

OSBA Model Sample Policy

Code: JFCF
Adopted: 4/26/10

[Hazing,]Harassment, Intimidation, ~~Bullying,~~ [Menacing,]~~Bullying,~~ Cyberbullying, Teen Dating Violence] and ~~or~~ Domestic Violence – Student** (Version 2)

The Board, in its commitment to providing a safe, positive and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators and community representatives in developing this policy in compliance with applicable Oregon Revised Statutes (ORS) law.

[Hazing,] [h]arassment, intimidation or bullying, [menacing,] and acts of cyberbullying by students, staff and ~~or~~ third parties toward students is strictly prohibited. Teen dating violence is unacceptable behavior and prohibited.

Retaliation against any person who is a victim of, who reports, is thought to have reported, or files a complaint about an act of [hazing,] harassment, intimidation or bullying, [menacing,] an act of cyberbullying, or teen dating violence, or otherwise participates in an investigation or inquiry is also strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in disciplinary action or other consequences and appropriate sanctions remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include 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 assaulting or menacing another student or employee, willful damage or injury to district property or for the use of threats, intimidation, harassment or coercion against a district employee or another student.

Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include 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 the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The [principal] and the superintendent [are/|s/] responsible for ensuring that this policy is implemented.

Definitions

“District” includes district facilities, district premises and nondistrict property if the student 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-jurisdiction of the district.

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“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.

“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, 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; or 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 hazing.

“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 district grounds, at any district-sponsored activity, on district-provided transportation or at any official district bus stop, that may be based on, but not limited to, the protected class status of a person, 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; or
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 orientation¹, 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.

¹ “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 that traditionally associated with the individual’s sex at birth.

“Domestic violence” means abuse between family and/or household members, as those terms are described in ORS 107.705.

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

“Retaliation” means ~~any acts of, including but not limited to, [hazing,]harassment, intimidation or bullying,]menacing,]teen dating violence, and acts of~~ cyberbullying toward ~~the victim, a person in response to an] student for actually or apparently reporting of] or participating in] the investigation of]~~ [hazing,]harassment, intimidation or bullying,]menacing,]teen dating violence, and acts of cyberbullying, 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

Principal
The [employee position title²] will take reports and conduct a prompt investigation of any reported ~~of an acts of [hazing,]harassment, intimidation or bullying,]menacing,] and acts of cyberbullying, or teen dating violence.~~ Any employee who has knowledge of conduct in violation of this policy shall immediately report ~~his/her~~ concerns to the [employee position title] *Principal* who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity] or in a ~~district vehicle or vehicle used for transporting students to a district activity~~ *Principal* district-provided transportation shall immediately report the incident to the [employee position title]. Failure of an employee to report any act of ~~[hazing,]harassment, intimidation or bullying,]menacing,] or an act of cyberbullying, or teen dating violence~~ to the [employee position title] 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] they have been subjected to an act of [hazing,]harassment, intimidation or bullying,]menacing,]is or cyberbullying or feel they have been~~ a victim of teen dating violence ~~or an act of cyberbullying~~ in violation of this policy, is encouraged to immediately report ~~his/her~~ concerns to the [employee position title] *Principal* who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report ~~his/her~~ concerns to the [employee position title] *Principal* ~~who has overall responsibility for all investigations.~~ This ~~A~~ report ~~made by a student or volunteer~~ 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 district official.

~~Complaints~~ ~~Reports~~ against the principal shall be filed with the superintendent. ~~Complaints~~ ~~Reports~~ against the superintendent shall be filed with the Board chair.

² [Required by ORS 339.356(2)(g). Other bracketed language regarding hazing and menacing exceeds the requirements of ORS 339.356 and is under Board authority ORS 332.107.]

The complainant person who makes the report shall be notified of the findings of when the investigation has been completed and, as appropriate, that the findings of the investigation and any remedial action that has been taken. The complainant person who made the report may request that the superintendent review the actions taken in the initial investigation, in accordance with administrative regulations district complaint procedures.

Training and Education

The district shall incorporate into existing training programs for students information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying and acts of cyberbullying and this policy.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12.

The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation or bullying, teen dating violence, domestic violence and acts of cyberbullying and this policy.

Notice

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or employee staff handbook, school and district's website, and school and district offices and the development of administrative regulations, including reporting and investigative procedures. Complaint procedures, as established by the district, shall be followed.

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

Legal Reference(s):

[ORS 163.190]

[ORS 163.197]

[ORS 107.705]

ORS 166.065

ORS 166.155 - 166.165

ORS 174.100(7)

ORS 332.072

ORS 332.107

ORS 339.240

ORS 339.250

ORS 339.254

ORS 339.351 - 339.366

OAR 581-021-0045

OAR 581-021-0046

OAR 581-021-0055

OAR 581-022-2310

[JAR 581-022-2370]

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).