

Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedures - Staff

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, 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 interdistrict and intradistrict athletic competitions or other school events.
2. “District” includes district facilities, district premises and nondistrict 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, (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/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. “Cyberbullying” 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. “Sexual harassment” of 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 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 an employee’s ability to perform his/her job; or creates an intimidating, offensive or hostile 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; sex of the complainant; whether the alleged harasser was in a position of power over the staff member subjected to the harassment; number of individuals involved; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other staff.

Examples of sexual harassment may include, but are not limited to, 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 other staff or others as to appearance, sexual activity or performance.

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

Principals and the superintendent or designee 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.

Any employee who has knowledge of conduct in violation of Board policy JFCF – Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying – Student shall immediately reports 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, cyberbullied or menaced in violation of this policy shall immediately report his/her concerns to the designated district official.

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 this policy or feels he/she has been a victim of hazing, harassment, intimidation, bullying or menacing in violation of this policy shall immediately report his/her concerns to the principal, or superintendent who has overall responsibility for all investigations. This report may be made anonymously.

Complaints against the principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board Chair.

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 a 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 district office.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken.

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 also be referred to law enforcement officials. Staff will be reported to Teacher Standards and Practices Commission, as provided by OAR 584-020-0041.

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Retaliation means hazing, harassment, intimidation, menacing, bullying or cyberbullying toward a person in response to a student/staff for actually or apparently reporting or participating in the investigation of hazing, harassment, intimidation, menacing, bullying, cyberbullying or retaliation. 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.

The superintendent shall be responsible for ensuring annual notice of this policy is provided to staff and third parties and the development of administrative regulations, including reporting and investigative procedures. Complaint procedures, as established by the district, shall be followed.