

McMinnville School District #40

Code: JFCF-AR
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Harassment, Intimidation, Bullying, Cyberbullying, Teen Dating Violence, Domestic Violence - Students

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

1. Definitions

- a. "District" includes district facilities, district premises and non-district property if the student is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district.
- b. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, 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, i.e., personal servitude, 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; 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.
- c. "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" i.e., age, race, religion, color, national origin, disability, marital status, sexual orientation, source of income, familial status, physical characteristic, cultural background, socioeconomic status or geographic location.
- d. "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 school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, 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 wellbeing of a student.
- e. "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.

- f. “Cyberbullying” means the use of any electronic communication device to convey a message in any form (text, image, audio or video) that defames, 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. This includes any communication of this form that disrupts or prevents a safe and positive educational or working environment. Students will refrain from using personal communication devices or district property to harass or stalk another.
- g. “Domestic violence” means abuse by one or more of the following acts between family and household members - attempting to cause or intentionally, knowingly or recklessly causing bodily injury, intentionally, knowingly or recklessly placing another in fear or imminent bodily injury; and causing another to engage in involuntary sexual relations by force or threat of force.
- h. “Teen dating violence” means 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 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.

2. 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 whether the complaint is true or not. False charges shall also be regarded as a serious offense and will result in disciplinary action or appropriate sanctions.

3. Complaint Procedures

School principals and the superintendent or designee have responsibility for investigations concerning hazing, harassment, intimidation, bullying, cyberbullying, menacing or incidents of teen dating violence or domestic violence. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any employee who has knowledge of incidents of teen dating violence 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 the incident to the school principal. Failure of an employee to report an act of harassment, intimidation or bullying, teen dating violence, or an act of cyberbullying to the school principal may be subject to remedial action, up to and including dismissal.

Any student, employee or third party who has knowledge of conduct in violation of this policy and feels he/she has been a victim of hazing, harassment, intimidation, bullying, cyberbullying or menacing in violation of this policy shall immediately report his/her concerns to an immediate supervisor and/or administrator.

All complaints will be promptly investigated in accordance with the following procedures:

- Step I Any hazing, harassment, intimidation, bullying, cyberbullying, or menacing information (complaints, rumors, etc.) or incidents of teen dating violence shall be presented to the school principal, compliance officer, or superintendent. Complaints against the school principal shall be filed with the superintendent. Information may be presented anonymously. Complaints against the superintendent shall be filed with the compliance officer. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.
- Step II The district official or designee receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within 10 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 district official(s) conducting the investigation shall notify the complainant and parents as appropriate, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.
- Step III If the complainant is not satisfied with the decision at Step II, 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 II 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 of the receipt of the written appeal.
- Step IV If the complainant is not satisfied with the decision at Step III, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step III decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Documentation related to the incident may be maintained as part of the student's education records.