

# Multnomah Education Service District

Code: **JFCF**  
Adopted: 9/20/94  
Revised/Readopted: 12/16/03; 2/15/11; 6/18/13;  
5/07/14; 11/17/15

## **Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/ Teen Dating Violence/Domestic Violence – Students\*\***

The Board in its commitment to providing a positive and productive learning environment will consult with parents/guardians, employees, volunteers, students, administrators and community representatives in developing this policy to be in compliance with applicable Oregon Revised Statutes. Hazing, harassment, intimidation, menacing, bullying and cyberbullying by students, staff and third parties toward students is strictly prohibited. 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 is prohibited. 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 shall be subject to discipline, up to and including expulsion. MESD 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, or willfully damaging or causing injury to MESD property or for the use of threats, bullying, intimidation, harassment or coercion as prescribed for in ORS 339.254. Students may also be referred to law enforcement officials. The superintendent and administrators are responsible for ensuring this policy is implemented.

### **Definitions**

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

“Third parties” includes, but is not limited to, coaches, volunteers, parents, visitors, service contractors or others engaged in MESD business, such as employees of businesses or organizations participating in cooperative work programs with the MESD and others not directly subject to MESD control at other MESD-sponsored programs and activities.

“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 MESD-sponsored or grade level attainment, (e.g., 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); 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 behavior.

“Harassment/Intimidation/Bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to MESD grounds, at any MESD-sponsored activity, on MESD-provided transportation or at any official MESD 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 well-being of the student and may be based on, but not limited to, the protected class of the person.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation<sup>1</sup>, 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 by one or more of the following acts between family and household members<sup>2</sup>:

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury;
2. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;

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<sup>1</sup>“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 behaviors differs from

<sup>2</sup>“Family or household members” as defined in ORS 107.705 or means any of the following:

1. Spouses;
2. Former spouses;
3. Adult persons related by blood, marriage or adoption;
4. Persons who are cohabiting or who have cohabited with each other;
5. Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under Oregon Revised Statute 107.710;
6. Unmarried parents of a child.

3. Causing another to engage in involuntary sexual relations by force or threat of force.

“Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully. Students and staff will refrain from using personal communication devices or MESD property or equipment to violate this policy.

“Retaliation” means hazing, harassment, intimidation, menacing, bullying, teen dating violence and 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, acts of cyberbullying, teen dating violence or retaliation.

“Menacing” includes, but is not limited to, any act intended to place a district employee, student or third party in fear of imminent serious physical injury.

### **Reporting**

The superintendent shall take reports and ensure a prompt and thorough investigation of any report of an act of hazing, harassment, intimidation, menacing, bullying and acts of cyberbullying. In addition, the superintendent shall ensure that any employee who has knowledge of conduct in violation of this policy immediately reports his/her concerns to the supervisor who has overall responsibility for all investigations and that this report results in a prompt and thorough investigation. Any employee who has knowledge of incidents of teen dating violence that took place on MESD property, at an MESD-sponsored activity or MESD vehicle or vehicle used for transporting students to an MESD activity shall immediately report the incident to the supervisor. Failure of an employee to report an act of hazing, harassment, intimidation, menacing, bullying, or acts of cyberbullying to the supervisor may be subject to remedial action, up to and including dismissal. Remedial 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, a victim of teen dating violence, and/or cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to an MESD employee, teacher or counselor who will report the incident to the supervisor who has overall responsibility for all investigations.

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

Complaints against an MESD administrator 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 or designee review the actions taken in the initial investigation in accordance with Administrative Regulation JFCF-AR - Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/Teen Dating Violence/Domestic Violence Complaint Procedures - Student.

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

The superintendent shall be responsible for ensuring an annual notice of this policy is provided in a student or employee handbook, on the school site and MESD website, and at school and MESD offices.

The superintendent and Cabinet shall develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure notice of this policy is provided to students, staff and third parties.

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

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**Legal Reference(s):**

<a href="#">ORS 163.190</a>	<a href="#">ORS 339.240</a>	<a href="#">OAR 581-021-0045</a>
<a href="#">ORS 166.065</a>	<a href="#">ORS 339.250</a>	<a href="#">OAR 581-021-0046</a>
<a href="#">ORS 166.155 to -166.165</a>	<a href="#">ORS 339.254</a>	<a href="#">OAR 581-021-0055</a>
<a href="#">ORS 174.100(6)</a>	<a href="#">ORS 339.351 to -339.366</a>	<a href="#">OAR 581-022-1140</a>
<a href="#">ORS 334.125</a>		

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

**MESD Policy Cross Reference(s):**

AA - MESD Purpose and Goals  
AD - Educational Philosophy  
GA - Personnel Policy Goals  
GB - Personnel Policies  
GBA - Equal Employment Opportunity  
GBM - Staff Complaints  
GBN/JBA - Sexual Harassment  
GBNA - Hazing/Harassment/Intimidation/Bullying Menacing - Staff  
GCC - Recruitment of Staff  
IGBAE - Special Education - Participation in Regular Education Programs  
IGBAF - Special Education - Individualized Education Program (IEP)\*\*  
IGBAH - Special Education - Evaluation Procedures  
IGBAJ - Special Education - Free Appropriate Public Education (FAPE)  
IGBHA - Alternative Education Programs  
II/IIA - Instructional Resources/Instructional Materials  
JA/JAA - Student Policies, Goals and Objectives  
JB - Equal Educational Opportunity  
JECD - Assignment of Students to Classes  
JFE - Pregnant Students  
JFF - Married Students

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