

## STUDENTS

### Prohibition of Harassment, Intimidation and Bullying Procedures

#### A. Introduction

The Snohomish School 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, creed, religion, ancestry, national origin, honorably discharged veteran or military status, sex, gender, sexual orientation, including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by the person with the disability or service animal by the person with the 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 recurrence.

#### B. Definitions

**Aggressor** means 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** means an intentional electronic, written, verbal, or physical act that:

1. Physically harms a student or damages the student's property; or
2. Has the effect of substantially interfering with a student's education; or
3. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
4. 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 electronic, written, oral, or physically transmitted messages or

images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying (3207F1).

**Retaliation** occurs 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** means a student against whom harassment, intimidation or bullying has allegedly been perpetrated.

#### C. **Relationship to Other Laws**

This procedure applies only to the prohibition of harassment, intimidation and bullying required by RCW Chapter 28A.600. 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.300.285 – Harassment, Intimidation and Bullying
2. RCW 28A.640.020 – Sexual Harassment
3. RCW 28A.642 – Prohibition of Discrimination in Public Schools
4. RCW 49.60 – 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** – Posted in each school and on the district's website is 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 available in each school and in the student handbook. The district will provide language assistance for students and parents/guardians with limited English proficiency under Title VI of the Civil Right Act of 1964, if necessary. Form 3207F1 Incident Reporting Form will also be available on the district's website. The posted information will be reviewed annually.

2. Education – Annually students will receive age-appropriate information on the recognition and prevention and reporting of harassment, intimidation or bullying at student orientation sessions and on other appropriate occasions.
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 (3207F1).
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**

The district compliance officer will:

1. Serve as the primary contact between the district, the Office of the Education Ombuds, and the Office of the Superintendent of Public Instruction (OSPI) regarding the district’s policy and procedure prohibiting harassment, intimidation and bullying.
2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all formal and informal complaints relating to harassment, intimidation and bullying. Incident Reporting Forms, discipline referral forms, and letters to parents providing the outcomes of investigations.
4. Communicate with the district employees responsible for monitoring district compliance with RCW 28A.642 prohibiting discrimination, and the primary contact regarding the district’s policy and procedure related to transgender students. If a written report of harassment intimidation or bullying indicates a potential violation of the district’s nondiscrimination policy (Policy 3210), the compliance officer must promptly notify the district’s civil rights compliance coordinator;
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 Policy 3207 and Procedure 3207P 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 by August 15<sup>th</sup>; and
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.

**F. Staff Intervention**

All staff members will 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.

**G. Filing an Incident Reporting Form**

Any student who believes they have 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.

If the allegations in a written report of harassment intimidation or bullying indicate a potential violation of the district's nondiscrimination policy (Policy 3210) the HIB compliance officer must promptly notify the district's civil rights compliance coordinator. Alternatively, during the course of an investigation of harassment, intimidation or bullying, the district becomes aware of a potential violation of the district's nondiscrimination policy (Policy 3210), the district employee investigating the report must promptly notify the district's civil rights compliance coordinator.

Upon receipt of this information, the district's civil right compliance coordinator must notify the complainant that their complaint will proceed under the discrimination complaint procedure in district Procedure 3210P and WAC 392-190-065 through WAC 392-190-075, in addition to the procedures in 3207P. In these cases, the investigation and response timeline set forth in WAC 392-190-065 begins when the district knows or should have known that a written report of harassment, intimidation or bullying involves allegations that the district has violated its nondiscrimination policy.

**H. Addressing Bullying – Report**

**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 (3207F1). The form may be filed anonymously, confidentially, or the student may choose to disclose his or her identity (non-confidential).

### **Status of Reporter**

- i. **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.
- ii. **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.
- iii. **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. Any staff who receives an informal or formal complaint relating to harassment, intimidation, or bullying must provide a copy of the complaint to their principal or designee who then must submit the complaint to the HIB compliance officer. Whenever possible staff who initially receive an oral or written report of harassment, intimidation or bullying will 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 (3207F1) 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.

1. Upon receipt of the Incident Reporting Form (3207F1) that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, the district will immediately contact law enforcement and inform the parent/guardian.
2. 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.
3. Within two (2) school days after receiving the Incident Reporting Form, the school principal or 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.
4. 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 the student's 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.
5. The investigation will include, at a minimum:
  - i. An interview with the complainant;
  - ii. An interview with the alleged aggressor;
  - iii. A review of any previous complaints involving either the complainant or the alleged aggressor; and
  - iv. Interviews with other students or staff members who may have knowledge of the alleged incident.
6. The principal or designee may determine that other steps must be taken before the investigation is complete.
7. 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.

8. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
  - i. The results of the investigation;
  - ii. Whether the allegations were found to be factual;
  - iii. Whether there was a violation of policy; and
  - iv. 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 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 will request assistance from the district.

#### **Step 4: Corrective Measures for the Aggressor**

After completion of the investigation, the principal or 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 Policy 3241 Student Discipline. If the accused 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 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 designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The Superintendent or 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 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 with the secretary of the School Board on or before the fifth (5<sup>TH</sup>) 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 (10<sup>TH</sup>) 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 (5<sup>th</sup>) school day following the termination of the hearing, and will provide a copy of the decision letter 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. 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. Corrective measures that involve student discipline will be implemented according to district Policy 3241 - Student Discipline.

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, 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 Educator's, 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 will be addressed and remedied as appropriate.

#### **I. 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. A harassment, intimidation or bullying complaint may also be reported to the following state or federal agencies:

- a. OSPI Equity and Civil Rights Office
- b. Washington State Human Rights Commission
- c. Office for Civil Rights, U.S. Department of Education, Region IX
- d. Department of Justice Community Relations Service
- e. Office of the Education Ombudsman
- f. OSPI Safety Center

#### **K. 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 or bullying as defined in this policy but which are, or may be, prohibited by other district or school rules.

Adoption Date: August 10, 2011

Revised: August 28, 2019