

District Staff

Dealing with

Harassment, Intimidation, Menacing, Bullying, Cyberbullying, & Retaliation

*District procedures, reporting and
complaint processes, forms, & guides*

Introduction

To be their best and meet new challenges, students need to experience school as a positive and welcoming environment.

Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and Retaliation have no place in the Junction City School District, nor in any school. When this behavior occurs, we will deal with it seriously.

Our School Board policies expressly denounce and prohibit Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and Retaliation, and we are continually working on school-wide and District-wide programs to improve student conduct and to make our schools conducive to learning.

This guide is intended for District administrators, staff, parents, and students who need information on investigating, filing, pursuing, or resolving a complaint or incident of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, or Retaliation.

Instructions for communicating the Harassment, Intimidation, Menacing, Bullying, Cyberbullying, & Retaliation prevention process

1. Principals will share this information with staff each year.
2. Staff will share this information with students each year.
3. Staff will share this information with parents each year.
4. Principals will document the method used to communicate with staff, students, and parents.
5. ALL incidents involving Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and Retaliation must be reported electronically in SWIS. The SWIS reports are used to make decisions regarding individual incidents as well as to make modifications to school-wide behavior programs.
6. Principals will report to the District annually on their efforts to prevent and respond to Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and Retaliation.

Step-by-step process

Report Form (to be completed by parents, students, etc.)

1. If you observe or have experienced an incident of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, or Retaliation, you should contact the school principal or other staff member to report it. State that you would like to report an incident of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, or Retaliation. You will be asked to complete a report form.
2. Complete the report form with as much detail as possible and submit it to the principal (or person assigned by the principal) and answer any questions they have.
3. Work with the principal (or person assigned by the principal or Superintendent) to resolve the issue. This might include talking with a teacher and discussing what may happen in response to the reported incident. The district's goal in resolving the issue is to 1) protect and support the person who feels they've been a target of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, or Retaliation, 2) assign a consequence if necessary, and 3) teach the parties skills that help make school safe and welcoming.
4. If you feel like you have been unable to resolve the issue working with the school principal and/or school staff, you may file an appeal by completing a district complaint form. There is a single complaint form for use by anyone. It is available from school offices, from the Superintendent's office at 325 Maple Street (541-998-6311), and is posted on-line under the Parent/Student Resource page on each school's and the District's front page. The form allows you to describe what happened and the proposed or desired remedy. Fill out the form completely and return it to the Superintendent's office.
5. The Superintendent's office will direct the complaint to the District's Special Projects Assistant. The Superintendent's office will send you a written acknowledgement, postmarked within 10 working days of receiving the complaint. The acknowledgement will tell the date the Superintendent received the complaint, and will tell you who has been assigned to handle the complaint.
6. The District will initiate an investigation of the complaint. The investigation will include interviews of the complainant and the individual(s) alleged to have acted improperly. The District office will ensure that parents are informed if their student is involved in the complaint.

The Special Projects Assistant may designate an individual to investigate the complaint, determine the facts, and recommend possible ways of resolving the complaint. In that case, the Special Projects Assistant will review the findings and recommendations of the investigator. A written decision will be sent to the complainant, postmarked within 20 working days of the date the Superintendent's office received the complaint.

7. A parent, student, or other involved party who is not satisfied with how the complaint was resolved by the Special Projects Assistant may appeal to the Superintendent. The complainant may file an appeal with the Superintendent within 10 working days after receiving a decision from the Special Projects Assistant.

The Superintendent or designee will hear the complaint within 10 working days of receiving the appeal. The Superintendent's decision will be based on the written appeal and the record of the investigation.

The written appeal to the Superintendent shall include the following:

- a. A detailed description of the grounds for the appeal, including the reasons for rejecting the response given by the Special Projects Assistant.
 - b. Name of the complainant's representative, (e.g. parent or guardian), if any.
 - c. The date the formal complaint was filed.
 - d. Copies of supporting documents NOT included in the original complaint.
8. If the Superintendent appoints a hearings officer to hear the appeal, the Superintendent shall forward the appeal and all relevant materials to the hearings officer within 10 working days of receiving the appeal. The hearings officer will schedule a hearing within 20 working days of receiving the appeal. The appeal hearing will be closed to the public. The confidentiality of students, student records, employees, and employee records, will be maintained to the extent required by federal and state law. The decision of the hearings officer will be in writing and be made part of the record. His or her decision shall be supported by findings of fact and conclusions, and will be binding on all parties. The hearings officer may affirm, modify, or reverse the decision made by the District administrator, including providing a different remedy for the complainant, and/or directing corrective actions to prevent future recurrence of any discrimination or harassment.

RESPONSIBILITIES OF STAFF: teachers and classified staff

1. If you observe an incident of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, or Retaliation, stop it and provide correction (if appropriate). Make sure any victims of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and/or Retaliation are safe and as comfortable as possible.
2. Report the incident promptly to your principal or supervisor.
3. Assist the principal or supervisor by completing a report form.
4. Cooperate with the principal or others designated to investigate the incident.
5. For teachers, create a plan for any students involved that will teach that Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and/or Retaliation is unacceptable. Make a plan to reintegrate the involved students in a healthy classroom atmosphere.
6. Be sensitive to any later incidents of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and/or Retaliation, especially retaliation. Look for patterns. Maintain ongoing communication with principal and parents.

RESPONSIBILITIES OF STAFF: principal, responsible administrator, or designee

1. If you observe an incident of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, or Retaliation, stop it and provide correction.
2. Make sure the incident is entered into SWIS promptly and accurately. **THIS IS REQUIRED.** If you did not observe the incident, make sure to talk to the involved parties. If you are not sure about whether the incident qualifies as Harassment, Intimidation, Menacing, Bullying, Cyberbullying, or Retaliation, read and fill out the form “Guidelines for Assessing and Reporting Incidents of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and Retaliation”. This form is available in this booklet.
3. If the incident is particularly unusual or egregious, contact the office of the Superintendent and/or Special Projects Assistant (541-998-6311) to brief them by phone.
4. The same day as the incident, contact the parents or guardians of any students involved. Inform them of the incident and the Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and Retaliation process. Answer any questions they have.
5. If necessary, investigate the incident further. Talk to all involved parties. Take legible notes and save them.
6. Develop and implement any medium- or long-term corrective plans for the involved parties; again, take notes and retain them.
7. If there is an appeal and a formal complaint is filed, you will need to provide information as necessary to the Special Projects Assistant, the Superintendent or designee, or the hearings officer.

RESPONSIBILITIES OF STAFF: District administrator

1. If you hear about an incident of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, or Retaliation, make sure the principal has the information and help necessary to promptly report the incident and resolve it at the building level, if possible.
2. If a formal complaint is filed, the Superintendent's office will notify the Special Projects Assistant. There is a single complaint form for use by anyone, available from school offices and from the Superintendent's office, 325 Maple Street (541-998-6311). The form allows a complainant to describe the basis of the alleged misconduct and the proposed or desired remedy. Review the complaint, and note that you must send the complainant a written decision postmarked within 20 working days after the complaint is received by the Superintendent's office.
3. The Special Projects Assistant will initiate a District investigation of the complaint. The investigation will include interviews of the complainant and the individual(s) alleged to have acted improperly. Parents will be informed if their student is involved in the complaint.

The Special Projects Assistant may designate an individual to investigate the complaint, determine the facts, and recommend possible ways of resolving the complaint. In that case, the Special Projects Assistant will review the findings and recommendations of the investigator. A written decision will be sent to the complainant, postmarked within 20 working days of the date the Superintendent's office received the complaint.

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JUNCTION CITY SCHOOL DISTRICT

POLICY: HARASSMENT / INTIMIDATION / MENACING / BULLYING / CYBERBULLYING - STUDENT **CODE: JFCF**

- 1 The Board is committed to providing a positive and productive learning environment. Harassment, intimidation, menacing, bullying, and acts of cyberbullying by students is strictly 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.
- 2 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 or employee, 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.
- 3 Building principals and the superintendent are responsible for ensuring that this policy is implemented.
- 4 Definitions
 - 4.1 “District” includes District facilities, District premises, and non-District 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 control of the District.
 - 4.2 “Harassment, intimidation, or bullying” means any act that substantially interferes with a student’s educational beliefs, 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:
 - 4.2.1 Physically harming a student or damaging a student’s property;
 - 4.2.2 Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
 - 4.2.3 Creating a hostile educational environment including interfering with the psychological well being of the student.
 - 4.3 “Protected class” means a group of persons distinguished, or perceived to be distinguished, by age, race, color, religion, sex, sexual orientation, national origin, marital status, familial status, source of income, or disability.
 - 4.4 “Cyberbullying” is the use of any electronic communication device to convey a message in any form (text, image, audio, or video) that defames, intimidates, harasses, 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. In addition, any communication of this form which substantially disrupts or prevents a safe and positive educational or working environment may also be considered cyberbullying. Students will refrain from using personal communication devices or District equipment to harass or stalk another.
 - 4.5 “Retaliation” means harassment, intimidation, menacing, or bullying and acts of cyberbullying toward a person in response to a student for actually or apparently reporting or participating in the investigation of harassment, intimidation, menacing, or bullying and acts of cyberbullying or retaliation.

4.6 “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.

5 Reporting

5.1 Building principals will take reports and conduct a prompt investigation of any report of an act of harassment, intimidation, menacing, or bullying and acts of cyberbullying. Any employee who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to either the District Special Projects Director or Superintendent who has overall responsibility for all investigations. Any student who has knowledge of conduct in violation of this policy or feels he/she has been harassed, intimidated, menaced, or bullied and acts of being cyberbullied in violation of this policy shall immediately report his/her concerns to the building principal or the District Special Projects Director who has overall responsibility for all investigations. This report may be made anonymously. A student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate District official.

5.2 Complaints against the building principal shall be filed with the Superintendent. Complaints against the superintendent shall be filed with the Board chair.

5.3 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 District Special Projects Director review the actions taken in the initial investigation, in accordance with administrative regulations.

6 The District shall incorporate into existing training programs for students and staff information related to the prevention of, and the appropriate response to, acts of harassment, intimidation, or bullying and acts of cyberbullying.

7 The Superintendent shall be responsible for: ensuring annual notice of this policy is provided in a student or employee handbook, school and District’s website, and school and District office. Complaint procedures, as established by the District, shall be followed.

END OF POLICY

| | | | | |
|-------------------|------------------|------------------|------------------|------------------|
| Legal References: | ORS 163.190 | ORS 166.065 | ORS 166.155-165 | ORS 332.072 |
| | ORS 332.107 | ORS 339.240 | ORS 339.250 | ORS 339.254 |
| | ORS 339.260 | ORS 339.351-364 | OAR 581-021-0045 | OAR 581-021-0046 |
| | OAR 581-021-0055 | OAR 581-022-1140 | HB 2599 (2009) | |

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

Adoption: February 22, 2010
September 28, 2009
September 25, 2006
October 28, 2002
June 23, 1997

Assessing and Reporting Incidents of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and Retaliation

DEFINING INCIDENTS

Source: ORS 339.351

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 any school-provided transportation, or at any official bus stop, and that has 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; or 3) creating a hostile educational environment.

Source: Board Policy JFCF

School Board policy prohibits harassment, intimidation, menacing, bullying, acts of cyberbullying, and retaliation, as defined in Board Policy JFCF (attached), against students.

ASSESSING INCIDENTS – Attached is a guide to help assess whether an incident requires documentation as an incident of harassment, intimidation, menacing, bullying, cyberbullying and/or retaliation. Answer “yes” or “no” for each item. Unmarked items call for investigation. After completing the guide, consider the following:

In most cases, any questions marked with an asterisk (*) and answered “yes” can be automatically determined to be harassment, intimidation, menacing, bullying, cyberbullying, or retaliation. These behaviors must be recorded in SWIS.

Any other questions answered “yes” should cause the reviewer to carefully consider the incident, paying particular attention to clues that might indicate the presence of harassment, intimidation, menacing, bullying, cyberbullying, or retaliation. Although there is no “formula” for labeling incidents, the number and pattern of “yes” answers should assist the reviewer in making his/her determination.

If doubt remains, DO report the incident in SWIS as “harassment”, “intimidation”, “menacing”, “bullying”, “cyberbullying”, or “retaliation” to allow for the tracking of further behaviors of concern.

Document the incident regardless of whether it is deemed reportable or not – see next page.

This document is intended to be a guide and should not be interpreted as official or unofficial documentation.

STEPS FOR BUILDING ADMINISTRATORS:

Documenting Incidents of Harassment, Intimidation, Menacing, Bullying, Cyberbullying, and Retaliation

| | |
|---|--|
| <ol style="list-style-type: none"> 1. Document the incident on the Harassment / Bullying Report Form. 2. Conduct a prompt and complete investigation. Document findings and report to complainant and parent. 3. If necessary, assess the incident using the attached <u>Guide for Assessing Incidents</u> – and determine if it needs to be documented as harassment, intimidation, menacing, bullying, cyberbullying, or retaliation. 4. Record findings on the referral. | |
| <p>If determined TO BE harassment, intimidation, menacing, bullying, cyberbullying, or retaliation:</p> | <p>If determined <u>NOT</u> to be harassment, intimidation, menacing, bullying, cyberbullying, or retaliation:</p> |
| <ol style="list-style-type: none"> 5. Take appropriate action that includes teaching and consequences. 6. Document actions taken. 7. Decide whether the behavior was discrimination or harassment (both of which are based on one or more of the characteristics listed in School Board Policy JFCF – see page 1) or intimidation, bullying, or retaliation (when there is no apparent basis). 8. Document the incident and actions in SWIS. | <ol style="list-style-type: none"> 5. Take appropriate action that includes teaching and consequences. 6. Document using agreed upon procedures. |

For allegations of harassment, intimidation, menacing, bullying, cyberbullying, or retaliation that are not substantiated after an investigation:

- Document the investigation
- If using SWIS, do not name the perpetrator or name his/her relationship as “Add Other” rather than “Add Student”. That way the incident will not connect to the student’s records.
- If further investigation does substantiate the incident, revise the SWIS report.

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Guide for Administrators: Assessing Incidents

| SEVERITY | YES | NO |
|--|------------|-----------|
| *Were there implied or overt threats of physical violence, threats of physical acts of aggression or assault, blocking someone's way, grabbing inappropriately, stalking, or insults? | | |
| *Was there direct or indirect reference to disability, race, color, gender, national origin, ethnicity, sexual orientation, age, religion, marital status, socioeconomic status, cultural background, familial status, physical characteristics, or linguistic characteristics of a national origin group? | | |
| Was the conduct unwelcome and/or uninvited? | | |
| Was there damage to another person and/or property? | | |
| Was the alleged harasser in a position of power over the target (e.g. age, size, grade, authority)? | | |
| Were there multiple alleged harassers? | | |
| Would the conduct be considered clearly offensive by some groups? | | |
| *Was the conduct done in an intentionally offensive manner? | | |
| Did the context (tone, body language, etc.) make the conduct more offensive? | | |
| *Was the conduct a response to a previously filed report? | | |

| PERVASIVENESS | YES | NO |
|--|------------|-----------|
| Did the target demonstrate signs of feeling intimidated or fearful? | | |
| Did the conduct affect the target's or others educational benefits, opportunities, or performance? | | |

| PERSISTENCE | YES | NO |
|--|------------|-----------|
| *Did the conduct continue despite the target's or onlookers' articulation of the desire that the conduct cease? | | |
| *Had the alleged perpetrator been instructed about the inappropriateness of the conduct prior to the incident? | | |
| Does the alleged perpetrator have a history of similar conduct? Note: the more severe the harassment, the less need to show a series of incidents. | | |
| Does the target have a history of being harassed/intimidated/bullied? | | |
| Was the incident of significant duration? | | |

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**JUNCTION CITY SCHOOL DISTRICT
REPORT FORM FOR
HARASSMENT / INTIMIDATION / MENACING / BULLYING /
CYBERBULLYING / RETALIATION**

*To be completed by complainant (person making the complaint)
and submitted to building principal*

Name of complainant: _____

Date of complaint: _____

Name of alleged harasser / perpetrator: _____

Date, place, and approximate time of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible): .

Any other information: _____

What action would you like to see taken / how do you propose the matter be resolved? _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.
(Please note that false charges are regarded as a serious offense and may result in disciplinary
action – Board Policy JFCF.)

Signature: _____

Date: _____

**JUNCTION CITY SCHOOL DISTRICT
WITNESS DISCLOSURE FORM RE:
HARASSMENT / INTIMIDATION / MENACING / BULLYING /
CYBERBULLYING / RETALIATION**
(To be completed by witness)

Name of Witness: _____

Date of Testimony/Interview: _____

Description of Incident Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge. *(Please note that false charges are regarded as a serious offense and may result in disciplinary action – Board Policy JFCF.)*

Signature: _____

Date: _____

**JUNCTION CITY SCHOOL DISTRICT
INVESTIGATION REPORT FORM RE:
HARASSMENT / INTIMIDATION / MENACING / BULLYING /
CYBERBULLYING / RETALIATION**
(To be completed by Principal/Supervisor)

Subject of Complaint: _____

Name of Complainant: _____

Date of Incident: _____ Time: _____ AM _____ PM Teacher/Supervisor
If Applicable: _____

Building: _____ Specific Location: _____

List Witnesses (if any): _____

Was the incident reported? Yes No By Whom? _____

To Whom? _____ If 'No', why not? _____

Describe fully (use additional sheet if necessary and attach Harassment / Bullying Report Form), what happened, how, and to whom? _____

What corrective action (discipline) was taken or is planned? _____

Is this consistent with District past practice in discipline for such matters? Yes No

How will similar incidents be prevented in the future? _____

If a student is the victim, has the parent been notified? Yes No When? _____

Name (please print) *Title* *Date*

Principal or Designee Signature *Date*

Date initial report received by District Office: _____
(Within 10 days of Principal's investigation)

**JUNCTION CITY SCHOOL DISTRICT
DISTRICT-LEVEL APPEAL
COMPLAINT FORM**

**COMPLAINT OF HARASSMENT / INTIMIDATION /
MENACING / BULLYING / CYBERBULLYING / RETALIATION**

(SCHOOL BOARD POLICIES GBN/JBA, GBNA, & JFCF)

(To be completed by complainant and returned to the Superintendent's Office)

The District's complaint process states that it is most desirable to resolve a complaint at the school level between the complainant and the person whom he or she believes has violated the District's policies prohibiting harassment, intimidation, menacing, bullying, cyberbullying and/or retaliation.

Has there been an attempt to resolve the incident/complaint at the school level? Yes No

Please explain results and with whom you dealt, or the reason you did not attempt to resolve the incident/complaint at the school level:

(please continue on back of form or attach another page if more space is needed)

Date of complaint: _____

School or department where incident occurred: _____

Name of person reporting: _____

Phone: _____ (work) _____ (home)

Street Address: _____ City: _____ Zip: _____

Reported by: Student Parent Employee Other: _____

Incident location: _____ Incident Date: _____

Reported offender (check one):

Student Other Staff

Teacher Parent

Administrator Other

Reported victim (check one):

Student Other Staff

Teacher Parent

Administrator Other

(over)

