

# Spray School District 1

Code: JFCF  
Adopted: Unknown  
Revised/Readopted: 5/11/20  
Orig. Code(s): JFCF

## **[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 in compliance with applicable Oregon law.

### **[Hazing,] [h]arassment**

Harassment, intimidation or bullying, menacing, and acts of cyberbullying by students, staff, or third parties toward students is strictly prohibited in the district. 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 also strictly prohibited. A person who engages in retaliatory 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 disciplinary action or other appropriate remedial action, sanctions.

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.

The superintendent is 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 jurisdiction/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 interdistrict and intradistrict athletic competitions or other school events.

["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; 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 hazing.]

"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, and having the effect of:

Physically harming a student or damaging 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 the student.

"Protected class" means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity<sup>1</sup>, national origin, marital status, familial status, source of income, or disability.

"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.

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<sup>1</sup> "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 behaviors differs from that traditionally associated with the individual's sex at birth.

“Domestic violence” means abuse by one or more of the following acts between family and/or household members, as those terms are described in ORS 107.705.<sup>2</sup>:

1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury;
2. Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;
3. Causing another to engage in involuntary sexual relations by force or threat of force.

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

“Retaliation” means any acts of, including but not limited to, [hazing,] harassment, intimidation or bullying, [menacing,], or , teen dating violence and acts of cyberbullying toward the victim, a person in response to an actual or apparent a student for actually or apparently reporting of, or participationparticipating in the investigation of, [hazing,] harassment, intimidation or bullying, [menacing,], teen dating violence, and acts of cyberbullying, or retaliation.

[“Menacing” includes, any act intended to place a district employee, student, or third party in fear of imminent serious physical injury.]

## Reporting

The superintendent will take reports and conduct a prompt investigation of any reported actsreport of [hazing,]an act of 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 superintendent who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on district property, at a district-sponsored activity, or in a vehicle used for district-provided transportation shall immediately report the incident to the superintendent. Failure of an employee to report anyan act of [hazing,] harassment, intimidation or, bullying, [menacing,], cyberbullying, or, teen dating violence, or cyberbullying to 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 havehe/she has been subjected to an act of [hazing,] harassment, intimidation or bullying, [menacing,] or cyberbullying or feel they haveharassed, intimidated, bullied, been a victim of teen dating violence, or cyberbullied in violation of this policy, is encouraged to immediately report their concerns to the superintendent who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report their concerns to the superintendent . A report made byfrom a

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<sup>2</sup>“Family or household members” means any of the following:

1. Spouses;
2. Former spouses;
3. Adult persons related by blood, marriage or adoption;
4. Persons who are cohabiting or who have cohabited with each other;
5. Persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition under Oregon Revised Statute 107.710;
- 6.1. Unmarried parents of a child.

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 district official.

Reports against the principal 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] [district complaint procedures]. (Note: recommend "administrative regulations" since the district has the AR)

### **Notification to Parents or Guardians**

The [employee position title] 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 [employee position title] 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, bullying, or cyberbullying requests that notification not be provided to the student's parents or guardians.
2. The [employee position title] 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 [employee position title] informs the student that federal law may require the student's parents and guardians to have access to the student's education record, including any requests of nondisclosure (from item 1 above).

If the [employee position title] 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 district 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 district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in ~~grades~~ grade 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 ~~or~~, bullying, teen dating violence, domestic violence, and ~~acts of~~ cyberbullying and this policy.

### Notice

The superintendent shall be responsible for ensuring annual notice of this policy is provided in a student or staff handbook, school and ~~district~~ district website, and school and district 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 on school campuses in accordance with rules adopted by ODE.

END OF POLICY

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### Legal Reference(s):

<u>[ORS 163.190]</u>	<u>ORS 332.072</u>	<u>OAR 581-021-0046</u>
<u>[ORS 163.197]</u>	<u>ORS 332.107</u>	<u>OAR 581-021-0055</u>
<u>ORS 107.705</u>	<u>ORS 339.240</u>	<u>OAR 581-022-2310</u>
<u>ORS 166.065</u>	<u>ORS 339.250</u>	<u>OAR 581-022-2370</u>
<u>ORS 166.155 - 166.165</u>	<u>ORS 339.351 - 339.368</u>	House Bill 2631 (2021)
<u>ORS 174.100</u>	<u>OAR 581-021-0045</u>	House Bill 3041 (2021)

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

### Cross Reference(s):

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