

## **Prohibition of Harassment, Intimidation, Bullying, and Cyber-Bullying**

### **Introduction**

The Richland School District strives to provide students with optimal conditions for learning by maintaining a school environment where every student is treated with respect and students are not physically or emotionally harmed.

In order to ensure respect, prevent harm, and improve school climate, it is a violation of district policy for a student to be harassed, intimidated, or bullied by other students in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression, gender identity, mental or physical disability, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying of a student or to whom such actions have been reported must take prompt and appropriate action to stop the harassment, intimidation, or bullying, prevent its reoccurrence, and report it to the building level administrator and/or district HIB Compliance Officer.

### **Retaliation/False Allegations**

Occurs when a student is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, participating in an investigation, or being identified as a targeted student.

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. Students or employees will not be disciplined for making a report in good faith.

### **Relationship to Other Laws**

This procedure applies only to conduct toward students as reflected in RCW 28A.600.477 – Prohibition of Harassment, Intimidation and Bullying. 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:

1. RCW 28A.600.477 – Prohibition Harassment, Intimidation and Bullying
2. RCW 28A.640.020 – Sexual Equality
3. RCW 28A.642 – Prohibition of Discrimination in Public Schools
4. RCW 49.60.010 – The Law Against Discrimination

The district will ensure its compliance with all state laws regarding harassment, intimidation, or bullying of a student. Nothing in this procedure prevents a student, parent/guardian, school or district from taking action to remediate harassment or discrimination based on a student's membership in a legally protected class under local, state, or federal law.

**Prevention****1. Dissemination**

In each school and on the district's website the district will prominently post information on reporting harassment, intimidation bullying, or cyber-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 available in each school in a language that families can understand. Annually, the superintendent 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.

**2. Education**

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

**3. Training Staff**

The District HIB Compliance Officer will participate in at least one mandatory training opportunity offered by OSPI. As feasible, the District's HIB Compliance Officer will attend annual training as a refresher course, particularly in the event that changes to the HIB law or process occur. Staff will receive annual training on the school district's policy and procedure, including staff roles and responsibilities, and how to monitor common areas.

**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.

**Compliance Officer**

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation, and bullying. If any district staff member receives allegations in a written report of harassment, intimidation, or bullying that indicate a potential violation of Policy 3207, that staff member must promptly notify the district compliance officer;
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. Communicate with the school district's designated civil rights compliance coordinator. If a written report of harassment, intimidation, or bullying of a student indicates a potential violation of the district's nondiscrimination policy [Policy 3210], or if during the course of an investigation, the district becomes aware of a potential violation of the district's nondiscrimination policy, the compliance officer must promptly notify the district's civil rights compliance coordinator. At that time, the compliance officers must promptly notify the complainant that their complaint will proceed under both this policy/procedure and the

nondiscrimination policy/procedure. The investigation and response timeline for the nondiscrimination procedure begin when the school district knows or should have known that a written report or investigation or harassment, intimidation, or bullying involves a potential violation of the district's nondiscrimination policy;

5. 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.
6. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
7. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training.
8. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
9. 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.
10. The district will provide updated names and contact information to OSPI after a change of the district's HIB Compliance Officer.

### **Staff Intervention**

All staff members will intervene and report to school principal or designee when witnessing or receiving reports of harassment, intimidation, or bullying of a student. The principal or designee will input the report into the current discipline management system. All incidents will be tracked, to monitor harassment, intimidation, or bullying behavior. Incidents that do not meet the definition of harassment, intimidation, or bullying, or conduct not directed toward a student may require no further action under this procedure, other than tracking, to ensure they are not repeated.

The student who reports the above-mentioned behavior will also be given the option of filling out the incident reporting form if the harassment, intimidation, or bullying continues.

### **Filing an Incident Reporting Form**

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation, bullying, or cyber-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, bullying, or cyber-bullying may report incidents verbally or in writing to any staff member.

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying of a student. The District's incident reporting form can be found here: <https://app.eduportal.com/documents/view/521974>

**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.

**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. 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.

**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.

**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, bullying, or cyberbullying 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, bullying, or cyber-bullying, or if the conduct is not directed toward a student, no further action may be necessary under this procedure. If the parties involved are not satisfied with the attempt to resolve the situation, the staff member will notify the HIB Compliance Officer, the parties will be provided with a HIB Incident Report form, and given the opportunity to complete the form, thereby initiation the process for an official HIB investigation.

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying of a student will be recorded on a district Incident Reporting Form and submitted to the principal or designee, once recorded, the principal or designee must communicate with the district HIB compliance officer regarding the complaints.

Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation, Bullying, and Cyber-Bullying

All reports of unresolved, severe, or persistent harassment, intimidation, bullying, or cyberbullying 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, bullying, or cyber-bullying the school or district designee will begin the investigation. If there is a strong probability or immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.
- b. For allegations involving a staff member the Human Resources Department must be involved. These allegations will not be handled under the processes in policy and procedure 3207. Human Resources Departments must include consideration of policy and procedure 3210 – Nondiscrimination of Students, policy and procedure 5010 – Nondiscrimination and Affirmative Action, and other applicable policies and laws, including WAC 392-190-0555.
- c. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation, bullying, or cyber-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, targeted student, 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.

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 WAC 392-190-065 through WAC 392-190-075 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 knows or should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the district's nondiscrimination policy.

- d. 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, bullying, or cyber-bullying.
- e. In rare cases, where after consultation with the student and appropriate staff 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, bullying, and cyber-bullying.

- f. The investigation shall include, at a minimum:
  - An interview with the complainant;
  - An interview with the targeted student, if different than 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.
- g. The principal or designee may determine that other steps must be taken before the investigation is complete.
- h. 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 notify the parent/guardian and/or the student with weekly updates.
- i. 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 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 the incident cannot be resolved at the school level, the principal or designee shall request assistance from the district.

#### 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.

### Step 5: Complainant'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 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 (5) school days of receiving the notice of appeal.
2. If the complainant remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal 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 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 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 conclusion of the hearing and will provide a copy 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 of a student. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

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.

If the conduct was of a public nature or involved groups of students or bystanders, the district should 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 by not reporting harassment, intimidation, or bullying or not preventing retaliation, school districts may impose employment disciplinary action. 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

Students 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 will be addressed and remedied as appropriate.

**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, bullying or cyber-bullying. Retaliation is prohibited and will result in appropriate discipline.

**Other Resources**

Students and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation, bullying, and cyber-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, or other District Policies and Procedures.

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, bullying, or cyber-bullying as defined herein, but which are, or may be, prohibited by other district or school rules.

**For questions or more information, students and families can reach out to the following state or federal agencies:**

- OSPI Equity and Civil Rights Office (for discrimination complaints)  
360.725.6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- 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 Ombuds  
866.297-2597  
Email: [OEInfo@gov.wa.gov](mailto:OEInfo@gov.wa.gov)  
<http://oeo.wa.gov/>
- OSPI Safety Center  
Email: [Schoolsafety@k12.wa.us](mailto:Schoolsafety@k12.wa.us)  
360.725-6068  
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>