familial status, physical characteristic, or linguistic characteristics of a national origin group.
 - b. **“Sexual orientation”** means an individual’s actual or perceived heterosexuality, homosexuality, bi-sexuality, 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.
7. **Staff’s Responsibility:** Staff including student teachers and practicum students, will follow school board policy to ensure that students are not discriminated against, harassed, intimidated, or bullied based on disability, race, color, national origin, ethnicity, sex, sexual orientation, age, religion, marital status, socioeconomic status, source of income, cultural background, familial status, physical characteristic, or linguistic characteristics of a national origin group, with regard to the following:
 - a. The direct and indirect supervision of students and enforcement of the rules as defined in Section -9;
 - b. Providing reasonable access to all district programs, classes, services, and aid;
 - c. Use of terms that are derogatory;
 - d. Unfair discrimination between students in use of tests and instructional material.
8. **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.
9. **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, 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*.
10. **District Responsibility:** In providing programs, services, benefits, or other aid to students, the district and its staff and volunteers shall not, on any basis prohibited by this policy:
- a. Treat one student differently from another in determining whether he or she satisfies any requirement or condition for the provision of the program, service, benefit, or other aid;
 - b. Provide programs, services, benefits, or other aid, in a manner that differentiates among students;
 - c. Deny any student such programs, services, benefits, or other aid;
 - d. Subject any student to separate or different rules of behavior, sanctions, or other treatment;
 - e. Otherwise limit any student in the enjoyment of any right, privilege, advantage, or opportunity;
 - f. Allow student-to-student harassment, discrimination, intimidation, or bullying and will take direct action when it is observed or reported;
 - g. Allow retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry.
11. **Tracking:** The district and its staff will track incidents of intimidation, bullying, harassment, discrimination, hazing and retaliation and report this information annually to the board.
12. **Training:** The district shall provide for the training and orientation of staff and volunteers on the contents of this policy with the goal that they will be able to avoid, recognize, discourage, and deal with intimidation, bullying, harassment, discrimination, hazing and retaliation.
13. **Complaint Procedures:**
- a. A student or his or her parent or guardian who believes that the student is the recipient of discrimination, harassment, intimidation, or bullying 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 discriminatory, harassing, intimidating, or bullying behaviors are responsible for taking action to deal with the behavior and reporting the incident, which may include following the rules for discipline outlined in the *Student Rights and Responsibilities Handbook*.
 - 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 Discrimination, Harassment, Intimidation or Bullying Complaint Process and will send a written acknowledgement, postmarked within 10 (ten) 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.

14. **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.
15. **Policy Review:** The Board will evaluate the effectiveness of this policy on the anniversary of its adoption and every three years thereafter.
16. **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.
17. 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 163.190](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 326.051](#)
[ORS 329.025](#)
[ORS 329.035](#)
[ORS 332.072](#)
[ORS 332.107](#)
[ORS 336.067](#)
[ORS 336.082](#)

[ORS 336.086](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.254](#)
[ORS 339.260](#)
[ORS 339.351 - 339.364](#)
[ORS 342.123](#)
[ORS Chapter 659](#)
[ORS Chapter 659A](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0055](#)
[OAR 581-022-1140](#)
[OAR 584-020-0041](#)

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Rehabilitation Act of 1973, 29 U.S.C. Sections 791, 793 and 794.

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213; 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000).