

Harassment Complaint Procedures

The district will promptly and reasonably investigate all allegations of harassment. This policy as well as a complaint procedure and form will be distributed to all students and staff through the student and staff handbooks. It will also be available on the district web site.

For the purpose of this Administrative Rule; all forms of harassment: hazing, intimidation, bullying, menacing, sexual harassment and/or harassment as defined in policy JBA/GBN/JFCF/GBNA will be referred to as harassment. A district administrator is defined as any person who holds an administrative license and works for the district in the capacity of a principal, assistant principal, director, associate to the superintendent, or program coordinator.

Principals or other administrative staff will investigate any harassment complaints within their building or under their direction, and will report their findings directly to the superintendent, or designee. The superintendent or designee has the responsibility to assure investigations are thorough and plans of assistance or safety are being put into place if warranted. The investigator(s) shall be a neutral party having had no involvement in the complaint presented. If the building investigator is not a neutral party then the superintendent shall select a neutral district investigator as a replacement.

Definitions

1. "Third parties" include, but are not limited to, coaches, 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 and 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 employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips, athletic events or where the employee is engaged in district 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 student/staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored work activity, work group or work assignment, 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, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student/staff); 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, or 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. "Cyber-bullying" means the use of any electronic communication device to [convey a message in any form (text, image, audio or video) that 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.
7. "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.
8. A "hostile environment" is a work atmosphere contaminated by a pattern of offensive conduct directed at an individual's protected class status. The law further describes the elements of a hostile environment as conduct of a verbal or physical nature that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile, or offensive working environment. Oregon Administrative Rule 839-005-0010 applies to harassment in the workplace based upon protected classes such as race, religion, use of the workers' compensation system, age, etc. Administrative rule 839-005-0030 pertains only to a hostile environment in the context of sex harassment.

Under OAR 839-005-0030(2), the standard for determining whether harassment based on an individual's sex is sufficiently severe or pervasive to create a hostile, intimidating or offensive working environment is whether a reasonable person in the circumstances of the complaining individual would so perceive it.

Retaliation/False Charges/Investigation Responsibility

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. Persons acting on their own behalf or the behalf of another person that interfere or compromise the investigation of district administrator may result in disciplinary action or other appropriate sanctions.

Complaint Procedures

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

Any employee who has knowledge of conduct in violation of Board policy JFCF - Harassment/Intimidation/Bullying/Cyber-bullying that involves students shall immediately report his/her concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harassed, intimidated, bullied, cyber-bullied or menaced in violation of this policy is encouraged to immediately report his/her concerns to the designated district official.

The following procedures shall be used for the reporting, investigating, and resolving of complaints of harassment.

Any student who believes that he/she has been subjected to harassment by another student should immediately report the incident to a district administrator or any district staff member. Any person who believes that he/she has been subjected to harassment by a district employee, another adult employed by the district, or by a volunteer of the district should report the incident to a district staff member or administrator who shall immediately deal the incident per board policy.

The complainant will be asked to provide a written or verbal statement, which will describe the incident(s) and the resolution sought to a district administrator.

Informal Resolution:

Informal resolution can be described differently by the complainant but usually consists of the district administrator serving as a mediator of the dispute, working with the complainant and the accused harasser to reach an agreement about future interaction between them. If an informal solution is sought, the administrator will facilitate that resolution and then issue a written description of the incident and resolution to all students concerned and to their parent(s) or guardian(s) within ten (10) days. If this resolution is not acceptable to the complainant, he/she may re-submit the complaint form asking for a formal resolution.

Formal Resolution:

Formal resolution would consist of an investigation, followed by sanctions against the harasser if the allegations are found to have merit. It is important to note that a verbal complaint must be treated the same as a written complaint.

All complaints will be promptly investigated in accordance with the following procedures by a district administrator:

Step I

Any hazing, harassment, intimidation, bullying, acts of cyber-bullying or menacing information (complaints, rumors, etc.) shall be presented to the building administrator or superintendent. Complaints against the building administrator shall be filed with the superintendent. Information may be presented anonymously. Complaints against the superintendent shall be filed with the Board chairman. All such information will be reduced to writing and will include the specific nature of the offense, corresponding dates and potential witnesses. The superintendent or designee will be informed of all harassment complaints upon receipt of the complaint.

Step II

The district administrator receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The district administrator, or designated official, will arrange such meetings as may be necessary with all concerned parties within five (5) working days after receipt of a verbal or written 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) in writing when the investigation is concluded of their findings 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 or designee.

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 ten (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 ten (10) working days.

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 ten (10) working days after receipt of the Step III decision. The Board shall, within twenty (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 ten (10) working days following completion of the hearing.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file. Additionally, a copy of all hazing, harassment, sexual harassment intimidation, bullying or menacing complaints and documentation will be maintained as a confidential file in the district office.

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.

Confidentiality as defined by law germane to harassment complaints will be maintained and no reprisals or retaliation will be allowed to occur because of the good faith reporting of charges of harassment or testimony given during the investigation. All investigations are the obligation of the district administrator.

Harassment is a violation of district policy and regulation, and may also be a violation of criminal or other laws. Persons whose behavior is found to be in violation of this policy will be subject to the investigation procedure, which may result in discipline, up to and including the suspension or expulsion of a student or the termination of an employee. Retaliation against any person that has filed a harassment complaint or participated in a harassment investigation and/or proceeding is also prohibited. In addition, the district has the authority to report any persons in violation of this policy to law enforcement officials or other agencies.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file as determined.

