

1 **Prohibition of Harassment, Intimidation, or Bullying of Students**

2 **Introduction**

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

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

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

16 **A. Definitions**

17 **Aggressor** means a student, who harasses, intimidates or bullies a student.

18 **Harassment, intimidation or bullying** means an intentional electronic, written, verbal, or  
 19 physical act that:

- 20 • Physically harms a student or damages the student’s property.
- 21 • Has the effect of substantially interfering with a student’s education.
- 22 • Is so severe, persistent, or pervasive that it creates an intimidating or threatening educa-  
 23 tional environment.
- 24 • Has the effect of substantially disrupting the orderly operation of the school.

25 Conduct that is “substantially interfering with a student’s education” will be determined by  
 26 considering a targeted student’s grades, attendance, demeanor, interaction with peers,  
 27 participation in activities, and other indicators.

28 Conduct that may rise to the level of harassment, intimidation and bullying may take many  
 29 forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments,  
 30 drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to  
 31 an individual or group whether electronic, written, oral, or physically transmitted messages  
 32 or images. There is no requirement that the targeted student actually possess the  
 33 characteristic that is the basis for the harassment, intimidation or bullying.

34 This procedure does not govern harassment, intimidation, or bullying toward an employee,  
 35 volunteer, parent/legal guardian, or community member.

36 **Retaliation** occurs when a student is intimidated, threatened, coerced, or discriminated  
 37 against for reporting harassment, intimidation, bullying, participating in an investigation, or  
 38 being identified as a targeted student.

39 **Staff** includes, but is not limited to, educators, administrators, counselors, school nurses,  
 40 cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular  
 41 activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals  
 42 (both employees and contractors).

1 **Targeted Student** is a student against whom harassment, intimidation or bullying has  
 2 allegedly been perpetrated.

3 **Complainant** means the person who has reported the harassment, intimidation, or bullying.

4 **Behaviors/Expressions** "Harassment,' 'intimidation,' and 'bullying' are separate but  
 5 related behaviors directed toward students. Although this procedure defines the three  
 6 behaviors, this differentiation should not be considered part of the legal definition of  
 7 these behaviors., RCW 28A.600.477 presents HIB as a broad and inclusive term and it is  
 8 not meant to place undue emphasis on whether the behavior is "harassment," or "intimida-  
 9 tion," or "bullying."

10 Harassment refers to any malicious act which causes harm to any student's physical  
 11 wellbeing. It can be discriminatory harassment, malicious harassment, or sexual harass-  
 12 ment. Intimidation refers to implied or overt threats of physical violence toward a stu-  
 13 dent. Bullying refers to unwanted aggressive behavior(s) by another student or group of  
 14 students toward another student and that involves an observed or perceived power im-  
 15 balance and is repeated multiple times or is highly likely to be repeated. Bullying may  
 16 inflict harm on the targeted student including physical or educational harm. Bullying can  
 17 also occur through technology and is called electronic bullying or cyberbullying.  
 18

19 It is considered a violation of the state HIB law if any of the above behaviors are occurring.  
 20

21 **B. Relationship to Other Laws**

22 This procedure applies only to conduct toward students as reflected in RCW 28A.600.477 –  
 23 Prohibition of Harassment, Intimidation and Bullying prevention. There are other laws and  
 24 procedures to address related issues such as sexual harassment or discrimination.

25 At least four Washington laws may apply to harassment or discrimination:

- 26 • RCW 28A.600.477 – Harassment, Intimidation and Bullying
- 27 • RCW 28A.640.020 – Sexual Equality
- 28 • RCW 28A.642 – Prohibition of Discrimination in Public Schools
- 29 • RCW 49.60.010 – The Law Against Discrimination

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

34 **C. Prevention**

35 **1. Dissemination**

36 In each school and on the district's website, the district will prominently post infor-  
 37 mation, as provided by OSPI, on reporting harassment, intimidation, or bullying; the  
 38 name and contact information for making a report to a school administrator; and the name  
 39 and contact information for the district HIB Compliance Officer. The district's policy and  
 40 procedure will be available in each school in a language that families can understand.

41 Annually, the superintendent will ensure that language provided by OSPI summarizing  
 42 the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is  
 43 available in school and district offices and/or hallways and is posted on the district's web-  
 44 site.

45 Additional distribution of the policy and procedure is subject to the requirements of chap-  
 46 ter 392-405 WAC.

1        **2. Education**

2        Annually, students will receive age-appropriate information on the recognition and pre-  
 3        vention of harassment, intimidation or bullying at student orientation sessions and on  
 4        other appropriate occasions. The information will include a copy of the Incident Report-  
 5        ing Form or a link to a web-based process.

6        **3. Training**

7        The district HIB Compliance Officer will participate in at least one mandatory training  
 8        opportunity offered by OSPI. As feasible, the district’s HIB Compliance Officer will at-  
 9        tend annual training as a refresher course, particularly in the event that changes to the  
 10       HIB law or process occur. Staff will receive annual training on the school district’s policy  
 11       and procedure, including at a minimum, staff roles and responsibilities, and the use of the  
 12       district’s Incident Reporting Form.

13       **4. Prevention Strategies**

14       The district will implement a range of prevention strategies including individual, class-  
 15       room, school, and district-level approaches.

16       Whenever possible, the district will implement evidence-based prevention programs that  
 17       are designed to increase social competency, improve school climate, and eliminate har-  
 18       assment, intimidation, and bullying in schools.

19       **D. Compliance Officer**

20       The district compliance officer will:

- 21            1. Serve as the district’s primary contact for harassment, intimidation or bullying  
 22            of a student. If any district staff member receives allegations in a written  
 23            report of harassment, intimidation, or bullying that indicate a potential  
 24            violation of Policy 3207, that staff member must promptly notify the district  
 25            compliance officer.
- 26            2. Provide support and assistance to the principal or designee in resolving  
 27            complaints.
- 28            3. Receive copies of all Incident Reporting Forms, discipline Referral Forms,  
 29            and letters to parents providing the outcomes of investigations.
- 30            4. Communicate with the school district’s designated civil rights compliance  
 31            coordinator. If a written report of harassment, intimidation, or bullying of a  
 32            student indicates a potential violation of the district’s nondiscrimination  
 33            policy (Policy 3210), or if during the course of an investigation, the district  
 34            becomes aware of a potential violation of the district’s nondiscrimination  
 35            policy, the compliance officer must promptly notify the district’s civil rights  
 36            compliance coordinator. At that time, the compliance officers must promptly  
 37            notify the complainant that their complaint will proceed under both this policy  
 38            / procedure and the nondiscrimination policy / procedure. The investigation  
 39            and response timeline for the nondiscrimination procedure begin when the  
 40            school district knows or should have known that a written report or  
 41            investigation or Harassment, Intimidation, or Bullying involves a potential  
 42            violation of the district’s nondiscrimination policy

- 1 5. Be familiar with the use of the student information system. The compliance  
2 officer may use this information to identify patterns of behavior and areas of  
3 concern.
- 4 6. Ensure implementation of the policy and procedure by overseeing the  
5 investigative processes, including ensuring that investigations are prompt,  
6 impartial, and thorough.
- 7 7. Assess the training needs of staff and students to ensure successful  
8 implementation throughout the district, and ensure staff receive annual  
9 training.
- 10 8. Provide the OSPI School Safety Center with notification of policy or  
11 procedure updates or changes on an annual basis.
- 12 9. In cases where, despite school efforts, a targeted student experiences  
13 harassment, intimidation or bullying that threatens the student’s health and  
14 safety, the compliance officer will facilitate a meeting between district staff  
15 and the child’s parents/guardians to develop a safety plan to protect the  
16 student. A sample student safety plan is available on the OSPI website:  
17 [www.k12.wa.us/SafetyCenter/default.aspx](http://www.k12.wa.us/SafetyCenter/default.aspx).
- 18 10. The district will provide updated names and contact information to OSPI after  
19 a change of the district’s HIB Compliance Officer.

20 **E. Staff Intervention**

21 All staff members shall intervene and report when witnessing or receiving reports of  
22 harassment, intimidation or bullying of a student. Incidents that do not meet the definition of  
23 harassment, intimidation or bullying, or conduct not directed toward a student may require no  
24 further action, other than tracking, to ensure they are not repeated.

25 **F. Filing an Incident Reporting Form**

26 Incident Reporting Forms may be used by students, families, or staff to report incidents of  
27 harassment, intimidation or bullying of a student. A sample form is provided on the Office of  
28 Superintendent of Public Instruction’s (OSPI) School Safety Center website:  
29 [www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx).

30 Any student or students who believe they have been the target of unresolved, severe, or  
31 persistent harassment, intimidation or bullying, or any other person in the school community  
32 who observes or receives notice that a student has or may have been the target of unresolved,  
33 severe, or persistent harassment, intimidation or bullying may report incidents verbally or in  
34 writing to any staff member.

35 The district must provide an incident report form to students, families, or staff, if requested.

36 **G. Addressing Harassment, Intimidation, or Bullying Reports**

37 **Step 1: Filing an Incident Reporting Form**

38 In order to protect a targeted student from retaliation, a student need not reveal their identity  
39 on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the  
40 student may choose to disclose their identity (non-confidential).

41 Status of Reporter

- 42 a. Anonymous

1 Individuals may file a report without revealing their identity. No disciplinary action will  
 2 be taken against an alleged aggressor based solely on an anonymous report. Schools may  
 3 identify complaint boxes, use online reporting processes, or develop other methods for  
 4 receiving anonymous, unsigned reports. Possible responses to an anonymous report in-  
 5 clude enhanced monitoring of specific locations at certain times of day or increased mon-  
 6 itoring of specific students or staff. (Example: An unsigned Incident Reporting Form  
 7 dropped on a teacher’s desk led to the increased monitoring of the boys’ locker room in  
 8 5th period.)

9 b. Confidential

10 Individuals may ask that their identities be kept secret from the accused and other stu-  
 11 dents. Like anonymous reports, no disciplinary action will be taken against an alleged ag-  
 12 gressor based solely on a confidential report. (Example: A student tells a playground su-  
 13 pervisor about a classmate being bullied but asks that nobody know who reported the in-  
 14 cident. The supervisor says, “I won’t be able to punish the bullies unless you or someone  
 15 else who saw it is willing to let me use their names, but I can start hanging out near the  
 16 basketball court, if that would help.”)

17 c. Non-confidential

18 Individuals may agree to file a report non-confidentially. Complainants agreeing to make  
 19 their complaint non-confidential will be informed that due process requirements may re-  
 20 quire that the district release all of the information that it has regarding the complaint to  
 21 any individuals involved in the incident, but that even then, information will still be re-  
 22 stricted to those with a need to know, both during and after the investigation. The district  
 23 will, however, fully implement the anti-retaliation provision of this policy and procedure  
 24 to protect complainants and witnesses.

25 **Step 2: Receiving an Incident Reporting Form**

26 All staff are responsible for receiving oral and written reports. Whenever possible staff who  
 27 initially receive an oral or written report of harassment, intimidation or bullying of a student  
 28 shall attempt to resolve the incident immediately. If the incident is resolved to the satisfaction  
 29 of the parties involved, if the incident does not meet the definition of harassment,  
 30 intimidation or bullying, or if the conduct is not directed toward a student, no further action  
 31 may be necessary under this procedure. If the parties involved are not satisfied with the  
 32 attempt to resolve the situation, the staff member will notify the HIB Compliance Officer, the  
 33 parties will be provided with a HIB Incident Report form, and given the opportunity to  
 34 complete the form, thereby initiating the process for an official HIB investigation.

35 All reports of unresolved, severe, or persistent harassment, intimidation or bullying of a  
 36 student will be recorded on a district Incident Reporting Form and submitted to the principal  
 37 or designee. Once recorded, the principal or designee must communicate with the district  
 38 HIB Compliance Officer regarding the complaints.

39 **Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation**  
 40 **and Bullying**

41 All reports of unresolved, severe, or persistent harassment, intimidation or bullying of a  
 42 student will be investigated with reasonable promptness. Any student may have a trusted  
 43 adult with them throughout the report and investigation process.

- 1 a. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent  
2 harassment, intimidation or bullying of a student, the school or district designee will  
3 begin the investigation. If there is potential for clear and immediate physical harm to the  
4 complainant, the district will immediately contact law enforcement and inform the  
5 parent/guardian.
  - 6 b. For allegations involving a staff member the Human Resources Department must be  
7 involved so union representatives can be notified. These allegations will not be handled  
8 under the processes in 3207 and 3207P. Human Resources Departments must include  
9 consideration of policy and procedure 3210 – Nondiscrimination of Students, policy and  
10 procedure 5010 – Nondiscrimination and Affirmative Action, and other applicable  
11 policies and laws, including WAC 392-190-0555. The Human Resources Departments  
12 should work with their legal services to determine the appropriate complaint process and  
13 response.
  - 14 c. During the course of the investigation, the district will take reasonable measures to ensure  
15 that no further incidents of harassment, intimidation or bullying occur between the  
16 complainant, targeted student, and or the alleged aggressor. If necessary, the district will  
17 implement a safety plan ([https://www.k12.wa.us/student-success/health-safety/school-  
18 safety-center/safety-planning-toolkit](https://www.k12.wa.us/student-success/health-safety/school-safety-center/safety-planning-toolkit)) for the student(s) involved. The plan may include  
19 changing seating arrangements for the complainant, targeted student and/or the alleged  
20 aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will  
21 act as a safe person for the complainant; altering the alleged aggressor’s schedule and  
22 access to the complainant, and other measures.
- 23 If, during the course of an investigation, the district employee conducting the  
24 investigation becomes aware of a potential violation of the district’s nondiscrimination  
25 policy [Policy 3210], the investigator will promptly notify the district’s civil rights  
26 compliance officer. Upon receipt of this information, the civil rights compliance officer  
27 must notify the complainant that their complaint will proceed under the discrimination  
28 complaint procedure in WAC 392-190-065 through WAC 392-190-075 as well as the  
29 HIB complaint procedure. The notice must be provided in a language that the  
30 complainant can understand. The investigation and response timeline for the  
31 discrimination complaint procedure will follow that set forth in WAC 392-190-065 and  
32 begins when the district knows or should have known that a written report of harassment,  
33 intimidation or bullying involves allegations of a violation of the district’s  
34 nondiscrimination policy.  
35
- 36 d. Within two (2) school days after receiving the Incident Reporting Form, the school  
37 designee will notify the families of the students involved that a complaint was received  
38 and direct the families to the district’s policy and procedure on harassment, intimidation  
39 and bullying.
  - 40 e. In rare cases, where after consultation with the student and appropriate staff (such as a  
41 psychologist, counselor, or social worker) the district has evidence that it would threaten  
42 the health and safety of the complainant or the alleged aggressor to involve his or her  
43 parent/guardian, the district may initially refrain from contacting the parent/guardian in  
44 its investigation of harassment, intimidation or bullying of a student. If professional  
45 school personnel suspect that a student is subject to abuse and neglect, they must follow  
46 district policy for reporting suspected cases to Child Protective Services.

- 1 f. The investigation shall include, at a minimum:
- 2 • An interview with the complainant;
  - 3 • An interview with the targeted student, if different than the complainant;
  - 4 • An interview with the alleged aggressor;
  - 5 • A review of any previous complaints involving the complainant, the targeted student,
  - 6 or the alleged aggressor; and
  - 7 • Interviews with other students or staff members who may have knowledge of the al-
  - 8 leged incident.
- 9 g. The principal or designee may determine that other steps must be taken before the
- 10 investigation is complete.
- 11 h. The investigation will be completed as soon as practicable but generally no later than five
- 12 (5) school days from the initial complaint or report. If more time is needed to complete an
- 13 investigation, the district will provide the parent/guardian and/or the student with weekly
- 14 updates.
- 15 i. No later than two (2) school days after the investigation has been completed and
- 16 submitted to the compliance officer, the principal or designee shall respond in writing or
- 17 in person to the parent/guardian of the complainant and the alleged aggressor stating:
- 18 • The results of the investigation;
  - 19 • Whether the allegations were found to be factual;
  - 20 • Whether there was a violation of policy; and
  - 21 • The process for the complainant to file an appeal if the complainant disagrees with
  - 22 the results.

23 Because of the legal requirement regarding the confidentiality of student records, the

24 principal or designee may not be able to report specific information to the targeted student’s

25 parent/guardian about any disciplinary action taken unless it involves a directive that the

26 targeted student must be aware of in order to report violations.

27 If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the

28 parent/guardian of the complainant and alleged aggressor by United States Postal Service

29 with return receipt requested unless it is determined, after consultation with the student and

30 appropriate staff (psychologist, counselor, social worker) that it could endanger the

31 complainant or the alleged aggressor to involve his or her family. If professional school

32 personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they

33 must follow district policy for reporting suspected cases to Child Protective Services.

34 If the incident cannot be resolved at the school level, the principal or designee shall request

35 assistance from the HIB compliance officer.

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

37 After completion of the investigation, the school or district designee will institute any

38 corrective measures necessary. Corrective measures will be instituted as quickly as possible,

39 but in no event more than five (5) school days after contact has been made to the families or

40 guardians regarding the outcome of the investigation. Corrective measures that involve

41 student discipline will be implemented according to district policy 3241, *Student Discipline*.

42 If the accused aggressor is appealing the imposition of discipline, the district may be

43 prevented by due process considerations or a lawful order from imposing the discipline until

44 the appeal process is concluded.

1 If in an investigation a principal or principal’s designee found that a student knowingly made  
 2 a false allegation of harassment, intimidation or bullying, that student may be subject to  
 3 corrective measures, including discipline.

4 **Step 5: Complainant’s Right to Appeal**

- 5 1. If the complainant or parent/guardian is dissatisfied with the results of the investigation,  
 6 they may appeal to the superintendent or his or her designee by filing a written notice of  
 7 appeal within five (5) school days of receiving the written decision. The superintendent  
 8 or his or her designee will review the investigative report and issue a written decision on  
 9 the merits of the appeal within five (5) school days of receiving the notice of appeal.
- 10 2. If the complainant remains dissatisfied after the initial appeal to the superintendent, the  
 11 student may appeal to the school board by filing a written notice of appeal with the  
 12 secretary of the school board on or before the fifth (5) school day following the date upon  
 13 which the complainant received the superintendent’s written decision.
- 14 3. An appeal before the school board or disciplinary appeal council must be heard on or  
 15 before the tenth (10th) school day following the filing of the written notice of appeal to  
 16 the school board. The school board or disciplinary appeal council will review the record  
 17 and render a written decision on the merits of the appeal on or before the fifth (5th)  
 18 school day following the termination of the hearing, and shall provide a copy to all  
 19 parties involved. The board or council’s decision will be the final district decision.

20 **Step 6: Discipline/Corrective Action**

21 The district will take prompt and equitable corrective measures within its authority on  
 22 findings of harassment, intimidation or bullying of a student. Depending on the severity of  
 23 the conduct, corrective measures may include counseling, education, discipline, and/or  
 24 referral to law enforcement.

25 Corrective measures for a student who commits an act of harassment, intimidation or  
 26 bullying will be varied and graded according to the nature of the behavior, the developmental  
 27 age of the student, or the student’s history of problem behaviors and performance. Corrective  
 28 measures that involve student discipline will be implemented according to district policy and  
 29 procedure 3241, *Student Discipline*.

30 If the conduct was of a public nature or involved groups of students or bystanders, the district  
 31 should strongly consider schoolwide training or other activities to address the incident.

32 If staff have been found to be in violation of this policy and procedure by not reporting  
 33 harassment, intimidation, or bullying or not preventing retaliation, school districts may  
 34 impose employment disciplinary action, up to and including termination. If a certificated  
 35 educator is found to have committed a violation of WAC 181-87, commonly called the Code  
 36 of Conduct for Professional Educators, OSPI’s Office of Professional Practices may propose  
 37 disciplinary action on a certificate, up to and including revocation. Contractor violations of  
 38 this policy may include the loss of contracts.

39 **Step 7: Support for the Targeted Student**

40 Students found to have been subjected to harassment, intimidation or bullying will have  
 41 appropriate district support services made available to them, and the adverse impact of the  
 42 harassment on the student shall be addressed and remedied as appropriate.

43 **H. Immunity/Retaliation**



1 No school employee, student, or volunteer may engage in reprisal or retaliation against a  
 2 targeted student, witness, or other person who brings forward information about an alleged  
 3 act of harassment, intimidation or bullying of a student. Retaliation is prohibited and will  
 4 result in appropriate discipline.

5 **I. Other Resources**

6 Students and families should use the district’s complaint and appeal procedures as a first  
 7 response to allegations of harassment, intimidation or bullying of a student. However,  
 8 nothing in this procedure prevents a student, parent/guardian, school, or district from taking  
 9 action to remediate discrimination or harassment based on a person’s membership in a  
 10 legally protected class under local, state or federal law.

11 **J. For questions or more information, students and families can reach out to the following state  
 12 or federal agencies.**

- 13 • OSPI Equity and Civil Rights Office (for discrimination complaints)  
 14 360.725.6162  
 15 Email: equity@k12.wa.us  
 16 <https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- 17 • Washington State Human Rights Commission  
 18 800.233.3247  
 19 [www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)
- 20 • Office for Civil Rights, U.S. Department of Education, Region IX  
 21 206.607.1600  
 22 Email: OCR.Seattle@ed.gov  
 23 [www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)
- 24 • Department of Justice Community Relations Service  
 25 877.292.3804  
 26 [www.justice.gov/crt/](http://www.justice.gov/crt/)
- 27 • Office of the Education Ombudsman  
 28 866.297-2597  
 29 Email: OEOinfo@gov.wa.gov  
 30 <http://oeo.wa.gov/>
- 31 • OSPI Safety Center  
 32 Email: Schoolsafety@k12.wa.us  
 33 360.725-6068  
 34 <https://www.k12.wa.us/student-success/health-safety/school-safety-center>

35 **K. Other District Policies and Procedures**

36 Nothing in this policy or procedure is intended to prohibit discipline or remedial action for  
 37 inappropriate behaviors that do not rise to the level of harassment, intimidation, or bullying  
 38 as defined herein, but which are, or may be, prohibited by other district or school rules.

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 45 **Adoption Date: 06/26/08**

46 **Revised: 03/17/11**

- 1 **Revised:** 10/28/14
- 2 **Revised:** 02/19/15
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