

Prohibition of Harassment, Intimidation and Bullying

The board is committed to a safe and civil educational environment for all students, employees, parents/legal guardians, volunteers and community members 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:

- A. Physically harms a student or damages the student’s property;
- B. Has the effect of substantially interfering with a student’s education;
- C. Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
- D. 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).

Discriminatory harassment includes conduct that is based on a student’s status as a member of a protected class and is sufficiently severe, persistent, or pervasive that it limits or denies a student’s ability to participate in or benefit from the school’s education programs or activities.

Malicious Harassment means committing malicious and intentional acts because of one’s perception of the victim’s race, color, religion, ancestry, national origin, gender, sexual orientation or mental, physical or sensory disability which;

- a. Causes physical injury to the victim or another person;
- b. Causes physical damage to or destruction of the property of the victim or another person; or
- c. Threatens a specific person or group of persons and places that person, or members of a specific group of persons, in reasonable fear of harm to the persons or property.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature between two or more individuals if:

- a. Submission to that conduct or communication is made a term or condition either explicitly or implicitly of obtaining an education;
- b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s education; or
- c. That conduct or communication has the purpose or effect of substantially interfering with an individual’s education, or of creating an intimidating, hostile, or offensive educational environment.

Behaviors/Expressions

Harassment, intimidation or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, 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 will be implemented in conjunction with comprehensive training of staff and volunteers. The Superintendent or designee will ensure the development of procedures to provide age-appropriate information and education to district staff, students, parents and volunteers on the recognition and prevention of harassment, intimidation and bullying. The information will include a copy of the Incident Reporting Form or a link to SafeSchools Alert.

Staff will receive annual training on the school's district's policy and procedure, including, but not limited to, staff roles and responsibilities, how to monitor common areas, and the use of the district's Incident Reporting Form and SafeSchools Alert.

Staff responsible for facilitating and/or conducting investigations will receive annual training on investigations.

Prevention

The district will provide students with strategies aimed at preventing harassment, intimidation and bullying.

Staff Intervention

All staff members will intervene when witnessing or receiving reports of harassment, intimidation or bullying. All staff are required to notify the applicable building and/or central office administrative designee in writing of observed incidents of and/or interventions related to alleged harassment, intimidation or bullying and/or receipt of an oral and/or written report of harassment, intimidation or bullying and/or interventions and actions taken, as applicable, by completing the Incident Reporting form. The administrator in receipt of that form will complete the Investigative Reporting Form and submit that form to the Harassment, Intimidation and Bullying compliance officer.

Timeline

Within two (2) school days after receiving the Incident Reporting Form, the school and/or district designee will notify the families of the students involved that a complaint was received and direct the family to the district's policy and procedure on harassment, intimidation and bullying. 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. No later than two (2) school days after the investigation is complete, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor. If the initial response to the parent/guardian of the complainant and the alleged aggressor was in person, the principal or designee will also follow up in writing, summarizing the conversation, including the district's Harassment, Intimidation and Bullying compliance officer in that written summary.

Within two (2) school days after receiving an allegation of harassment, intimidation or bullying by any individual, the recipient and/or designee will acknowledge such receipt, informing the individual of next steps.

Within two (2) school days after receiving an allegation of harassment, intimidation, or bullying by any individual not directly involved in the allegation, the recipient and/or designee will acknowledge such receipt, informing the individual of next steps.

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. The district will prioritize addressing incidents in a timely way. Interventions will range from counseling, correcting behavior and discipline, to law enforcement referrals. Allegations of harassment, intimidation and/or bullying, to include discrimination and sexual harassment, will be taken seriously. Allegations found to be substantiated will result in prompt intervention and/or disciplinary action.

Students with Individual Education Plans or Section 504 Plans

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the target of harassment, intimidation or bullying, the school will convene the student's IEP or Section 504 team to determine whether the incident had an impact on the student's ability to receive a free, appropriate public education (FAPE). The meeting should occur regardless of whether the harassment, intimidation or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavioral issues, attendance, and participation in extracurricular activities. If a determination is made that the student is not receiving a FAPE as a result of the harassment, intimidation or bullying incident, the district will provide additional services and supports as deemed necessary, such as counseling, monitoring and/or reevaluation or revision of the student's IEP or Section 504 plan, to ensure the student receives a FAPE.

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 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 is authorized to direct the implementation of procedures addressing the elements of this policy, including an online incident report. Procedures will include, though not be limited to, guidance around the process of selecting an investigator, training provided to those charged with investigating, and the investigative processes that will be utilized.

<p>Cross References:</p>	<p>Board Policy 2161</p> <p>3200</p> <p>3205</p> <p>3210</p> <p>3240</p> <p>3241</p>	<p>Special Education and Related Services for Eligible Students</p> <p>Student Rights and Responsibilities</p> <p>Prohibition of Sexual Harassment - Students</p> <p>Nondiscrimination</p> <p>Student Conduct</p> <p>Classroom Management, Corrective Actions and/or Interventions</p>
<p>Legal Reference:</p>	<p>RCW 28A.300.285</p> <p>RCW 9A.36.080</p> <p>RCW 9A.36.078</p> <p>WAC 392-190-059</p> <p>WAC 392-190-056</p> <p>WAC 495A-121-011</p>	<p>Harassment, intimidation, and bullying prevention policies and procedures — Model policy and procedure — Training materials — Posting on web site — Rules — Advisory committee</p> <p>Malicious Harassment-Definition</p> <p>Malicious Harassment-Finding</p> <p>Harassment, intimidation and bullying prevention policy and procedure – school districts</p> <p>Sexual Harassment - Definitions</p> <p>Students Rights and Responsibilities</p>

Management Resources:

Office for Civil Rights, Dear Colleague Letter: Responding to Bullying of Students with Disabilities (OCR 10/21/2014)

Policy News, December 2014

Policy News, December 2010 Harassment, Intimidation and Bullying Policy Strengthened

Policy News, April 2008 Cyberbullying Policy Required

Policy News, April 2002 Legislature Passes and Anti-Bullying Bill

Stopbullying.gov

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