

**Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying/Domestic
Violence/Teen Dating Violence - Students**

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. 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 also strictly prohibited. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. The ESD administrator/principal and the Superintendent are responsible for ensuring this policy is implemented.

Definitions

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 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.
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., 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. 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 school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has 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;
 - c. Creating a hostile educational environment.

5. “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, sexual orientation, physical characteristic, cultural background, socioeconomic status or geographic location.
“Intimidation” also 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.
5. “Menacing” includes, but is not limited to, any act intended to place a student or third party in fear of imminent serious physical injury.
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. “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.
8. “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.

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.

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, 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.

The Superintendent will establish a process of reporting for students experiencing or observing acts of harassment. There will be no retaliation by the ESD against any person who, in good faith, reports harassment.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 334.125\(7\)](#)
[ORS 339.240](#)

[ORS 339.250](#)
[ORS 339.254](#)
[ORS 339.260](#)
[ORS 339.351 - 339.364](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)
[OAR 581-021-0055](#)
[OAR 581-022-1140](#)
[OAR 581-024-0240](#)

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

Cross Reference(s):

GBN/JBA - Sexual Harassment