

## Hazing / Bullying

The Board is committed to providing a positive and productive environment with parents, staff members, volunteers, and members in developing this policy in compliance with applicable Oregon Revised Statutes. Hazing, harassment, intimidation or bullying, menacing and acts of cyberbullying by members, staff and third parties toward members are 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.

Members whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion from the Organization and its activities. There may also be referral to law enforcement officials.

### Definitions

1. "Organization" includes facilities, premises and property in use by or under the control of the Organization, if the member or staff is at any event approved, activity or function related to the Organization, Drum Corps International, or WGI where members are under the control of the Organization or where the staff member is engaged in Organization business.
2. "Third parties" include, but are not limited to, volunteers, parents/guardians, visitors, service contractors, or others engaged in Organization business, such as employees of businesses or organizations participating in cooperative programs with the Organization, and others not directly subject to Organization control at Drum Corps or WGI competitions or other events in which the Organization is involved.
3. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a member or staff for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any Organization-sponsored activity or attainment, (i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a member); requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article; assignment of pranks to be performed or other such activities intended to degrade or humiliate. It is not a defense against hazing that the person subjected to hazing consented to or appeared to consent to the hazing.
4. "Harassment, intimidation or bullying" means any act that substantially interferes with a member's benefits, opportunities or performance, that takes place on or immediately adjacent to Organization facilities, premises, at any Organization-sponsored activity, or on Organization-provided transportation, that may be based on, but not limited to, the protected class status of a person, having the effect of:
  - Physically harming a member or damaging a member's property;

- Knowingly placing a member in reasonable fear of physical harm or damage to the member's property;
  - Creating a hostile environment including interfering with the psychological well being of the member and may be based on, but not limited to, the protected class of the person.
5. "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.
  6. "Cyberbullying" is the use of any electronic communication device to harass, intimidate or bully. Members and staff will refrain from using personal communication devices or Organization property/equipment to violate this policy.
  7. "Retaliation" means harassment, intimidation, bullying, and/or acts of cyberbullying toward a person in response to a staff or member for actually or apparently reporting or participating in the investigation of harassment, intimidation, bullying, and/or acts of cyberbullying or retaliation.
  8. "Menacing" includes, but is not limited to, any act intended to place a staff member, member or third party in fear of imminent serious physical injury.

## Reporting

The Organizational Director will take reports and conduct a prompt investigation of any report of an act of hazing, harassment, intimidation or bullying, menacing and acts of cyberbullying. Any staff who has knowledge of conduct in violation of this policy shall immediately report his/her concerns to the Organizational Director who has overall responsibility for all investigations.

Failure of staff to report an act of hazing, harassment, intimidation or bullying, menacing or an act of cyberbullying to the Organizational Director may be subject to discipline, up to and including dismissal from the Organization. Such action may not be based solely on an anonymous report.

Any member who has knowledge of conduct in violation of this policy or feels he/she has been hazed, harassed, intimidated or bullied, menaced, and/or acts of being cyberbullied in violation of this policy is encouraged to immediately report his/her concerns to the Organizational Director, 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 Organizational Director who has overall responsibility for all investigations.

This report may be made anonymously. A member or volunteer may also report concerns to a staff member or member of the Board of Directors, who will be responsible for notifying the appropriate Organizational Director.

Complaints against the Organizational Director shall be filed with the CEO. Complaints against the CEO shall be filed with the President of the Board of Directors.

Adopted: June 3, 2018

The complainant shall be notified of the findings of the investigation and, as appropriate, that corrective action has been taken. The complainant may request that the CEO/designee review the actions taken in the initial investigation.

END OF POLICY

Legal Reference(s):

ORS 163.190

ORS 166.065

ORS 166.155 to -166.165 ORS 174.100(6)

ORS 332.072

ORS 332.107 OAR 581-021-0045 ORS 339.240 OAR 581-021-0046 ORS 339.250 OAR 581-021-0055 ORS 339.254 OAR 581-022-1140 ORS 339.351 to -339.366

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