

PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING: 3207P

A. Introduction

The District strives 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. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) will not be harassed because of their race, color, ancestry, national origin or ethnicity, religion or creed, age, sex or gender, sexual orientation including gender expression or identity, marital or family status, military or veteran status, physical, sensory or mental disability, or other distinguishing characteristics.

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.

B. Definitions

Aggressor is a student, staff member, or other member of the school community who engages in the harassment, intimidation or bullying of a student.

Harassment, intimidation or bullying is an intentional transmission of an electronic or written message or image, or an 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.
- 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.

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.

Conduct that may rise to the level of harassment, intimidation and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether transmitted by electronic or written messages or images, or transmitted orally, or by a physical act. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

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Incident Reporting Forms [Form 3207(1)] may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. Forms can be obtained at any District school or at the District office, or on the District's website.

Retaliation is when an aggressor harasses, intimidates, or bullies a student who has reported incidents of bullying.

Staff 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 or bullying has allegedly been perpetrated.

C. Relationship to Other Laws

This procedure applies specifically 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.

D. Prevention**1. 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. The District's policy and procedure will be posted on the District's website in multiple languages. Copies can be printed and obtained at any school, or at the District offices upon request.

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Copies of this policy and procedure and appropriate materials on the recognition and prevention of sexual harassment and other harassment, intimidation and bullying, including cyberbullying, sexting, and the dangers of boundary invasion shall be made available to parents or guardians. The Superintendent/designee will ensure that the policy and procedure, or a statement summarizing its provisions, 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.

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

2. Education

Annually, at student orientation sessions and on other appropriate occasions students will receive age-appropriate information on the recognition and prevention of harassment, intimidation or bullying, including sexual harassment, sexting, and cyberbullying. The information will include a copy of the Incident Reporting Form or a link to a web-based form. Student will be informed of their rights and responsibilities under this and other District policies and rules

3. Training and Monitoring

Staff will receive periodic 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 Reporting Form.

A fixed component of all District orientation sessions for students, employees, and regular volunteers shall introduce the elements of this policy and procedure (3207, 3207P). Guidelines regarding appropriate boundaries and boundary invasion, including appropriate communication via electronic devices, shall be disseminated to all staff and regular volunteers at orientations and at least every three (3) years thereafter.

Staff will be provided information on recognizing and preventing sexual harassment and other harassment, intimidation or bullying, including cyberbullying. Staff shall be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Certificated or professionally licensed staff shall be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment or other harassment, intimidation or bullying. Classified employees and regular volunteers shall receive the portions of this component of orientation relevant to their rights and responsibilities.

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Annually, the Superintendent or designee shall review the use and efficacy of this policy and procedure. Based on the review, the Superintendent or designee shall prepare a report to the Board of Education including, if necessary, any recommended changes in policy or procedures. The Superintendent is encouraged to involve staff, students, volunteers and parents in the review process.

4. Prevention Strategies

The District will implement a range of prevention strategies including individual, classroom, school, and District-level approaches.

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.

E. Compliance Officer and District-Level Oversight

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 Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations.
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. Work with principals and their supervisors to ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
6. Work with District administration to 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 or 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.

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F. Staff Intervention

All staff members shall intervene when witnessing or receiving reports of harassment, intimidation or bullying. Minor incidents that staff are able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation or bullying, may require no further action under this procedure.

Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of harassment, intimidation or bullying (see Policy 3207 for definitions. Policy 3207 and Procedure 3207P prohibit both malicious harassment and sexual harassment.) While it is not required, complainants are encouraged to attempt informal procedures with the guidance of appropriate staff members prior to filing a formal complaint. At the building level, programs shall be established for receiving anonymous complaints. Such complaints must be appropriately investigated and handled consistent with due process requirements. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to, and the process for, filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or designated staff person when they receive complaints of harassment, intimidation, or bullying, especially when the complaint is beyond their training to resolve or it alleges serious misconduct.

Informal remedies include an opportunity for the complainant to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate, either in writing or face-to-face; a statement from a staff member to the alleged perpetrator that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the District harassment, intimidation and bullying policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the District believes the complaint needs to be more thoroughly investigated.

G. Filing an Incident Reporting Form

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. Written complaints should be reported using Form 3207(1), available at the school office and at the District office.

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H. Addressing Bullying – Reports**Step 1: Filing an Incident Reporting Form**

In order to protect a targeted student from retaliation, a student need not reveal his identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential).

Status of Reporter**a. 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 identify 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 Reporting Form dropped on a teacher’s desk may lead to the increased monitoring of a locker room during 5th period.)

b. Confidential

Individuals may ask 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. Non-confidential

Individuals may agree to 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 still 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.

Step 2: Receiving an Incident Reporting Form

All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation or

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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 or bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be recorded on a District Incident Reporting Form [Form 3207(1)] 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 or bullying will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the report and investigation process.

- a. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or District designee will begin the investigation. If there is *a reasonable expectation of* clear and immediate physical harm to the complainant, 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 or bullying occur between the complainant 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's schedule and access to the complainant, and other measures.
- c. Within two (2) school days after receiving the Incident Reporting 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 complainant 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 suspect that a student is subject to abuse and neglect, they must follow District policy for reporting suspected cases to Child Protective Services.

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- e. The investigation shall include, at a minimum:
- An interview with the complainant;
 - An interview with the alleged aggressor;
 - A review of any previous complaints involving either the complainant or the alleged aggressor; and
 - 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 practicable but generally no later than five (5) school days from the initial complaint or 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 in person to the parent/guardian of the complainant and the alleged aggressor stating:
- The results of the investigation;
 - Whether the allegations were found to be factual;
 - Whether there was a violation of policy; and
 - The process for the complainant to file an appeal if the complainant disagrees with results.

Because of the legal requirement 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 the 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 suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow District policy for reporting suspected cases to Child Protective Services.

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

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Step 4: Corrective Measures for the Aggressor

After completion of the investigation, the school or District designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to District policy 3241 - Corrective Action for Student Misconduct. If the accused aggressor is appealing the imposition of discipline, the District may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

Step 5: Targeted Student's Right to Appeal

1. If the complainant or 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 [Form 3207(2)] within five (5) school days of receiving the written 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 (5th) school days of receiving the notice of appeal.
2. If the targeted student remains dissatisfied after the initial appeal to the Superintendent, the student may appeal to the school board by filing a written notice of appeal [Form 3207(3)] with the secretary of the school board on or before the fifth (5) school day following the date upon which the complainant received the Superintendent's written decision.
3. An appeal before the school board or disciplinary appeal council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and shall provide a copy to all parties involved. The Board or council'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.

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Corrective measures for a 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 3241 - Corrective Action for Student Misconduct.

If the conduct was of a public nature or involved groups of students or bystanders, the District will strongly consider schoolwide training or other activities to address the incident.

If staff have been found to be in violation of this policy and procedure, the District may impose employment disciplinary action, up to and including termination. If a certificated educator 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 propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

Step 7: Support for the Targeted Student

Persons found to have been subjected to harassment, intimidation or bullying will have appropriate District support services made available to them, and the adverse impact of the harassment on the student shall be addressed and remedied as appropriate.

I. Immunity/Retaliation

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

J. 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. However, nothing in this procedure prevents a student, parent/guardian, school, or District from taking action to remediate discrimination or harassment based on a person's membership in a legally protected class under local, state or federal law. An harassment, intimidation or bullying complaint may also be reported to the following State or Federal agencies:

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- OSPI Equity and Civil Rights Office
360.725.6162
Email: equity@k12.wa.us
www.k12.wa.us/Equity/default.aspx
- Washington State Human Rights Commission
800.233.3247
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
www.ed.gov/about/offices/list/ocr/index.html
- Department of Justice Community Relations Service
877.292.3804
www.justice.gov/crt/
- Office of the Education Ombudsman
866.297-2597
Email: OEInfo@gov.wa.gov
www.governor.wa.gov/oeo/default.asp
- OSPI Safety Center
360.725-6044
www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

K. Other District Policies and Procedures

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

3207-1 Harassment, Intimidation, or Bullying Complaint Form (15K PDF)

3207-2 Harassment, Intimidation, or Bullying Complaint Formal Notice of Appeal to Superintendent's Designee (13K PDF)

3207-3 Harassment, Intimidation, or Bullying Complaint Formal Appeal to the Board of Education (13K PDF)