

Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying Reporting Procedures - Staff

The following definitions and procedures shall be used for reporting, investigating and resolving reports of hazing, harassment, intimidation, bullying, cyberbullying and menacing of staff or third parties.

Definitions

- 1) "Third parties" include, but are not limited to school volunteers, parents, school visitors, service contractors or others engaged in ESD business, such as employees of businesses or organizations participating in cooperative work programs with the ESD and others not directly subject to ESD control at other ESD sponsored programs and activities.
- 2) "ESD" includes ESD facilities, ESD premises and non-ESD property if the employee is at any ESD-sponsored, ESD-approved or ESD-related activity or function, such as field trips or where the employee is engaged in ESD business.
- 3) "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any ESD-sponsored activity, work group or work assignment or other such activities intended to degrade or humiliate regardless of the person's willingness to participate.
- 4) "Harassment" is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age, disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.
- 5) "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin, disability, sexual orientation or gender identity.
- 6) "Bullying" is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
- 7) "Cyberbullying" means the use of any electronic device to convey a message in any form (text, image, audio or video) that intimidates, harasses, or is otherwise intended to harm, insult, or humiliates 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 working environment may also be considered cyberbullying. Staff will refrain from using personal electronic devices or ESD equipment to harass or stalk another person or people.
- 8) "Menacing" includes, but is not limited to, any act intended to place an ESD employee, student or third party in fear of imminent serious physical injury.

Reporting Procedures

Designated ESD administrators and the superintendent have responsibility for investigations concerning hazing, harassment, intimidation, bullying and acts of cyberbullying or menacing of staff or third parties. The investigator(s) shall be a neutral party having had no involvement in the report presented.

Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harassed, intimidated, bullied, cyberbullied or menaced in violation of this policy shall immediately report concerns to the ESD designated administrator.

Any ESD employee or third party who has knowledge of conduct in violation of any ESD school, student, harassment, intimidation or bullying and the acts of cyberbullying policy shall immediately report his or her concerns to the ESD designated administrator.

Complaints will be promptly investigated in accordance with the following procedures:

Step 1 Any hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing information (complaints, rumors, etc.) shall be presented to the ESD administrator or superintendent. Complaints against the ESD administrator shall be filed with the superintendent. Information may be presented anonymously. Complaints against the superintendent shall be filed with the Board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step 2 The ESD official receiving the complaint shall promptly investigate. The ESD official will arrange such meetings as may be necessary with all concerned parties within five working days after receipt of the information or complaint. 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. The ESD official(s) conducting the investigation shall notify the complainant in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

A copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

Step 3 If the complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant's appeal within 10 working days.

Step 4 If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as a part of the employee's personnel file. Additionally, a copy of all hazing, harassment, intimidation, bullying, acts of cyberbullying or menacing complaints and documentation will be maintained as a confidential file in the ESD office.