

**Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Domestic
Violence/Teen Dating Violence Complaint Procedures – Staff/Students**

For the purpose of this policy the following definitions apply:

1. “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.
2. “ESD” includes ESD facilities, ESD premises and non-ESD property if the employee is at or traveling to any ESD-sponsored, ESD-approved or ESD-related activity or function, such as field trips, athletic events or where the employee is engaged in ESD business.
3. “Hazing” includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any ESD-sponsored activity, work group or work assignment (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 staff member); 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.
4. “Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, sex or sexual orientation.
5. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin, or sexual orientation.
6. “Cyberbullying” means the use of any electronic communication device to convey a message in any form (text, image, audio or video) that intimidates, harasses, bullies 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.
7. “Menacing” includes, but is not limited to, any act intended to place an ESD employee or third party in fear of imminent serious physical injury.

8. “Domestic Violence” means abuse as defined by Oregon Revised Statute (ORS) 107.705 between family and household members, as those terms are described in ORS 107.705.
9. “Teen Dating Violence” means 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 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.

The following procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, bullying, menacing, cyberbullying, domestic violence and teen dating violence.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Complaint Procedures

Designated ESD administrators and the Superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying, menacing, teen dating violence or acts of cyberbullying. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Any student, employee or third party who has knowledge of conduct in violation of Board policy or feels he/she has been a victim of hazing, harassment, intimidation, bullying, menacing, cyberbullying, or teen dating violence in violation of Board policy or this administrative regulation is encouraged to immediately report his/her concerns to the ESD designated administrator.

Any ESD employee or third party who has knowledge of conduct in violation of any ESD school student hazing, harassment, intimidation, bullying, menacing or the acts of cyberbullying policy shall immediately report his or her concerns to the ESD designated administrator.

Complaints of suspected domestic violence will be reported to the appropriate agencies.

All other complaints will be promptly investigated in accordance with the following procedures:

- Step I Any hazing, harassment, intimidation, bullying, menacing, cyberbullying, or teen dating violence information (complaints, rumors, etc.) shall be presented to the designated ESD administrator or Superintendent. Complaints against the ESD Administrator shall be filed with the Superintendent. Information may be presented anonymously. Complaints against the Superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step II The ESD official receiving the complaint shall promptly investigate. Parents will be notified of the nature of any complaint involving their student. The ESD official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The ESD official(s) conducting the investigation shall notify the complainant in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the Superintendent.

Step III If the complainant deems it desirable to carry the complaint beyond the decision reached by the ESD official, or the remedy is not carried out, he/she may, within five working days of that decision, or from the first opportunity to demonstrate the remedy, file a signed, written complaint with the Superintendent clearly stating the nature of the complaint and a suggested remedy.

The Superintendent shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of his/her findings and his/her conclusion within ten working days after receiving the written complaint.

Step IV If the complainant deems it desirable to carry the complaint beyond the decision reached by the Superintendent or his/her designee, or the remedy is not carried out, he/she may within five working days of receiving the decision, or the first opportunity to demonstrate the remedy, request an appeal to the Board to be heard within 30 working days at a scheduled meeting. A final determination shall be made no later than 30 working days from the appeal hearing.

The Board may hold the hearing in executive session in accordance with law.

The decision of the Board will be final, except for possible appeal to appropriate courts or state agencies, such as Oregon Department of Education, Office of Civil Rights, as provided by law.

Time

The number of days given at each level shall be regarded as a maximum and every effort will be made to expedite the process. The time limits stated may be extended by mutual agreement of the complainant and the administration.

Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file. Additionally, a copy of all hazing, harassment, intimidation, bullying, menacing, cyberbullying or teen dating violence complaints and documentation will be maintained as a confidential file in the ESD office.

Meetings and Decisions

At each of the levels the complainant shall be given the opportunity to be present and to be heard. All decisions at each level shall be in writing and include supporting rationale with the exception of the initial informal contact. Copies of all decisions and recommendations shall be furnished promptly to all parties of interest.