

## 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 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.

### A. Definitions

**Perpetrator** is a student, staff member, or other member of the school community who engages in the harassment, intimidation or 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 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 teachers, volunteers, or paraprofessionals (both employees and contractors).

**Targeted Student** is a student against whom harassment, intimidation, and bullying has been perpetrated.

### B. 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 the school administrator; and the name and contact information for the district compliance officer.

Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided in any 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 or 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 form.

**3. 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 Reporting Form.

**4. 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.

**C. Staff Intervention**

Any school staff member 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 recurrence. 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.

**D. 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.
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 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.

## **E. 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).

#### Status of Reporter

##### a. 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 Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5<sup>th</sup> period.)

##### 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. 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.

### **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 or 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 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 or 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 or 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 has 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:
  - An interview with the targeted student;
  - An interview with the alleged perpetrator;
  - A review of any previous complaints involving either the targeted student or the alleged perpetrator; 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 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 in person to the parent/guardian of the targeted student and the alleged perpetrator 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 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 has 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 3300 – Corrective Actions or Punishment. 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, staff member, or other member of the school community knowingly made a false allegation of harassment, intimidation or 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 disciplinary appeal council 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 disciplinary appeal council must be heard within ten school days of receipt of the written notice of appeal to the disciplinary appeal council. The will disciplinary appeal council reviews the record and renders 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 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. Corrective measures that involve student discipline will be implemented according to district Policy 3300 – Corrective Actions or Punishment.

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, 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.

#### **F. 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 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 or bullying. Retaliation is prohibited and will result in appropriate discipline.

#### **G. 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 or 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/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)

#### **H. 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 or bullying as defined herein, but which are or may be prohibited by other district or school rules.

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**Stanwood-Camano School District**

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