

**Eola Hills Charter School
Board Adopted Policies**

Code: JFCF
Adopted: 10/2019

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

The Board, in its commitment to providing a positive and productive, trauma sensitive learning environment will consult with parents/guardians, employees, students, administrators and community representatives in developing this policy in compliance with applicable Oregon Revised Statutes. Hazing, harassment, intimidation or bullying, menacing and acts of cyberbullying by students, staff and third parties toward students is strictly prohibited. Teen dating violence is an unacceptable behavior and is also 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 whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. The school 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 school property or for the use of threats, intimidation, harassment or coercion. Students may also be referred to law enforcement officials.

The school administration team is responsible for ensuring that this policy is implemented.

Definitions

“School” includes school facilities, school premises and non-school property if the student is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the control of the school.

“Third parties” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in school business, such as employees of businesses or organizations participating in cooperative work programs with the school and others not directly subject to school control at inter-school and intra-school 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 school-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

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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, 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 and may be based on, but not limited to, the protected class of the person.

“Protected class” means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation¹, 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.

“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.

“Cyberbullying” is the use of any electronic communication device to harass, intimidate or bully. Students and staff will refrain from using personal communication devices or school property or equipment to violate this policy.

“Retaliation” means hazing, harassment, intimidation or bullying, menacing, teen dating violence 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 or bullying, menacing, teen dating violence and acts of cyberbullying or retaliation.

¹“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.

“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.

Reporting

Eola Hills Charter School employees will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation or bullying, menacing, and acts of cyberbullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to a member of the Administration Team who has overall responsibility for all investigations. Any employee who has knowledge of incidents of teen dating violence that took place on school property, at a school-sponsored activity or in a school vehicle or vehicle used for transporting students to a school activity shall immediately report the incident to a member of the Administration Team. Failure of an employee to report an act of hazing, harassment, intimidation or bullying, menacing or an act of cyberbullying to a member of the Administration Team 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 he/she has been, hazed, harassed, intimidated or bullied, menaced, a victim of teen dating violence and acts of being cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to a member of the Administration Team who has overall responsibility for all investigations. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report his/her concerns to the Administration Team who has overall responsibility for all investigations.

This report 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.

Complaints against the principal shall be filed with the School Board.

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 Administration Team review the actions taken in the initial investigation, in accordance with administrative regulations and the district complaint procedures.

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.

The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grade 7 through 12.

²Required 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.

The school 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 and domestic violence and acts of cyberbullying.

The Administration Team shall be responsible for ensuring annual notice of this policy is provided in a student or employee handbook, school's website, and school office. As well as the development of administrative regulations, including reporting and investigative procedures, complaint procedures, as established by the school, shall be followed.

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 the ODE.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)
[ORS 166.155](#) to -166.165
[ORS 174.100\(7\)](#)
[ORS 332.072](#)

[ORS 332.107](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.254](#)
[ORS 339.351](#) to -339.366

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

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