

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

2 **Introduction**

3 North Mason School District strives to provide students with optimal conditions for learning
 4 by maintaining a school environment where everyone is treated with respect and no one is
 5 physically or emotionally harmed.

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

14 Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation or
 15 bullying or to whom such actions have been reported must take prompt and appropriate
 16 action to stop the harassment, intimidation or bullying and to prevent its reoccurrence.

17 **A. Definitions**

18 **Aggressor** means a student, staff member, or other member of the school community who
 19 engages in the harassment, intimidation or bullying of a student.

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

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

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

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

36 **Retaliation** occurs when an individual is intimidated, threatened, coerced, or discriminated
 37 against for reporting harassment, intimidation, or bullying, or participating in an
 38 investigation.

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 **B. Behaviors/Expressions**

4 “Harassment,” ‘intimidation,’ and ‘bullying’ are separate but related behaviors. Each must be
 5 addressed appropriately. Although this procedure differentiates the three behaviors, this
 6 differentiation should not be considered part of the legal definition of these behaviors,
 7 Harassment refers to any malicious act, which causes harm to any person's physical well
 8 being. It can be discriminatory harassment, malicious harassment, or sexual harassment.
 9 Intimidation refers to implied or overt threats of physical violence. Bullying refers to
 10 unwanted aggressive behavior(s) by another youth or group of youths that involves an
 11 observed or perceived power imbalance and is repeated multiple times or is highly likely to
 12 be repeated. Bullying may inflict harm on the targeted youth including physical or
 13 educational harm. Bullying can also occur through technology and is called electronic
 14 bullying or cyberbullying

15 **C. Relationship to Other Laws**

16 This procedure applies only to RCW 28A.300.285 – Harassment, Intimidation and Bullying
 17 prevention. There are other laws and procedures to address related issues such as sexual
 18 harassment or discrimination.

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

- 20 • RCW 28A.300.285 – Harassment, Intimidation and Bullying
- 21 • RCW 28A.640.020 – Sexual Equality
- 22 • RCW 28A.642 – Prohibition of Discrimination in Public Schools
- 23 • RCW 49.60.010 – The Law Against Discrimination

24 The district will ensure its compliance with all state laws regarding harassment, intimidation
 25 or bullying. Nothing in this procedure prevents a student, parent/guardian, school or district
 26 from taking action to remediate harassment or discrimination based on a person’s
 27 membership in a legally protected class under local, state, or federal law.

28 **D. Prevention**

29 **1. Dissemination**

30 In each school and on the district’s website the district will prominently post information
 31 on reporting harassment, intimidation, or bullying; the name and contact information for
 32 making a report to a school administrator; and the name and contact information for the
 33 district compliance officer. The district’s policy and procedure will be available in each
 34 school in a language that families can understand.

35 Annually, the superintendent will ensure that a statement summarizing the policy and
 36 procedure is provided in student, staff, volunteer, and parent handbooks, is available in
 37 school and district offices and/or hallways, or is posted on the district’s website.

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

40 **2. Education**

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

1 **3. Training**

2 The district compliance officer will participate in at least one mandatory training opportunity offered by OSPI. Staff will receive annual training on the school district’s policy and procedure, including at a minimum, staff roles and responsibilities, how to monitor common areas and the use of the district’s Incident Reporting Form.

6 **4. Prevention Strategies**

7 The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches.

9 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.

12 **E. Compliance Officer**

13 The district compliance officer will:

- 14 1. Serve as the district’s primary contact for harassment, intimidation or bullying. If the allegations in a written report of harassment, intimidation, or bullying indicate a potential violation of Policy 3207, the district staff member who receives the report must promptly notify the district compliance officer.
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- 18 2. Provide support and assistance to the principal or designee in resolving complaints.
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- 20 3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations.
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- 22 4. Communicate with the school district’s designated civil rights compliance coordinator. If a written report of harassment, intimidation, or bullying indicates a potential violation of the district’s nondiscrimination policy (Policy 3210), or if during the course of an investigation, the district becomes aware of a potential violation of the district’s nondiscrimination policy, the compliance officer must promptly notify the district’s civil rights compliance coordinator. At that time, the compliance officers must promptly notify the complainant that their complaint will proceed under both this policy / procedure and the nondiscrimination policy / procedure. The investigation and response timeline for the nondiscrimination procedure begin when the school district knows or should have known that a written report or investigation or Harassment, Intimidation, or Bullying involves a potential violation of the district’s nondiscrimination policy
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- 35 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.
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- 38 6. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
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- 41 7. Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training.
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- 1 8. Provide the OSPI School Safety Center with notification of policy or
2 procedure updates or changes on an annual basis.
- 3 9. In cases where, despite school efforts, a targeted student experiences
4 harassment, intimidation or bullying that threatens the student’s health and
5 safety, the compliance officer will facilitate a meeting between district staff
6 and the child’s parents/guardians to develop a safety plan to protect the
7 student. A sample student safety plan is available on the OSPI website:
8 www.k12.wa.us/SafetyCenter/default.aspx.

9 **F. Staff Intervention**

10 All staff members shall intervene when witnessing or receiving reports of harassment,
11 intimidation or bullying. Minor incidents that staff are able to resolve immediately, or
12 incidents that do not meet the definition of harassment, intimidation or bullying, may require
13 no further action under this procedure, other than tracking, to ensure they are not repeated.

14 **G. Filing an Incident Reporting Form**

15 Incident Reporting Forms may be used by students, families, or staff to report incidents of
16 harassment, intimidation or bullying. A sample form is provided on the Office of
17 Superintendent of Public Instruction’s (OSPI) School Safety Center website:
18 www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx.

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

24 **H. Addressing Harassment, Intimidation, or Bullying Reports**

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

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

29 **Status of Reporter**

30 a. **Anonymous**

31 Individuals may file a report without revealing their identity. No disciplinary action will
32 be taken against an alleged aggressor based solely on an anonymous report. Schools may
33 identify complaint boxes, use online reporting processes, or develop other methods for
34 receiving anonymous, unsigned reports. Possible responses to an anonymous report in-
35 clude enhanced monitoring of specific locations at certain times of day or increased mon-
36 itoring of specific students or staff. (Example: An unsigned Incident Reporting Form
37 dropped on a teacher’s desk led to the increased monitoring of the boys’ locker room in
38 5th period.)

39 b. **Confidential**

40 Individuals may ask that their identities be kept secret from the accused and other stu-
41 dents. Like anonymous reports, no disciplinary action will be taken against an alleged ag-
42 gressor based solely on a confidential report. (Example: A student tells a playground su-
43 pervisor about a classmate being bullied but asks that nobody know who reported the in-
44 cident. The supervisor says, “I won’t be able to punish the bullies unless you or someone

1 else who saw it is willing to let me use their names, but I can start hanging out near the
 2 basketball court, if that would help.”)

3 c. Non-confidential

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

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

12 All staff are responsible for receiving oral and written reports. Whenever possible staff who
 13 initially receive an oral or written report of harassment, intimidation or bullying shall attempt
 14 to resolve the incident immediately. If the incident is resolved to the satisfaction of the
 15 parties involved, or if the incident does not meet the definition of harassment, intimidation or
 16 bullying, no further action may be necessary under this procedure.

17 All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be
 18 recorded on a district Incident Reporting Form and submitted to the principal or designee,
 19 unless the principal or designee is the subject of the complaint.

20 **Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation
 21 and Bullying**

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

25 a. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent
 26 harassment, intimidation or bullying, the school or district designee will begin the
 27 investigation. If there is potential for clear and immediate physical harm to the
 28 complainant, the district will immediately contact law enforcement and inform the
 29 parent/guardian.

30 b. During the course of the investigation, the district will take reasonable measures to ensure
 31 that no further incidents of harassment, intimidation or bullying occur between the
 32 complainant and the alleged aggressor. If necessary, the district will implement a safety
 33 plan ([https://www.k12.wa.us/student-success/health-safety/school-safety-center/safety-
 34 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 changing seating
 35 arrangements for the complainant and/or the alleged aggressor in the classroom, at lunch,
 36 or on the bus; identifying a staff member who will act as a safe person for the
 37 complainant; altering the alleged aggressor’s schedule and access to the complainant, and
 38 other measures.

39 If, during the course of an investigation, the district employee conducting the
 40 investigation becomes aware of a potential violation of the district’s nondiscrimination
 41 policy [Policy 3210], the investigator will promptly notify the district’s civil rights
 42 compliance officer. Upon receipt of this information, the civil rights compliance officer
 43 must notify the complainant that their complaint will proceed under the discrimination
 44 complaint procedure in WAC 392-190-065 through WAC 392-190-075 as well as the

1 HIB complaint procedure. The notice must be provided in a language that the
 2 complainant can understand. The investigation and response timeline for the
 3 discrimination complaint procedure will follow that set forth in WAC 392-190-065 and
 4 begins when the district knows or should have known that a written report of harassment,
 5 intimidation or bullying involves allegations of a violation of the district’s
 6 nondiscrimination policy.
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8 c. Within two (2) school days after receiving the Incident Reporting Form, the school
 9 designee will notify the families of the students involved that a complaint was received
 10 and direct the families to the district’s policy and procedure on harassment, intimidation
 11 and bullying.

12 d. In rare cases, where after consultation with the student and appropriate staff (such as a
 13 psychologist, counselor, or social worker) the district has evidence that it would threaten
 14 the health and safety of the complainant or the alleged aggressor to involve his or her
 15 parent/guardian, the district may initially refrain from contacting the parent/guardian in
 16 its investigation of harassment, intimidation or bullying. If professional school personnel
 17 suspect that a student is subject to abuse and neglect, they must follow district policy for
 18 reporting suspected cases to Child Protective Services.

19 e. The investigation shall include, at a minimum:

- 20 • An interview with the complainant;
- 21 • An interview with the alleged aggressor;
- 22 • A review of any previous complaints involving either the complainant or the alleged
- 23 aggressor; and
- 24 • Interviews with other students or staff members who may have knowledge of the al-
- 25 leged incident.

26 f. The principal or designee may determine that other steps must be taken before the
 27 investigation is complete.

28 g. The investigation will be completed as soon as practicable but generally no later than five
 29 (5) school days from the initial complaint or report. If more time is needed to complete an
 30 investigation, the district will provide the parent/guardian and/or the student with weekly
 31 updates.

32 h. No later than two (2) school days after the investigation has been completed and
 33 submitted to the compliance officer, the principal or designee shall respond in writing or
 34 in person to the parent/guardian of the complainant and the alleged aggressor stating:

- 35 • The results of the investigation;
- 36 • Whether the allegations were found to be factual;
- 37 • Whether there was a violation of policy; and
- 38 • The process for the complainant to file an appeal if the complainant disagrees with
 39 the results.

40 Because of the legal requirement regarding the confidentiality of student records, the
 41 principal or designee may not be able to report specific information to the targeted student’s
 42 parent/guardian about any disciplinary action taken unless it involves a directive that the
 43 targeted student must be aware of in order to report violations.

1 If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the
 2 parent/guardian of the complainant and alleged aggressor by United States Postal Service
 3 with return receipt requested unless it is determined, after consultation with the student and
 4 appropriate staff (psychologist, counselor, social worker) that it could endanger the
 5 complainant or the alleged aggressor to involve his or her family. If professional school
 6 personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they
 7 must follow district policy for reporting suspected cases to Child Protective Services.

8 If the incident cannot be resolved at the school level, the principal or designee shall request
 9 assistance from the HIB compliance officer.

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

11 After completion of the investigation, the school or district designee will institute any
 12 corrective measures necessary. Corrective measures will be instituted as quickly as possible,
 13 but in no event more than five (5) school days after contact has been made to the families or
 14 guardians regarding the outcome of the investigation. Corrective measures that involve
 15 student discipline will be implemented according to district policy 3241, *Student Discipline*.
 16 If the accused aggressor is appealing the imposition of discipline, the district may be
 17 prevented by due process considerations or a lawful order from imposing the discipline until
 18 the appeal process is concluded.

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

22 **Step 5: Targeted Student’s Right to Appeal**

- 23 1. If the complainant or parent/guardian is dissatisfied with the results of the investigation,
 24 they may appeal to the superintendent or his or her designee by filing a written notice of
 25 appeal within five (5) school days of receiving the written decision. The superintendent
 26 or his or her designee will review the investigative report and issue a written decision on
 27 the merits of the appeal within five (5) school days of receiving the notice of appeal.
- 28 2. If the targeted student remains dissatisfied after the initial appeal to the superintendent,
 29 the student may appeal to the school board by filing a written notice of appeal with the
 30 secretary of the school board on or before the fifth (5) school day following the date upon
 31 which the complainant received the superintendent’s written decision.
- 32 3. An appeal before the school board or disciplinary appeal council must be heard on or
 33 before the tenth (10th) school day following the filing of the written notice of appeal to
 34 the school board. The school board or disciplinary appeal council will review the record
 35 and render a written decision on the merits of the appeal on or before the fifth (5th)
 36 school day following the termination of the hearing, and shall provide a copy to all
 37 parties involved. The board or council’s decision will be the final district decision.

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

39 The district will take prompt and equitable corrective measures within its authority on
 40 findings of harassment, intimidation or bullying. Depending on the severity of the conduct,
 41 corrective measures may include counseling, education, discipline, and/or referral to law
 42 enforcement.

43 Corrective measures for a student who commits an act of harassment, intimidation or
 44 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, school districts 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 Educators, 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 shall be addressed and remedied as appropriate.

I. Immunity/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 or 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. An harassment, intimidation or bullying complaint may also be reported to the following state or federal agencies:

- OSPI Equity and Civil Rights Office (for discrimination complaints)
360.725.6162
Email: equity@k12.wa.us
<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- Washington State Human Rights Commission
800.233.3247
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
www.ed.gov/about/offices/list/ocr/index.html
- Department of Justice Community Relations Service
877.292.3804
www.justice.gov/crt/
- Office of the Education Ombudsman
866.297-2597
Email: OEInfo@gov.wa.gov
<http://oeo.wa.gov/>

- 1 • OSPI Safety Center
- 2 360.725-6044
- 3 <https://www.k12.wa.us/student-success/health-safety/school-safety-center>

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

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

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14	Adoption Date:	06/26/08
15	Revised:	03/17/11
16	Revised:	10/28/14
17	Revised:	02/19/15
18	Revised:	10/17/19