

# APPENDIX D

## SEXUAL HARASSMENT POLICY

(PSSC students complete an on-line assignment on sexual harassment prevention) Highline Public Schools Policy #5262P

### 1. Prevention

It is the policy of Highline Public Schools to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed.

In order to ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. Students will not be harassed because of their race, religion, creed, color, national origin, age, honorably- discharged veteran or military status, sex, sexual orientation, gender expression and identity, marital status, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability, or other distinguishing characteristics.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, and bullying. "Other distinguishing characteristics" may include, but are not limited to: physical appearance, clothing or other apparel, socio-economic status and weight. "Intentional" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying or to whom such actions have been reported must take prompt and appropriate action to stop the harassment and to prevent its reoccurrence.

### Definitions

- Aggressor is a student, staff member, or other member of the school community who engages in the harassment, intimidation, and bullying of a student.
- Complainant is the person who files a complaint of harassment, intimidation, or bullying.
- Harassment, intimidation, and bullying (HIB) means an intentional electronic, written, verbal or physical act that:
  - ◊ Physically harms a student or damages the student's property;
  - ◊ Has the effect of substantially interfering with a student's education; or is so severe, persistent, or pervasive that it creates an intimidating, embarrassing or threatening educational environment;
  - or
  - ◊ Has the effect of substantially disrupting the orderly operation of the school

Harassment, intimidation, and bullying can take many forms, including but not limited to, slurs, rumors, name calling, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, gestures, hazing, physical attacks, threats or other written, oral, or physical acts or electronically transmitted messages or images.

- Conduct that is "**substantially interfering with a student's education**" will be determined
-

by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.

- Retaliation is when a student, staff member, or other member of the school community takes adverse action or reprisal against a student because the student has reported incidents of harassment, intimidation and bullying, or because the student has participated in an investigation of harassment, intimidation, and bullying.
- School community includes students, staff members, school board members, contractors, volunteers, parents and guardians, patrons and other visitors.
- Staff member includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).
- Targeted student is a student against whom harassment, intimidation and bullying has allegedly been perpetrated.

### **Prevention**

#### Dissemination

In each school and on the district's website the district will prominently post information on reporting harassment, intimidation and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer.

Annually, the superintendent or designee will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks (if handbooks are developed), is available in school and district offices and/or hallways, or is posted on the district's website.

Additional distribution of the policy and procedure is subject to the requirements of WAC 392-400-226.

#### Education

Annually students will receive age-appropriate information on the recognition and prevention of harassment, intimidation, and bullying at student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Report Form or a link to a web-based form.

#### Training

Staff will receive annual training on the school district's policy and procedure, including staff roles and responsibilities, how to monitor common areas, and the use of the district's Incident Report Form.

#### Prevention Strategies

The district will implement a range of strategies including individual, classroom, school, and district-level approaches to prevent harassment, intimidation, and bullying.

Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation and bullying in schools.

### **Staff Intervention**

Any school staff member who observes, overhears, or otherwise witnesses harassment, intimidation, and bullying or to whom such actions have been reported must take prompt and appropriate action

to stop the harassment and to prevent its reoccurrence. Minor incidents that staff are able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation, and bullying, may require no further action under this procedure.

### **Compliance Officer**

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation, and bullying.
2. Provide support and assistance to the principal or designee in resolving complaints.
3. Receive copies of all HIB Incident Report Forms, discipline referral forms relating to HIB, and letters to parents providing the outcomes of investigations. If a written report of harassment, intimidation or bullying indicates a potential violation of the district's nondiscrimination policy (Policy 3210), the compliance officer must promptly notify the district's civil rights compliance officer.
4. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern.
5. Ensure the implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
6. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training.
7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
8. In cases where, despite school efforts, a targeted student experiences harassment, intimidation, and bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: [www.k12.wa.us/SafetyCenter/default.aspx](http://www.k12.wa.us/SafetyCenter/default.aspx).

### **Incident Reporting**

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation, or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying may report incidents verbally or in writing to any staff member.

#### **Step 1: Filing an Incident Report Form**

An individual need not reveal his or her identity on an Incident Report Form. The form may be filed anonymously, confidentially, or the individual may choose to disclose his or her identity (non-confidential). Staff members should report incidents of HIB on an Incident Report Form.

##### *Status of Reporter*

###### **a. Non-Confidential**

Individuals may file a report non-confidentially. Complainants agreeing to make their complaint non-confidential will be informed that due process requirements may require that the district release all of the information that it has regarding the complaint to any individuals involved in the incident, but that even then, information will be restricted to those with a need to know, both during and after the investigation.

The district will, however, fully implement the anti-retaliation provision of this policy and procedure to protect complainants and witnesses.

b. Confidential

Individuals may file a report asking that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.")

c. Anonymous

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may use complaint boxes or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff. (Example: An unsigned Incident Report Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

### **Step 2: Receiving an Incident Report Form**

All staff members are responsible for receiving oral and written reports. Whenever possible, staff members who initially receive an oral or written report of harassment, intimidation, and bullying shall attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation, and bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation, and bullying will be recorded on a district Incident Report Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint. If the principal or designee is the subject of the complaint the Incident Report Form should be submitted to the district compliance officer.

### **Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation, and Bullying**

All reports of unresolved, severe, or persistent harassment, intimidation, and bullying will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the reporting and investigative process.

- a. Upon receipt of the Incident Report Form that alleges unresolved, severe, or persistent harassment, intimidation, or bullying, the school or district designee will begin an investigation. If there is potential for clear and immediate physical harm to the targeted student, the district will immediately contact law enforcement and inform the parent/guardian.
- b. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation, and bullying occur between the targeted student and the alleged aggressor. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor schedule and access to the complainant, and other measures.

If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district's nondiscrimination policy (Policy 3210), the investigator will promptly notify the district's civil rights compliance officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in Policy and Procedure 3210 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knew or should have known that a written report of harassment, intimidation, or bullying involves allegations of a violation of the district's nondiscrimination policy.

- c. Within two (2) school days after receiving the Incident Report Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation, and bullying (Policy 3207).
- d. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) the district has evidence that it would threaten the health and safety of the targeted student or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation, and bullying. If professional school personnel have reasonable cause to believe that a student is subject to child abuse or neglect, they must follow district policy (Policy 3421) for reporting such cases to Child Protective Services or the police.
- e. The investigation shall include, at a minimum:
  - i. An interview with the complainant;
  - ii. An interview with the alleged aggressor;
  - iii. A review of any previous complaints involving either the complainant or the alleged aggressor; and
  - iv. Interviews with other students or staff members who may have knowledge of the alleged incident.
- f. The principal or designee may determine that other steps must be taken before the investigation is complete.
  - i. The investigation will be completed as soon as practical but generally no later than five (5) school days from the initial report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.
- g. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee shall respond in writing or verbally to the parent/guardian of the complainant and the alleged aggressor stating:
  - i. The results of the investigation;
  - ii. Whether the allegations were found to be factual
  - iii. Whether there was a violation of policy; and
  - iv. The process for the targeted student to file an appeal if the complainant disagrees with results.

Because of the laws regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the complainant's parent/guardian about any disciplinary action taken unless it involves a directive that the complainant must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist,

counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family.

If professional school personnel have reasonable cause to believe that a student is subject to child abuse or neglect, as mandatory reporters they must follow district policy (Policy 3421) for reporting such cases to Child Protective Services or the police.

If the incident cannot be resolved at the school level, the principal or designee shall request assistance from the district compliance officer.

#### **Step 4: Corrective Measures for the Aggressor**

- a. After completion of the investigation, the school or district designee will institute appropriate corrective measures.
- b. Corrective measures will be instituted as soon as possible, but in no event more than five (5) school days after contact has been made with the families or guardians regarding the outcome of the investigation.
- c. Corrective measures that involve student discipline will be implemented according to district Policy 3240-Student Conduct. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by law and policy from imposing the discipline until the appeal process is concluded.
- d. If a principal or principal's designee finds that a student knowingly made a false allegation of harassment, intimidation and bullying, that individual may be subject to corrective measures, including discipline.

#### **Step 5: Targeted Student's Right to Appeal**

- a. If the complainant or his or her parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or his or her designee by filing a written notice of appeal with the superintendent within five (5) school days of receiving the decision. The superintendent or his or her designee will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.
- b. If the complainant remains dissatisfied after the initial appeal to the superintendent, the student or his or her parent/guardian may appeal to the school board by filing a written notice of appeal with the secretary of the school board within five (5) school days of receiving the superintendent's written decision.
- c. An appeal to the school board must be heard within ten (10) school days of receipt of the written notice of appeal to the school board. The school board will review the record and render a written decision on the merits of the appeal within five (5) school days following the termination of the hearing, and shall provide a copy of the decision to all parties involved. The board's decision will be the final district decision.

#### **Step 6: Discipline/Corrective Action**

The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation, or bullying. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

Corrective measures for the student who commits an act of harassment, intimidation, or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or

the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district Policy 3240 - Student Conduct.

If the harassment, intimidation, and bullying was of a public nature or involved groups of students or bystanders, the school may consider school-wide training or other activities to address the incident.

If a staff member has been found to be in violation of this policy and procedure, the district may impose disciplinary action, up to and including termination of employment. If a certificated employee is found to have committed a violation of WAC 181-87, commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may impose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may result in the loss of contracts.

### **Step 7: Support for the Targeted Student**

Students found to have been subjected to harassment, intimidation, or bullying will be provided information regarding resources available to them, and the adverse impact of the harassment on the student shall be addressed. In addition, the safety plan, if any, will be reviewed and modified as appropriate.

### **Immunity/Retaliation**

A staff member, student, or other member of the school community who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the district's policy and procedure relating to harassment, intimidation, or bullying is immune from a cause of action for damages arising from any failure to remedy the reported incident.

No staff member, student, or other member of the school community may engage in reprisal or retaliation against a student, witness, or other person who brings forward information about an alleged act of harassment, intimidation and bullying. Retaliation is prohibited and will result in appropriate discipline.

### **Other District Policies and Procedures**

Nothing in this procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation, and bullying as defined herein, but which are prohibited by other district or school rules.

### **Relationship to Other Laws**

This procedure applies only to RCW 28A.300.285 - Harassment, Intimidation and Bullying prevention. There are other laws and procedures to address related issues such as sexual harassment or discrimination.

At least four Washington laws may apply to harassment or discrimination:

- RCW 28A.300.285 - Harassment, Intimidation and bullying
- RCW 28A.640.020 - Sexual Harassment
- RCW 28A.642 - Prohibition of Discrimination in Public Schools
- RCW 49.60.010 - The Law Against Discrimination

The district will ensure its compliance with all state laws regarding harassment, intimidation or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to

remediate harassment or discrimination based on a person's gender or membership in a legally protected class under local, state, or federal law.

### Other Resources

Students and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation, and bullying.

## APPENDIX D

Nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a student's membership in a legally protected class under local, state or federal law. A harassment, intimidation, and bullying complaint based on a student's legally protected status may also be reported to the following state or federal agencies:

#### **OSPI Equity and Civil Rights Office**

360.725.6162

Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)

[www.k12.wa.us/Equity/default.aspx](http://www.k12.wa.us/Equity/default.aspx)

#### **Washington State Human Rights Commission**

800.233.3247

[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)

#### **Office for Civil Rights, U.S. Department of Education, Region IX**

206.607.1600

Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)

#### **Department of Justice Community Relations Service**

877.292.3804

[www.justice.gov/crtl](http://www.justice.gov/crtl)

#### **Office of the Education Ombudsman**

866.297.2597

Email: [OEOinfo@gov.wa.gov](mailto:OEOinfo@gov.wa.gov)

[www.governor.wa.gov/oeo/default.asp](http://www.governor.wa.gov/oeo/default.asp)

#### **OSPI Safety Center**

360.725.6044

[www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx)

*Highline School District 401*

*Adopted by the Superintendent: May 28, 2003 Revised by the Superintendent: 1.10, 11.11, 10.15*