

Policy 3201 – Students

Prohibition of Harassment, Intimidation, and Bullying

The District is committed to a safe and civil educational environment for all students, employees, volunteers and patrons, free from harassment, intimidation or bullying. “Harassment, intimidation or bullying” means any intentional written, verbal, or physical act, including, but not limited to, one shown to be motivated by any characteristic in RCW 9A.36.080(3), (race, color, religion, ancestry, national origin, gender, sexual orientation, or mental or physical disability), or other distinguishing characteristics, when the intentional written, verbal, or physical act:

- Physically harms a student or damages the student’s property; or
- Has the effect of substantially interfering with a student’s education; or
- 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, or bullying. “Other distinguishing characteristics” can include but are not limited to: physical appearance, clothing or other apparel, socioeconomic status, gender identity, and marital status. Harassment, intimidation, or bullying can take many forms including: slurs, rumors, jokes, innuendo’s, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats, or other written, oral or physical actions. “Intentional acts” refers to the individual’s choice to engage in the act rather than the ultimate impact of the action(s).

This policy is not intended to prohibit expression on 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.

This policy is a component of the district’s responsibility to create and maintain a safe, civil, respectful and inclusive learning community and is to be **amended and** implemented in conjunction with comprehensive training and involvement of staff, volunteers, **students and community representatives**, including the education of students in partnership with families and the community. The policy is to be implemented in conjunction with the Comprehensive Safe Schools Plan that includes prevention, intervention, crisis response, recovery, and annual review. Employees, in particular, are expected to support the dignity and safety of all members of the school community.

Depending upon the frequency and severity of the conduct, intervention, counseling, correction, discipline, and/or referral to law enforcement will be used to remediate the impact on the victim and the climate and change the behavior of the perpetrator. This includes appropriate intervention, restoration of a positive climate, and support for victims and others impacted by the violation. False reports or retaliation for harassment, intimidation, or bullying also constitute violations of this policy.

The superintendent is authorized to direct the development and implementation of procedures addressing the elements of this policy, consistent with the complaint and investigation components of procedure 6590, Sexual Harassment.

Cross References

- Policy 3200, Rights and Responsibilities
- Policy 3210, Nondiscrimination
- Policy 3240, Student Conduct
- Policy 3241, Classroom Management, Corrective Action and Punishment

Policy 6590, Sexual Harassment

Legal Reference

Chapter 207, Laws of 2002

Prohibition of Harassment, Intimidation, and Bullying

Informal Complaint Process: It is the responsibility of staff, students, or volunteers who have witnessed, or have reliable information that a student has been subjected to, harassment, intimidation, or bullying, whether verbal or physical, to report such incident to an appropriate school official. Staff, students, or volunteers who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in the district's policy prohibiting bullying, harassment, or intimidation, is immune from a cause of action for damages arising from any failure to remedy the reported incident. Anyone may use informal procedures to report and resolve complaints of harassment, intimidation, or bullying. At the building level, programs may 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 complaints 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 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.

Formal Complaint Process: Anyone may initiate a formal complaint of harassment, intimidation, or bullying, even if the informal complaint process is being utilized. Complainants should not be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearings may result. Efforts should be made to increase the confidence and trust of the person making the complaint. The district will fully implement the anti-retaliation provisions of this policy to protect complainant(s) and witness(es). Student complainants and witnesses may have a parent or trusted adult with them, if requested, during any district-initiated investigatory activities. The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the district needs to conduct an investigation based on information in their possession regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

A. All formal complaints shall be in writing. Formal complaints shall set forth the specific acts, conditions, or circumstances alleged to have occurred that may constitute harassment, intimidation, or bullying. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.

B. Regardless of the complainant's interest in filing a formal complaint, the compliance officer may conclude that the district needs to draft a formal complaint based upon the information in the

officer's possession.

C. The compliance officer shall investigate all formal, written complaints of harassment, intimidation, or bullying, and other information in the compliance officer's possession that the officer believes requires further investigation.

D. When the investigation is completed, the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.

E. The superintendent or designee, who is not the compliance officer, shall respond in writing to the complainant and the accused within thirty days, stating:

1. That the district intends to take corrective action; or
2. That the investigation is incomplete to date and will be continuing; or
3. That the district does not have adequate evidence to conclude the bullying, harassment, or intimidation occurred.

F. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

G. If a student remains aggrieved by the superintendent's response, the student may pursue the complaint as one of discrimination pursuant to Policy 3210, Nondiscrimination or a complaint pursuant to Policy 4220, Complaints Concerning Staff or Programs.

A fixed component of all district orientation sessions for employees, students, and regular volunteers shall introduce the elements of this policy. Staff will be provided information on recognizing and preventing harassment, intimidation, or bullying. 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 harassment, intimidation, or bullying. Classified employees and regular volunteers shall get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation, and bullying, and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents. Parents shall be provided copies of this policy and procedure and appropriate materials, on the recognition and prevention of harassment, intimidation, and bullying.

Cross References

- Policy 3200, Rights and Responsibilities
- Policy 3210, Nondiscrimination
- Policy 3240, Student Conduct
- Policy 3241, Classroom Management, Corrective Action and Punishment
- Policy 6590, Sexual Harassment

Legal Reference

- Chapter 207, Laws of 2002

Adoption Date: August 22, 2007