

# APPENDIX E

## HARASSMENT, INTIMIDATION, AND BULLYING POLICY

The Highline Public Schools is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers, and patrons that is free from harassment, intimidation, or bullying. “Harassment, intimidation, or bullying” means any intentionally written message or image - including those that are electronically transmitted - verbal, or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation including gender expression or identity, mental or physical disability, or other distinguishing characteristics, when an act:

- Physically harms a student or damages the student’s property; Has the effect of substantially interfering with a student’s education;
- Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment;
- Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

“Other distinguishing characteristics” can include but are not limited to: physical appearance, clothing or other apparel, socioeconomic status, and weight.

“Intentional acts” refers to the individual’s choice to engage in the act rather than the ultimate impact of the action(s).

### Behaviors/Expressions

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

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of harassment, intimidation, or bullying may still be prohibited by other district policies or building, classroom, or program rules.

### Training

This policy is a component of the district’s responsibility to create and maintain a safe, civil, respectful, and inclusive learning community and shall be implemented in conjunction with comprehensive training of staff and volunteers.

### Prevention

The district will provide students with strategies aimed at preventing harassment, intimidation and bullying. In its efforts to train students, the district will seek partnerships with families, law enforcement and other community agencies.

### Interventions

Interventions are designed to remediate the impact on the targeted student(s) and others impacted by the violation, to change the behavior of the perpetrator, and to restore a positive school climate.

The district will consider the frequency of incidents, developmental age of the student, and severity of the conduct in determining intervention strategies. Interventions will range from counseling, correcting behavior and discipline, to law enforcement referrals.

## Retaliation/False Allegations

Retaliation is prohibited and will result in appropriate discipline. It is a violation of this policy to threaten or harm someone for reporting harassment, intimidation, or bullying.

It is also a violation of district policy to knowingly report false allegations of harassment, intimidation, and bullying. Students or employees will not be disciplined for making a report in good faith. However, persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

## Compliance Officer

The superintendent or designee will appoint a compliance officer as the primary district contact to receive copies of all formal and informal complaints and ensure policy implementation. The name and contact information for the compliance officer will be communicated throughout the district.

The superintendent or designee is authorized to direct the implementation of procedures addressing the elements of this policy.

*Cross References: Board Policy 3200 Rights and Responsibilities Board Policy 3210 Nondiscrimination*

*Board Policy 3240 Student Conduct Board Policy 5262 Sexual Harassment*

*Legal References: RCW 28A.300.285 Harassment, intimidation and bullying prevention policies*

*Management Resources: Policy News, December 2010 Harassment, Intimidation and Bullying Policy Strengthened*

*Policy News, April 2008 Cyber Bullying Policy Required*

*Policy News, April 2002 Legislature Passes an Anti-Bullying Bill Adopted by the Board: May 28, 2003*

*Revised by the Board: March 25, 2009 Revised by the Board: August 24, 2011*

*Highline Public Schools Policy #3207P*

## STUDENTS

### Prohibition of Harassment, Intimidation, and Bullying Procedures

#### Prohibition of Harassment, Intimidation, and Bullying

Harassment, intimidation, and bullying (HIB) means any intentional electronic, written, verbal or physical act including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental, sensory, or physical disability or other distinguishing characteristics, when the intentional electronic, written, verbal or physical act:

- Physically harms a student or damages the student's property;
- Has the effect of substantially interfering with a student's education;
- 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.

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).

## Behaviors/Expressions

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

### 1. **Definitions**

**Perpetrator** is a student, staff member, or other member of the school community who engages in the harassment, intimidation, and bullying of a student. 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 guardian, 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.

### 2. **Prevention**

#### a. **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, is available in school and district offices and/or hallways, or is posted on the district’s website.

#### b. **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.

#### c. **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.

#### d. **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.

### 3. 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 members can resolve immediately, or incidents that do not meet the definition of harassment, intimidation, and bullying, may require no further action under this procedure.

### 4. Compliance Officer

The district compliance officer will:

- Serve as the district's primary contact for harassment, intimidation, and bullying.
- Provide support and assistance to the principal or designee in resolving complaints.
- Receive copies of all HIB Incident Report Forms, discipline referral forms relating to HIB, and letters to parents providing the outcomes of investigations.
- 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.
- Ensure the implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
- Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receives annual fall training.
- Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.

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.

### 5. Incident Reporting

#### 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 perpetrator 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 perpetrator 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.

**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, and 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 perpetrator. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the targeted student and/or the alleged perpetrator in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the targeted student; altering the alleged perpetrator’s schedule and access to the targeted student, and other measures.
- 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.
- 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 perpetrator 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 for reporting such cases to Child Protective Services or the police.

- e. The investigation shall include, at a minimum:
  - i. An interview with the targeted student;
  - ii. An interview with the alleged perpetrator;
  - iii. A review of any previous complaints involving either the targeted student or the alleged perpetrator; 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.
- g. 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.
- h. 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 targeted student and the alleged perpetrator 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 targeted student 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 targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student 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 targeted student and alleged perpetrator 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 targeted student or the alleged perpetrator 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 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 Perpetrator**

- 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 perpetrator 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 targeted student 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 targeted student 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 superintendent 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, and 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, and 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, and 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.

### **6. Immunity/Retaliation**

A staff member, student, or other member of the school community who promptly reports an incident of harassment, intimidation, and bullying to an appropriate school official, and who makes this report in compliance with the

district's policy and procedure relating to harassment, intimidation, and 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.

## 7. 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. 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: <a href="mailto:equity@k12.wa.us">equity@k12.wa.us</a> <a href="http://www.k12.wa.us/Equity/default.aspx">www.k12.wa.us/Equity/default.aspx</a>
Washington State Human Rights Commission 800.233.3247	<a href="http://www.hum.wa.gov/index.html">www.hum.wa.gov/index.html</a>
Office for Civil Rights, U.S. Department of Education, Region IX 206.607.1600	Email: <a href="mailto:OCR.Seattle@ed.gov">OCR.Seattle@ed.gov</a> <a href="http://www.ed.gov/about/offices/list/ocr/index.html">www.ed.gov/about/offices/list/ocr/index.html</a>
Department of Justice Community Relations Service 877.292.3804	<a href="http://www.justice.gov/crt/">www.justice.gov/crt/</a>
Office of the Education Ombudsman 866.297.2597	Email: <a href="mailto:OEInfo@gov.wa.gov">OEInfo@gov.wa.gov</a> <a href="http://www.governor.wa.gov/oeo/default.asp">www.governor.wa.gov/oeo/default.asp</a>
OSPI Safety Center 360.725.6044	<a href="http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx">www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx</a>

## 8. 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.

## 9. 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.



Approved by the Superintendent: May 28, 2003 Revised by the Superintendent: January 27, 2010 Revised by the Superintendent: November 2011

## 10. 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. Nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based

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/crt/](http://www.justice.gov/crt/)

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)

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:

## 11. 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.

## 12. Relationship to Other Laws

This procedure applies only to RCW 28A.300.285 – Harassment, Intimidation and Bullying prevention.

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