

## **Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Student**

The Board is committed to providing a positive and productive learning environment. Hazing, harassment, intimidation, menacing or bullying and acts of cyberbullying by students, staff and third parties toward students is strictly prohibited. Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. The ESD 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 ESD property or for the use of threats, intimidation, harassment or coercion. Students may also be referred to law enforcement officials

The ESD administrator or designee and the superintendent is responsible for ensuring this policy is implemented.

### **Definitions**

“ESD” includes ESD facilities, ESD premises and non ESD property if the student is at any ESD-sponsored, ESD-approved or ESD-related activity or function, such as field trips or athletic events where students are under the control of the ESD.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in ESD business, such as employees of businesses or organizations participating in cooperative work programs with the ESD and others not directly subject to ESD control at other ESD-sponsored programs and activities.

“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 ESD-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; assignment of pranks to be performed or other such activities intended to degrade or humiliate regardless of the person’s willingness to participate.

“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 ESD

grounds, at any ESD-sponsored activity, on ESD-provided transportation or at any official ESD bus stop, 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;
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 orientation, national origin, marital status, familial status source of income or disability.

"Cyberbullying" means 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 cyberbullying, harass, intimidate or bully. Students and staff will refrain from using personal communication devices or district property equipment to violate this policy.

"Retaliation" means hazing, harassment, intimidation, menacing, bullying or acts of cyberbullying toward a person in response to a student for actually or apparently reporting or participating in the investigation of hazing, harassment, intimidation, menacing bullying, 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**

ESD administrator or designee<sup>1</sup> will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation, menacing or bullying and acts of cyberbullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the ESD Administrator or designee who has overall responsibility for all investigations. Any student who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harassed, intimidated, menaced, bullied and acts of being cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to the ESD administrator or designee who have overall responsibility for all investigations. This report may be made anonymously. A student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate ESD official.

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<sup>1</sup>Required by state law House Bill 2599 (HB 2599). All of brackets exceed requirements of HB2599 and are under Board authority ORS 334.125.

Complaints against the ESD administrator/principal shall be filed with the superintendent. Complaints against the superintendent shall be filed with the Board chair.

The complainant shall be notified of the findings of the investigation and, as appropriate, that remedial action has been taken. The complainant may request that the superintendent review the actions taken in the initial investigation, in accordance with district complaint procedure.

The ESD is encouraged to incorporate into existing training programs for students and staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation, bullying and acts of cyberbullying.

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or employee handbook, school and ESD Web site, and school and ESD office. Complaint procedures, as established by the ESD, shall be followed.

END OF POLICY

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**Legal Reference(s):**

[ORS 163.190](#) HB 2599 (2009)  
[ORS 166.065](#)  
[ORS 166.155 - 166.165](#)  
[ORS 332.072](#)  
[ORS 334.125](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).

**Cross Reference(s):**

GBN/JBA - Sexual Harassment  
JBA/GBN - Sexual Harassment  
JFCM - Threats of Violence