

# JUNCTION CITY SCHOOL DISTRICT

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## **POLICY: HARASSMENT / INTIMIDATION / MENACING / BULLYING / CYBERBULLYING / TEEN DATING VIOLENCE / DOMESTIC VIOLENCE - STUDENT CODE: JFCF**

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- 1 The Board, in its commitment to providing a positive and productive learning environment will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy in compliance with applicable Oregon Revised Statutes. Harassment, intimidation, menacing, 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.
- 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 “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 or intradistrict athletic competitions or other school events.
  - 4.3 “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:
    - 4.3.1 Physically harming a student or damaging a student’s property;
    - 4.3.2 Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
    - 4.3.3 Creating a hostile educational environment including interfering with the psychological well being of the student.

- 4.4 “Protected class” means a group of persons distinguished, or perceived to be distinguished, by age, race, color, religion, sex, sexual orientation<sup>1</sup>, national origin, marital status, familial status, source of income, or disability.
- 4.5 “Teen dating violence” means:
- 4.5.1 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
- 4.5.2 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.
- 4.6 “Domestic violence” means abuse by one or more of the following acts between family and household members<sup>2</sup>:
- 4.6.1 Attempting to cause or intentionally, knowingly or recklessly causing bodily injury;
- 4.6.2 Intentionally, knowingly or recklessly placing another in fear of imminent bodily injury;
- 4.6.3 Causing another to engage in involuntary sexual relations by force or threat of force.
- 4.7 “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 District equipment to violate this policy.
- 4.8 “Retaliation” means harassment, intimidation, menacing, teen dating violence, 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, teen dating violence, or bullying and acts of cyberbullying or retaliation.
- 4.9 “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 building principal, District Special Projects Director or 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 District vehicle or vehicle used for transporting students to a District activity shall immediately report the incident to the building principal, District Special Projects Director, or Superintendent. Failure of an employee to report an act of harassment, intimidation, menacing, or bullying and acts of cyberbullying to the building principal, District Special Projects Director, or Superintendent may be subject to remedial action, up to and including dismissal. Remedial action may not be based solely on an anonymous report.
- 5.2 Any student who has knowledge of conduct in violation of this policy or feels he/she has been harassed, intimidated, menaced, a victim of teen dating violence, or bullied and acts of being

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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.

<sup>2</sup> “Family or household members” [as defined in ORS 107.705]

cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to the building principal, District Special Projects Director, or 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 his/her concerns to the building principal, District Special Projects Director, or Superintendent who has overall responsibility for all investigations.

- 5.3 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.
- 5.4 Complaints against the building principal shall be filed with the Superintendent. Complaints against the superintendent shall be filed with the Board chair.
- 5.5 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 District shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grades 7 through 12.
- 8 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, teen dating violence, domestic violence, or bullying and acts of cyberbullying.
- 9 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.
- 10 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

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Legal References:	ORS 163.190	ORS 166.065	ORS 166.155-165	ORS 174.100(6)
	ORS 332.072	ORS 332.107	ORS 339.240	ORS 339.250
	ORS 339.254	ORS 339.351-364	OAR 581-021-0045	
	OAR 581-021-0046	OAR 581-021-0055	OAR 581-022-1140	
	HB 4077 (2012)	SB 1555 (2012)		

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

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