

OSBA Model Sample Policy

Code: GBNA-AR *Adopted 4/24/00*
Revised/Reviewed:

Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying Complaint Reporting Procedures – Staff

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

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, (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 is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
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

"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 behavior differs from that traditionally associated with the individual's sex at birth.

offensive physical contact or inflict serious physical injury on the perception of the other's race, color, religion, national origin, disability, or sexual orientation.

6. "Bullying" is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. "Cyberbullying" means the use of any electronic communication device to [convey a message in any form (e.g., 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. In addition, any communication of this form which substantially disrupts or prevents a safe and positive working environment may also be considered cyberbullying.] [harass, intimidate, or bully.] Staff will refrain from using personal electronic devices or district equipment to harass or stalk another person or people.
8. "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.

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 Reporting Procedures

The [principals and the superintendent] have [has] responsibility for investigations concerning reports of hazing, harassment, intimidation, bullying, menacing, and acts of or cyberbullying of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the complaint report presented.

Any employee or third party who has knowledge of conduct in violation of Board policy JFCF - [Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence] or Domestic Violence – Student shall immediately report his/her concerns to the designated district official.

Any employee or third party who has knowledge of conduct in violation of Board policy GBNA – Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying – Staff and this administrative regulation or feels he/she has they have been hazed, harassed, intimidated, bullied, cyberbullied, or menaced in violation of Board policy or this administrative regulation, [shall] [is encouraged to] immediately report his/her concerns to the designated district official.

Complaints All reports and information will be promptly investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, menacing, or acts of cyberbullying information (e.g., complaints, rumors, etc.) shall be presented to the [principal or superintendent]. Complaints Reports against the principal shall be filed with the superintendent. Information may be presented anonymously. Complaints Reports 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 district official receiving the complaint report shall promptly investigate. Parents will be notified of the nature of any complaint report involving their student. The district official will arrange such meetings as may be necessary with all concerned parties within [five] working days after receipt of the information or complaint report. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint report will be reduced to writing. The district official(s) conducting the investigation shall notify the complainant person making the report within [10] working days of receipt of the information or report, and parents as appropriate, [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 person making the report, 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 person making the report is not satisfied with the decision at Step 2, he/she/they 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 person making the report 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 person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within [10] working days after receipt of the Step 3 decision. The Board shall, within [20] working days, conduct a hearing at which time the complainant person making the report shall be given an opportunity to present the complaint information or report. The Board shall provide a written decision to the complainant person making the report within [10] working days following completion of the hearing.

Reports against the superintendent should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the [district counsel] [Board chair] on behalf of the Board. The [district counsel] [Board vice chair] shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the

investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the superintendent or any Board member.

Direct complaints of discriminatory harassment 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 reported acts of hazing, harassment, intimidation, bullying, menacing or acts of cyberbullying complaints and documentation will be maintained as a confidential file in the district office.]

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~~Complaints against the Board chair may be made directly to the [district counsel] [Board vice chair] on behalf of the Board.~~