

Estacada School District #108 Policy

Code: **JFCF**
Adopted: 1/11/02
Revised: 7/14/10

Hazing/Harassment/Intimidation/Bullying/Menacing -Student

The Board is committed to providing a positive and productive learning environment. Hazing, harassment, intimidation, menacing, bullying, or acts of cyberbullying by students, are 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 also strictly prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Students who have engaged in behavior prohibited by this policy will be subject to remedial action and discipline which may include referral for counseling, loss of privileges and other 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, willful damage or injury to district property or for the use of threats, bullying, intimidation, harassment or coercion.

Individuals may also be referred to law enforcement officials.

The principal and the superintendent are 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 of the district.

“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; 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 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;
3. Creating a hostile educational environment including interfering with the psychological well being of the student.

“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” is 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 harass or stalk another.

“Retaliation” means hazing, harassment, intimidation, menacing or bullying and 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 or bullying 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.

Bullying is a form of victimization and is not necessarily a result of or part of an ongoing conflict. It includes aggressive or hostile behavior that is intentional and involves an imbalance of power between the bully and the bullied. Bullying also includes, but is not limited to, physical or verbal assaults, nonverbal or emotional threats or intimidation, social exclusion and isolation, extortion, and the use of a computer or tele-communications to send embarrassing, slanderous, threatening or intimidating messages.

Reporting

The Principal or Counselor shall investigate unresolved written complaints. If the situation remains unresolved, the issue will be directed to the Director of Special Services (DSS)¹, who will take written reports and conduct a prompt investigation of any report of an act of harassment, intimidation 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 DSS 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 or bullied and acts of being cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to the DSS who has 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 district official.

¹Required by state law House Bill 2599 (HB 2599). All other bracketed language exceeds the requirements of HB 2599 and is under Board authority ORS 332.107.

Complaints against the 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 administrative regulations and/or district complaint procedures.

The district 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 or 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 district's Web site, and school and district office, and the development of administrative regulations, including reporting and investigative procedures. Complaint procedures, as established by the district, shall be followed.

END OF POLICY

Legal Reference(s):

[163.190](#)
[166.065](#)
[166.155 - 166.165](#)
[332.072](#)
[332.107](#)
[339.240](#)
[339.250](#)
[339.254](#)
[339.260](#)
[339.351 - 339.364](#)
[581-021-0045](#)
[581-021-0046](#)
[581-021-0055](#)
[581-022-1140](#)

HB 2599 (2009)

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

The superintendent is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure annual notice of this policy is provided to students, staff and third parties.

END OF POLICY
