

## **Prohibition of Harassment, Intimidation, Bullying, and Cyber-Bullying**

### **Declaration of Policy**

The District is committed to a safe and civil educational environment that is free from the harassment, intimidation, or bullying of any student.

As defined in Chapter 28A.600 RCW (Students), “Harassment, intimidation or bullying” means any intentional electronic, written, verbal, or physical act including but not limited to, one shown to be motivated by any characteristic in RCW 28A.640.010 and RCW 28A.642.010, or other distinguishing characteristics, when the 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;
- D. Has the effect of substantially disrupting the orderly operation of the school;
- E. Casting a student, staff member, volunteer, patron, or member of such person’s immediate family in such light as to subject them to torment, ridicule or shame, regardless of the veracity of the facts upon which the actor has acted;
- F. Constituting a crime pursuant to Federal, State, or local laws, statutes or ordinance;
- G. Subjecting any student, staff member, volunteer, or patron to unwanted or illegal pornographic material; or
- H. Portraying any student, staff member, volunteer, or patron in a state of nudity, engaging in sexual acts, or in such a state of near nudity as to subject such person to shame and embarrassment;

### **Definitions:**

1. Cyber-bullying - any harassment, intimidation, or bullying, as defined above, when such is accomplished utilizing electronic communication media. Such media includes, but shall not be limited to, email messages, text messages, instant messages, social networking sites, internet-based video sites, and posting of blogs.
2. Attempts - the taking of substantial steps toward engaging in harassment, intimidation, bullying and cyber-bullying activity shall be regarded for purposes of this policy in the same way as if the actor had been successful in completing the harassment, intimidation, bullying or cyber-bullying activity.
3. Solicitation - the solicitation of another person to engage in harassment, intimidation, bullying and cyber-bullying activity shall be regarded for purposes of this policy in the same way as if the actor had been successful in him or herself completing the harassment, intimidation, bullying or cyber-bullying activity.
4. Conspiracy - conspiring with two or more others to engage in harassment, intimidation, bullying and cyber-bullying activity shall be regarded for purposes of this policy in the same way as if the actor had been successful in him or herself completing the harassment, intimidation, bullying or cyber-bullying activity.
5. Aggressor - the student, staff member, or other member of the school community who engages in the harassment, intimidation, bullying, or cyber-culling of a student.

6. Retaliation - when an aggressor harasses, intimidates, bullies, or cyber-bullies a student who has reported incidents of bullying.
7. Staff - includes, but is not limited to, teachers, administrators, counselors, school nurses, food service employees, custodians, bus drivers, athletic coaches, advisors, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).
8. Targeted Student - a student against whom harassment, intimidation or bullying has allegedly been perpetrated.
9. Complainant - the person who has reported the harassment, intimidation, or bullying.
10. Intentional acts- the individual's choice to engage in the act rather than the ultimate impact of the action(s).

Conduct that may rise to the level of harassment, intimidation, bullying, and cyber-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, bullying, or cyber-bullying.

“Other distinguishing characteristics” can include but are not limited to: physical appearance, clothing or apparel, socioeconomic status, and weight.

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.

This policy and accompanying procedure do not govern harassment, intimidation, or bullying of an employee, volunteer, parent/legal guardian, or community member.

### **Behaviors/Expressions**

This policy recognizes that ‘harassment,’ ‘intimidation,’ and ‘bullying’ are separate but related behaviors towards a student. Each must be addressed appropriately. The accompanying procedure differentiates the three behaviors; however, this differentiation should not be considered part of the legal definition of these behaviors.

If such activity is engaged in on campus, during school sponsored activities including sports activities, is engaged in or on any district provided transportation or at any official school bus stop, is engaged in utilizing school provided or owned/leased electronic computer equipment, or is received with the assistance of school provided or owned/leased electronic computer equipment, then the actors shall be subject to discipline pursuant to District disciplinary policy including, if appropriate, a mandatory arrest if a firearm is involved.

The District has no duty to regulate off-campus Internet messages, statements, postings, or acts. Nevertheless, the District reserves the right to regulate, review, investigate, and discipline students for harassment, intimidation, bullying or cyber-bullying, or for other disciplinary violations when such activities threaten violence against another student or otherwise disrupt the

learning environment or orderly conduct of the school, school business, or school activities. The District's reservation of rights does not impose on the District or any school, a duty to regulate or review off-campus Internet messages, statements, postings, or acts.

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 for students and will be implemented in conjunction with comprehensive training of staff and volunteers. Specific training requirements are included in the accompanying procedure.

### **Prevention**

The district will provide students with strategies aimed at preventing harassment, intimidation, and bullying toward students. In its efforts to train students, the district will seek partnerships with families, law enforcement, and other community agencies.

### **Interventions**

Depending on 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. Parents of students who are impacted by harassment, intimidation, bullying and cyberbullying will be informed of the incident.

### **Students with Individual Education Plans (IEP) or Section 504 Plans**

If allegations are proven that a student with an Individual Education Plan (IEP) or Section 504 Plan has been the aggressor or 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 a student for reporting harassment, intimidation, or bullying, being identified as a targeted student, or participating in an investigation.

It is also a violation of district policy to knowingly report false allegations of harassment, intimidation, and bullying. Students or employees who knowingly report or corroborate false allegations will be subject to appropriate discipline. However, students, or employees will not be disciplined for making a report in good faith.

**Compliance Officer**

The superintendent will appoint a compliance officer as the primary district contact to receive copies of all formal complaints and oversee policy implementation. The name and contact information for the compliance officer will be communicated throughout the district. The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI.

Legal Reference:      WAC 392-190-059 Harassment, intimidation and bullying prevention policy and procedure  
                              RCW 9.41.280 Possessing dangerous weapon on school facilities  
                                  28A.300.285 Harassment, intimidation, and bullying prevention Policies  
                                  28A.640.020 Sexual Harassment  
                                  28A.642 Prohibition of Discrimination in Public Schools  
                                  49.60.010 The Law Against Discrimination

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