

Eugene School District 4J

Code: **JFCF**
Adopted: 2/03/88
Revised/Readopted: 6/17/98; 4/30/03; 6/06/07;
8/19/09; 9/05/12; 5/20/15;
8/15/18
Orig. Code: JFCF

Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence and Domestic Violence – Student

The district is committed to providing a safe, positive and productive educational environment. Harassment, intimidation, bullying, cyberbullying or hazing of students, staff and third parties is prohibited. Teen dating violence is unacceptable behavior and 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 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 menacing another student or employee, for willful damage or injury to district property, or for the use of threats, intimidation, harassment or coercion. Students may also be referred to law enforcement officials.

Scope

This policy applies to student behavior on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, in all instances that student discipline applies as provided in the code of conduct. The policy also applies to off campus conduct that causes or threatens to cause a substantial and material disruption at school or other district property, or interferes with the rights of students or employees to be free from a hostile educational or employment environment taking into consideration the totality of the circumstances. This policy also applies to adult behavior when a student is the victim.

Definitions

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance and has the effect of physically harming a student or endangering a student’s property; knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or creating a hostile educational environment, including interfering with the psychological well-being of a student. It may be based on, but is not limited to, the protected class status of a person.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation¹, gender identity or expression, national origin, marital status, familial status, source of income or disability.

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

“Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully.

“Hazing” means intentionally taking action or creating a situation that inflicts physical harm, psychological harm or distress on a student regardless of the consent of the participants. Hazing occurs when the action or situation has the purpose or effect of demeaning or humiliating a student or group of students. Hazing is typically but not exclusively committed as a form of initiation, discipline or rite of passage for a particular club, team or activity, and almost always includes new members showing subservience to existing members. In considering a hazing case, it is not a defense that the student subjected to hazing consented to or acquiesced in the hazing activity

“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.

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

“Retaliation” means any form of reprisal, harassment, intimidation or bullying, cyberbullying, hazing, or teen dating violence against a person in response to a student for actually or apparently reporting or participating in the investigation of conduct prohibited by this policy.

“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 of the district.

“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 other district-sponsored programs and activities.

Staff’s Responsibility

Every staff member, including student teachers and practicum students, who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the school administrator. If the administrator is believed to be involved or to have a conflict of interest, the report may be made to the Superintendent’s office.

The school administrator has overall responsibility for compliance with this policy and investigations of alleged violations at the school level.

Staff members are expected to comply with this policy. Violations of this policy, including failure to report an act of harassment, intimidation or bullying, cyberbullying, hazing, or teen dating violence may be subject to remedial action, up to and including dismissal.

Employees are responsible for informing volunteers and other adults working in schools and with extracurricular programs of this policy and for supervising their activities. Volunteers and third parties working in schools and with district programs are encouraged to report concerns as outlined in this policy.

Student Responsibility

Students are expected to follow the standards for student behavior outlined in school board policy and the district's Student Rights and Responsibilities Handbook, which includes the requirement that they refrain from harassment, intimidation or bullying, cyberbullying, hazing, teen dating violence, and retaliation and comply with this policy.

Students are expected to hold their peers and other students to the standards established by this policy and are encouraged to bring violations to the attention of a teacher, counselor or administrator. These reports may be made anonymously.

Students who violate this rule are subject to discipline, suspension or expulsion following the rules established in the Student Rights and Responsibilities Handbook.

Training

The district shall 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, hazing and cyberbullying. 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, bullying, hazing, cyberbullying, teen dating violence and domestic violence. This policy and implementing regulations will be reviewed annually, in the fall, with each building and department staff.

Reporting and Complaint Procedures

A student, parent or guardian of a student, or a volunteer who believes that the student is the recipient of harassment, intimidation, bullying, cyberbullying, hazing or teen dating violence is encouraged to report the incident to the administrator or assistant administrator, teacher, counselor or other staff member. Information may be presented anonymously.

Teachers and other staff who observe students engaging in acts in violation of this policy are responsible for taking action to deal with the behavior. Every school employee is responsible for reporting suspected violations of this policy to the school administrator.

Complaints about the school administrator may be reported to the superintendent's office. Complaints about the superintendent shall be reported to the chair of the board of directors.

Upon a report, or knowledge of, an incident, the school administrator or designee shall assess the allegation and conduct an appropriate investigation. The administrator or designee shall promptly take interim action deemed necessary to maintain a safe learning environment. The principal or person assigned shall work with the complainant and other parties to resolve the issue, which may include corrective and remedial measures designed to prevent the recurrence of the behavior. Parents will be notified of the outcome of the investigation and, as appropriate, that remedial action has been taken.

Students, parents and guardians are encouraged to attempt to resolve concerns through discussions with school staff at the school level. If the student or his or her parent or guardian are unable to resolve the complaint after working with school staff, they may request a district-level review by filing a complaint with the superintendent's office, using the district complaint form available on the district website, in school offices and from the superintendent's office.

Tracking

District administration shall track major incidents of conduct violating this policy, and will report the information annually to the board.

Publicizing this Policy

This policy shall be publicized within the district by making the policy annually available to parents, guardians, school employees and students in the student handbook, and readily available to parents, guardians, school employees, volunteers, students, school administrators and community representatives at each school office, the school district office and the district website.

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.

The superintendent is responsible for developing appropriate administrative rules, procedures or guidelines for implementation of this policy, as needed.

END OF POLICY

Legal Reference(s):

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| ORS 163.190 | ORS 332.107 | OAR 581-021-0045 |
| ORS 166.065 | ORS 339.240 | OAR 581-021-0046 |
| ORS 166.155 to -166.165 | ORS 339.250 | OAR 581-021-0055 |
| ORS 174.100(7) | ORS 339.254 | OAR 581-022-2310 |
| ORS 332.072 | ORS 339.351 to -339.366 | |

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

Cross Reference(s):

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