

MITCH Charter School

Code: JFCF
Adopted: 7/20/23

Harassment, Intimidation, Bullying or Cyberbullying – Student** (Grades K through 5)

The Board, in its commitment to providing a safe, positive, and productive learning environment for all students, will consult with parents/guardians, employees, volunteers, students, administrators, and community representatives in developing this policy compliance with applicable Oregon law.

Harassment, intimidation or bullying, and acts of cyberbullying by students, staff, and third parties toward students is strictly prohibited in the public charter school. Each student has the right to a safe learning environment.

Retaliation against a victim, any person who reports, is thought to have reported, or files a complaint about an act of harassment, intimidation or bullying, or an act of cyberbullying, or otherwise participates in an investigation or inquiry is strictly prohibited. A person who engages in retaliatory behavior will be subject to consequences and appropriate remedial action. False charges shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.

Students whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial actions which may include discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to consequences and appropriate remedial action which may include discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or the Board.

Students, staff, or third parties may also be referred to law enforcement officials.

The executive director is responsible for ensuring that this policy is implemented.

Definitions

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

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

“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 public charter school grounds, at any public charter school-sponsored activity, on public charter school-provided transportation, or at any official public charter school bus stop, that may be based on, but not limited to, the protected class status of a person, and 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; or
3. Creating a hostile educational environment including interfering with the psychological well-being of the student.

“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.

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

“Retaliation” means any acts of, including but not limited to, harassment, intimidation or bullying, or cyberbullying toward a person in response to an actual or apparent reporting of, or participation in the investigation of, harassment, intimidation or bullying, acts of cyberbullying, or retaliation.

Reporting

A report or complaint about conduct prohibited by this policy may be reported to the executive director, vice principal or the school counselor. If the school counselor or vice principal receives a report they will refer it to the executive director.

The executive director will take reports and conduct a prompt investigation of any report of an act of harassment, intimidation or bullying, or cyberbullying.

Failure of an employee to report an act of harassment, intimidation or bullying, or an act of cyberbullying to the designated school officials may 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 they have been harassed, intimidated or bullied, or subject to acts of being cyberbullied in violation of this policy, is encouraged to immediately report concerns to the executive director who has overall responsibility for all investigations, or to the vice principal, school counselor or a teacher. A school staff member who receives such report shall immediately refer the report to the executive director or vice principal. Any volunteer who has knowledge of conduct in violation of this policy is encouraged to immediately report concerns to the executive director, vice principal, school counselor or a teacher. A report made by a student or volunteer may be made anonymously.

Reports against the executive director shall be filed with the Board chair.

The person who makes the report shall be notified when the investigation has been completed and, as appropriate, the findings of the investigation and any remedial action that has been taken. The person who made the report may request that the executive director review the actions taken in the initial investigation, in accordance with administrative regulations.

Notification to Parents or Guardians

The executive director or designee shall notify the parents or guardians of a student who was subject to an act of harassment, intimidation, bullying or cyberbullying, and the parents or guardians of a student who may have conducted an act of harassment, intimidation, bullying or cyberbullying.

The notification must occur with involvement and consideration of the needs and concerns of the student who was the subject to an act of harassment, intimidation, bullying or cyberbullying. The notification is not required if the executive director or designee reasonably believes notification could endanger the student who was subjected to an act of harassment, intimidation, bullying or cyberbullying or if all of the following occur:

1. The student who was subjected to an act of harassment, intimidation, bully, or cyberbullying requests that notification not be provided to the student's parents or guardians.
2. The executive director or designee determines that notification is not in the best interest of the student who was subjected to an act of harassment, intimidation, bullying, or cyberbullying; and
3. The executive director or designee informs the student that federal law may require the student's parents and guardians to have access to the student's education record.

If the executive director or designee determines the notification is not in the best interest of the student, they must inform the student of that determination prior to providing notification.

When notification is provided, the notification must occur:

1. Within a reasonable period of time; or
2. Promptly, for acts that caused physical harm to the student.

Training and Education

The public charter school 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 and this policy.

The public charter 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, , and acts of cyberbullying and this policy.

Notice

The executive director shall be responsible for ensuring annual notice of this policy is provided in a family or staff handbook, school website, and school and public charter school office and the development of administrative regulations, including reporting and investigative procedures.

END OF POLICY

Legal Reference(s):

ORS 166.065	ORS 339.250	OAR 581-021-0055
ORS 166.155 - 166.165	ORS 339.351 - 339.366	OAR 581-022-2310
ORS 174.100		OAR 581-022-2370
ORS 332.072	OAR 581-021-0045	
ORS 339.240	OAR 581-021-0046	

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).
House Bill 2631 (2021).
House Bill 3041 (2021).

Cross Reference(s):

ACB - Every Student Belongs
GBN/JBA - Sexual Harassment
GBNAA/JHFF - Suspected Sexual Conduct with Students and Reporting Requirements
GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements
JBA/GBN - Sexual Harassment
JFCM - Threats of Violence
JHFE/GBNAB - Suspected Abuse of a Child Reporting Requirements
JHFF/GBNAA - Suspected Sexual Conduct with Students and Reporting Requirements