

**Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying
Complaint Procedures – Staff**

The Board is committed to providing a positive and productive learning and working environment. To this end, hazing, harassment, intimidation, menacing or bullying by students, staff or third parties is strictly prohibited and shall not be tolerated by MESD.

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

Definitions

1. “Third parties” include, but are not limited to, coaches, volunteers, parents, school visitors, service contractors or others engaged in MESD business, such as employees of businesses or organizations participating in cooperative work programs and others not directly subject to MESD control at other MESD-sponsored programs and activities.
2. “MESD” includes MESD facilities, premises and non-MESD property if the employee is at any MESD sponsored, approved or related activity or function, such as field trips, athletic events or where the employee is engaged in MESD business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any MESD sponsored activity, work group or work assignment (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 staff member; 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 age, race, religion, color, national origin, disability, marital status, sexual orientation.
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 race, color, religion, national origin or sexual orientation.

6. “Cyberbullying” means the use of an electronic communication device to convey a message in any form (text, image, audio or video) that intimidates, harasses or otherwise harms, insults or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity.
7. “Menacing” includes, but is not limited to, any act intended to place an employee, student or third party in fear of imminent serious physical injury.

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.

Complaint Procedures

The superintendent and designated MESD administrators have responsibility for investigations concerning hazing, harassment, intimidation, bullying and acts of cyberbullying or menacing. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

All complaints about behavior that may violate this policy shall be promptly investigated.

Any employee or third party who has knowledge of conduct in violation of Board policy or feels he/she has been hazed, harassed, intimidated, bullied, cyberbullied or menaced in violation of this Board policy or administrative regulation shall immediately report his/her incident/concerns to their direct MESD administrator, director of human resource services or superintendent.

Any MESD employee or third party who has knowledge of conduct in violation of any student hazing, harassment, intimidation, bullying, menacing or the acts of cyberbullying policy shall immediately report his or her concern to their direct MESD administrator, director of human resource services or the superintendent.

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

- Step 1 Any hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing information (complaints, rumors, etc.) shall be presented to the MESD administrator/principal/or superintendent. Complaints against the MESD administrator/principal shall be filed with the superintendent. Information may be presented anonymously. 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 MESD official receiving the complaint shall promptly investigate. The MESD official will arrange such meetings as may be necessary with all concerned parties within ten 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 MESD official(s) conducting the investigation shall notify the complainant 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 in 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 5 days after receipt of the Step 3 decision. The Board shall, with 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.

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 part of the employee's personnel file. Additionally, a copy of all hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing complaints and documentation will be maintained as a confidential file in the MESD Human Resource Services office.