

Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student **

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 compliance with applicable Oregon law. Hazing, harassment, intimidation or bullying, menacing, and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited in the ESD. Teen dating violence is unacceptable behavior and prohibited. Each student has the right to a safe learning environment.

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 prohibited. A person who engages in retaliation behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate 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.

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.

Individuals may also be referred to law enforcement officials. Licensed staff will be reported to Teacher Standards and Practices Commission, if required by Oregon Administrative Rules (OAR) 584-020-0041.

ESD administrators and the Superintendent are responsible for ensuring this policy is implemented.

Definitions

1. “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 jurisdiction of the ESD.
2. “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.

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 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; 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 behavior.
4. “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:
 - a) Physically harming a student or damaging a student’s property;
 - b) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
 - c) Creating a hostile educational environment including interfering with the psychological well-being of the student.
5. “Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status source of income, or disability.
6. “Teen dating violence” means:
 - a) 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
 - b) 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.
7. “Domestic violence” means abuse between family and/or household members, as those terms are described in ORS 107.705.
8. “Cyberbullying” means the use of any electronic communication device to harass, intimidate, or bully.
9. “Retaliation” means any acts of, including but not limited to, hazing, harassment, intimidation or bullying, menacing, or acts of cyberbullying toward the victim, a person in response to an actual or

apparent reporting of, or participation in the investigation of, hazing, harassment, intimidation or bullying, menacing, acts of cyberbullying, teen dating violence, or retaliation.

10. “Menacing” includes any act intended to place an ESD employee, student, or third party in fear of imminent serious physical injury.

Reporting

ESD administrators or the Superintendent will take reports and conduct a prompt investigation of any reported acts of hazing, harassment, intimidation or bullying, menacing, cyberbullying, or teen dating violence. Any employee who has knowledge of conduct in violation of this policy shall immediately report concerns to the program administrator who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on ESD property, at an ESD-sponsored activity, or in a vehicle used for ESD-provided transportation shall immediately report the incident to an ESD administrator or the Superintendent. Failure of an employee to report an act of hazing, harassment, intimidation or bullying, menacing, cyberbullying, or teen dating violence to an ESD administrator or the Superintendent 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 they have been subjected to an act of hazing, harassment, intimidation or bullying, menacing, or cyberbullying or feels they have been a victim of teen dating violence in violation of this policy, is encouraged to immediately report concerns to an ESD administrator or Superintendent who have overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report concerns to the program administrator or the Superintendent. A report from 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 ESD official.

Reports against an ESD administrator shall be filed with the Superintendent. Reports against the Superintendent shall be filed with the Board Chair.

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

Notification to Parents or Guardians

The supervising ESD administrator shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the ESD administrator reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bully, or cyberbullying requests that notification not be provided to the student’s parents or guardians.
2. The supervising ESD administrator determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The supervising ESD administrator informs the student that federal law may require the student’s parents and guardians to have access to the student’s education record.

If the supervising ESD administrator determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or
2. Promptly, for acts that caused physical harm to the student.

Training and Education

The ESD 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 ESD 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 ESD 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 policy.

Notice

The Superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or staff handbook, ESD website, and school and ESD office and the development of administrative regulations, including reporting and investigative procedures.

Domestic violence posters provided by the Oregon Department of Education (ODE) shall be posted in clearly visible locations in all ESD facilities in accordance with rules adopted by ODE.

END OF POLICY

Legal Reference(s):

[ORS 163.190]
[ORS 163.197]
ORS 166.065
ORS 166.155 - 166.165
ORS 107.705

ORS 174.100(7)
ORS 334.125
ORS 339.240
ORS 339.250
ORS 339.351 - 339.368

OAR 581-021-0045
OAR 581-021-0046
OAR 581-021-0055
OAR 581-022-2310

OAR 581-022-2370

House Bill 2631 (2021)

House Bill 3041 (2021)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).