

Harassment

The Board is committed to the elimination of all forms of harassment in any district facility, at any district activity, at any activity where NSSD students are involved or at any district sponsored event. Hazing, harassment, intimidation, menacing or bullying, or acts of cyber-bullying by students, staff, parents, board members, vendors, third party persons, or any others who come in our facilities or onto any district property (or property within the jurisdiction of the district) or harassment on the basis of race, religion, sex, national origin, disability, parental or marital status, age or physical appearance is strictly prohibited and shall not be tolerated. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is also strictly prohibited.

It must be noted that filing false claims of harassment as a means to harass another also falls under this policy. If a harassment claim is made which is found to have no merit, the claimant may be held responsible and sanctions brought against him/her.

This policy is in effect while on school grounds, district property or property within the jurisdiction of the district, on non-district property if the student or employee 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 or where the employee is engaged in district business); while on district-owned and/or district-operated buses, vehicles or chartered buses; while attending or engaged in district activities; and while away from district grounds if the misconduct violates the legal rights under federal law, state law, or local ordinance, or directly affects the good order, efficient management and welfare of the district.

Students who have engaged in behavior prohibited by 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, willful damage or injury to district property or for the use of threats, bullying, intimidation, harassment or coercion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

Individuals may be referred to law enforcement officials. Licensed staff may also be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

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

The definitions below help to further define wording and the different forms of harassment covered in this policy:

1. “Third parties” include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district. It may also include others not directly subject to district control at inter-district and intra-district athletic competitions or other school events.
2. “District” includes district facilities, district premises and non-district property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips, athletic events where students are under the control of the district or where the employee is engaged in district business, or any alternative education site.
3. “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 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 and sleep deprivation; or any other forced activity that could adversely affect the mental health, 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 activity intended to degrade or humiliate regardless of the person’s willingness to participate.
4. “Harassment, 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:
 - a. Physically harming a student/staff or damaging a student’s/staff’s property;
 - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
 - c. Creating a hostile educational/work environment including interfering with the psychological well being of the student/staff;
 - d. Verbal or written harassment or abuse;
 - e. Repeated remarks of a demeaning nature;
 - f. Implied or explicit threats concerning one’s grades or performance evaluation;
 - g. Demeaning jokes, stories, or activities directed at the student;
 - h. Inciting others to harass or intimidate;
 - i. Filing false claims against another person; or
 - j. The use of electronic devices (internet, cell phones, etc.) for the purpose of harassment.

5. “Harassment” also 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, source of income, familial status, physical characteristic, cultural background, socioeconomic status or geographic location.
6. “Intimidation” also 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.
7. Bullying also includes “cyber-bullying” which is 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. In addition, any communication of this form which substantially disrupts or prevents a safe and positive educational or working environment may also be considered cyber-bullying. Students and staff will refrain from using personal communication devices or district property to harass or stalk another.
8. “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.
9. “Sexual harassment” of students and staff shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:
 - a. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
 - b. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff;
 - c. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student’s educational performance or with an employee’s ability to perform his/her job; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to: did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students or staff;
 - d. The submission to such conduct is made either explicitly a term or condition of a person’s education, employment or advancement, or participation in any program or activity.
 - e. Examples of sexual harassment may include, but not be limited to the following: physical touching or graffiti of a sexual nature, displaying or distributing of sexually explicit drawings, pictures and written materials, sexual gestures or obscene jokes, touching oneself sexually or talking about one’s sexuality in front of others or spreading rumors about or rating other students or others as to appearance, sexual activity or performance. All complaints about

behavior that may violate this policy shall be promptly investigated. Any student or employee who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to a district administrator or superintendent, who have overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district administrator. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

Any type of harassment, as defined above, is a violation of district policy and regulation and it is the intent of the Board that appropriate corrective action will be taken by the district to stop the harassment, prevent its recurrence and address negative consequences. This district will promptly and reasonably investigate all allegations of harassment. Any student or district staff member who has knowledge of, or feels he/she is a victim of harassment by another student or staff member should immediately report his/her concerns to the building principal. If the complaint is against a person not employed by the district, he/she should report the concern to the employee's immediate supervisor.

Students or district staff whose behavior is found to be in violation of this policy will be subject to other investigational procedures, which may result in discipline. In addition, the district has the authority to report any persons in violation of this policy to law enforcement officials or other agencies.

1. District staff in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional harassment awareness training, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board. Licensed staff and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to the Teacher Standards and Practices Commission as provided under OAR 584-020-0041.
2. Students in violation of this policy shall be subject to discipline up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action. 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 who has been found guilty of any type of harassment. Notification will be sent if the student has been suspended or expelled at least twice for menacing another student or employee, willful damage or injury to district property or for the use of threats, intimidation, harassment or coercion.
3. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of the staff complainant. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

Retaliation against any person, because the person has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. Any person who is found to have retaliated against another in violation of this policy will be subject to discipline up to and including suspension, expulsion or termination. Persons acting on their own behalf or the behalf of another person that interfere or compromise the investigation of a district administrator may result in disciplinary action or other appropriate sanctions.

The superintendent shall ensure appropriate periodic harassment training awareness or information is provided to all supervisors, staff and students and that annually, the name and position of district official responsible for accepting and managing harassment complaints, their business phone number, address or other necessary contact information is posted along with how to access the district's harassment policy or harassment complaint forms shall be posted in all schools. Such posting shall be by a sign of at least 8.5 by 11 inches.

This policy as well as the complaint procedure will be made available to all students, parents of students and staff members through student/parent handbooks, staff handbooks, and on the district web site.

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

END OF POLICY

Legal Reference(s):

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| ORS 163.190 | ORS 342.700 | ORS 659A.029 |
| ORS 163.197(2) | ORS 342.704 | ORS 659A.030 |
| ORS 166.065 | ORS 342.708 | |
| ORS 166.155 to-165 | ORS 342.850 | OAR 581-021-0038 |
| ORS 243.706 | ORS 342.865 | OAR 584-020-0040 |
| ORS 332.072 | ORS 659.850 | OAR 584-020-0041 |
| ORS 332.107 | ORS 659A.006 | |

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).

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).

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).