

	<p>Administrative Directive</p> <p><b>Harassment, Intimidation, Bullying, and Cyberbullying Procedures and Prevention – Students</b></p>	<p>4.30.062-AD</p>
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In accordance with Board Policy [1.80.020-P](#) Non-Discrimination/Anti-Harassment this directive establishes procedures for the education, intervention, and where appropriate, consequences for acts of harassment, bullying, intimidation, and cyberbullying.

This directive applies to student behavior on District property, at or during school-sponsored athletics or other school-sponsored activity, on school-provided transportation, at any official school bus stop, and in all instances that student discipline applies as provided in the Student Conduct and Discipline [4.30.011-AD](#), including when student behavior disrupts the school environment.

## I. Definitions

- A. “Harassment” means all forms of harassment, intimidation or bullying, and acts of cyberbullying.
  1. Harassment, intimidation, or bullying of students is an act that substantially interferes with a student’s educational benefits, opportunities or performance or has 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 a student and may be based on, but not limited to, the protected class status of a person. The District will look at the totality of the circumstances in which the behavior occurs to determine whether a hostile environment exists.
  2. Bullying means any physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students, and meets all of the following criteria:
    - a. an observed or perceived imbalance of power exists between the person(s) engaging in the bullying behavior(s) and the targeted student(s).
    - b. The behaviors are severe or pervasive (repeated over time), or there is a high likelihood that behaviors will be repeated. While bullying is often characterized by repeated acts, sometimes a single incident constitutes bullying depending on the severity and if other elements of bullying are present.
    - c. The intent of the person(s) engaging in the behavior is to cause physical or emotional harm to the targeted student(s).
    - d. The behavior has or can be reasonably predicted to have one

or more of the following effects:

- i. placing the student in reasonable fear of harm to the student's person or property,
- ii. causing a substantially detrimental effect on the student's physical or mental health,
- iii. substantially interfering with the student's academic performance, or
- iv. substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

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

- B. "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. This includes LGBTQ2SIA+, a term that encompasses multiple gender identities and sexual orientations such as Lesbian, Gay, Bisexual, Transgender, Queer, Two-Spirit, Intersex, and Asexual. The plus sign "+" recognizes that there are myriad ways to describe gender identities and sexual orientations. Please refer to 4.30.061-AD Transgender, Nonbinary and Gender Diverse Students.
- C. "Bias-based Behavior" is any physical, verbal, nonverbal, or other act or conduct, including communications made in writing or electronically, directed toward a member or perceived member of a protected category within the school community that is of a discriminatory or harmful nature.
- D. "Retaliation" means experiencing an adverse impact after making, reporting, or supporting a claim of harassment if the impact might deter a reasonable person from making such a claim.
- E. "Hostile Environment" conduct or behavior that is sufficiently serious that it interferes with, limits, or denies a person the ability to participate in or benefit from a program, education, or environment.

## **II. Harassment, Bullying, Cyberbullying Allegation Procedures**

- Bias-based behavior and other acts of harassment, bullying or other acts made against persons within a protected class constitute Civil Rights violations and shall be handled by the Civil Rights Department in coordination with building administration. Procedures for investigating sexual harassment, sexual violence, and teen dating violence can be found under [4.30.063-AD Title IX Student to Student Sex-Based Discrimination and Harassment](#)
- . Procedures for investigating Bias incidents can be found at [4.30.071-AD Anti-Racist & Anti-Oppression Learning Communities Bias Incident Complaint Procedure](#)

. All other incidents of harassment, bullying, cyberbullying will be addressed as follows:

- A. If a student is the alleged perpetrator of harassment, bullying, intimidation, or cyberbullying, the following procedures shall apply:
1. Staff shall report the behavior to the school administrator or designee responsible for investigating claims of student harassment.
  2. Upon a report, or knowledge of, an alleged incident of harassment or retaliation, the administrator or designee shall assure it is promptly investigated. Parents/guardians of all students involved will be notified of the nature of any complaint involving their student.
  3. Notification is not required if the school official reasonably believes notification could endanger the student who was subjected to an act of harassment, bullying or cyberbullying if all of the following occur:
    - a. The student requests that notification not be provided to the student's parents or guardians;
    - b. The school official determines that notification is not in the best interest of the student; and
    - c. The school official informs the student that federal law may require the student's parents or guardians to have access to the student's education record.
  4. 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 and the findings will be relayed to the complainant and parents, as appropriate, in writing.
  5. A student may report harassment anonymously; however, corroborating evidence is required for any disciplinary action or other consequences.
  6. Complainants not satisfied with the decision at the school level may make a written appeal to the Office of School Performance (OSP) within 10 days of the decision. OSP will provide a written decision to the complainant within 10 working days of the hearing. This will be a final decision by the District.
  7. Students who are found in violation of this policy are subject to disciplinary action ranging from a Level One conference to a Level Four expulsion/delayed expulsion/reassignment or referral. Disciplinary action depends on the number of occurrences and the severity of the offense and as provided in the *Student Responsibilities, Rights and Discipline Handbook*.

### **III. Confidentiality and Safety**

A. All complaints shall be handled so that the identity of the Complainant and any information obtained as part of the investigation shall be kept confidential to the extent that confidentiality is compatible with a thorough investigation of the complaint, and is permitted under the law.

B. Safety of the Complainant: The administrator or designee shall work in conjunction to assess and offer options for the student's safety, as well as other

services or options for support as appropriate to the particular circumstances.

C. Confidentiality of student records: Any disciplinary action taken against a student shall be kept confidential to comply with federal requirements for confidentiality of student records.

#### **IV. Education and Professional Development**

A. The District will offer professional development to provide developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them.

B. The District will incorporate developmentally appropriate social emotional instruction into the school curriculum, including lessons on anti-bullying, harassment, and intimidation through the core counseling curriculum.

#### **V. Notice**

A. Information about this procedure shall also be included annually in the *Student Responsibilities, Rights and Discipline Handbook*, readily available from the District office, and posted on the District website.

B. School-Wide Student Notification: Students shall be informed of the definition of, consequences for, and obligation to, report harassment and retaliation. This can be accomplished in the form of class discussion or activity.

ORS 339.356; ORS 339.351; ORS 342.704

Policy Implemented: 1.80.020-P;

OSBA: JBA/GBN-AR

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