

**MITCH Charter School
Harassment/Intimidation/Bullying/Cyberbullying/**

Harassment, intimidation or bullying and acts of cyberbullying by students, staff and third parties toward 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.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Students may also be referred to law enforcement officials.

The public charter school administrator 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 control 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, 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;
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 orientation¹, 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 harassment, intimidation or bullying, teen dating violence 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 or bullying and acts of cyberbullying, teen dating violence or retaliation.

Reporting

The public charter school administrator or designee will take reports and conduct a prompt investigation of any report of an act of harassment, intimidation 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 the The public charter school administrator or designee who has overall responsibility for all investigations. Failure of an employee to report an act of harassment, intimidation or bullying, or an act of cyberbullying to the public charter school administrator or designee may be 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 he/she has been harassed, intimidated or bullied, a victim of being cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to the public charter school administrator or

¹“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.

designee 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 public charter school administrator or designee 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 public charter school administrator or designee
Complaints against the public charter school administrator shall be reported to the Board chair.

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 public charter school administrator review the actions taken in the initial investigation, in accordance with administrative regulations.

The public charter school will 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.

The administrator is responsible for ensuring notice of this policy is provided in a student or employee handbook, school website, and school and public charter school office and may develop administrative regulations, including reporting and investigative procedures.

END OF POLICY

Legal Reference(s):

[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 174.100\(6\)](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 339.254](#)
[ORS 339.351 - 339.366](#)

[OAR 581-021-0045](#)
[OAR 581-021-0046](#)

[OAR 581-021-0055](#)
[OAR 581-022-1140](#)

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