

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

2 A. 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, including gender expression or 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 and to prevent its reoccurrence.

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

40 **Retaliation** is when an aggressor harasses, intimidates, or bullies a student who has reported
 41 incidents of bullying.

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

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

7 C. Relationship to Other Laws

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

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

- 12 • RCW 28A.300.285 – Harassment, Intimidation and Bullying
- 13 • RCW 28A.640.020 – Sexual Harassment
- 14 • RCW 28A.642 – Prohibition of Discrimination in Public Schools
- 15 • RCW 49.60.010 – The Law Against Discrimination

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

20 D. Prevention

21 1. **Dissemination**

22 In each school and on the district’s website the district will prominently post information
 23 on reporting harassment, intimidation and bullying; the name and contact information for
 24 making a report to a school administrator; and the name and contact information for the
 25 district compliance officer. The district’s policy and procedure will be available in each
 26 school in a language that families can understand.

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

30 Additional distribution of the policy and procedure is subject to the requirements of
 31 Washington Administrative Code 392-400-226.

32 2. **Education**

33 Annually students will receive age-appropriate information on the recognition and pre-
 34 ventation of harassment, intimidation or bullying at student orientation sessions and on
 35 other appropriate occasions. The information will include a copy of the Incident Report-
 36 ing Form or a link to a web-based form.

37 3. **Training**

38 Staff will receive annual training on the school district’s policy and procedure, including
 39 staff roles and responsibilities, how to monitor common areas and the use of the district’s
 40 Incident Reporting Form.

41 4. **Prevention Strategies**

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

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

6 E. Compliance Officer

7 The district compliance officer will:

- 8 1. Serve as the district’s primary contact for harassment, intimidation and bullying.
- 9 2. Provide support and assistance to the principal or designee in resolving complaints.
- 10 3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to
 11 parents providing the outcomes of investigations.
- 12 4. Be familiar with the use of the student information system. The compliance officer may
 13 use this information to identify patterns of behavior and areas of concern.
- 14 5. Ensure implementation of the policy and procedure by overseeing the investigative
 15 processes, including ensuring that investigations are prompt, impartial, and thorough.
- 16 6. Assess the training needs of staff and students to ensure successful implementation
 17 throughout the district, and ensure staff receive annual fall training.
- 18 7. Provide the OSPI School Safety Center with notification of policy or procedure updates
 19 or changes on an annual basis.
- 20 8. In cases where, despite school efforts, a targeted student experiences harassment,
 21 intimidation or bullying that threatens the student’s health and safety, the compliance
 22 officer will facilitate a meeting between district staff and the child’s parents/guardians to
 23 develop a safety plan to protect the student. A sample student safety plan is available on
 24 the OSPI website: www.k12.wa.us/SafetyCenter/default.aspx.

25 F. Staff Intervention

26 All staff members shall intervene when witnessing or receiving reports of harassment,
 27 intimidation or bullying. Minor incidents that staff are able to resolve immediately, or
 28 incidents that do not meet the definition of harassment, intimidation or bullying, may require
 29 no further action under this procedure.

30 G. Filing an Incident Reporting Form

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

36 H. Addressing 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 his identity on
 39 an Incident Reporting Form. The form may be filed anonymously, confidentially, or the
 40 student may choose to disclose his or her 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 or develop other methods for receiving anonymous, unsigned
 4 reports. Possible responses to an anonymous report include enhanced monitoring of spe-
 5 cific locations at certain times of day or increased monitoring of specific students or staff.
 6 (Example: An unsigned Incident Reporting Form dropped on a teacher’s desk led to the
 7 increased monitoring of the boys’ locker room in 5th period.)

8 b. Confidential

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

16 c. Non-confidential

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

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

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

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

33 **Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation**
 34 **and Bullying**

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

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

43 b. During the course of the investigation, the district will take reasonable measures to ensure
 44 that no further incidents of harassment, intimidation or bullying occur between the

1 complainant and the alleged aggressor. If necessary, the district will implement a safety
 2 plan for the student(s) involved. The plan may include changing seating arrangements for
 3 the complainant and/or the alleged aggressor in the classroom, at lunch, or on the bus;
 4 identifying a staff member who will act as a safe person for the complainant; altering the
 5 alleged aggressor’s schedule and access to the complainant, and other measures.

6 c. Within two (2) school days after receiving the Incident Reporting Form, the school
 7 designee will notify the families of the students involved that a complaint was received
 8 and direct the families to the district’s policy and procedure on harassment, intimidation
 9 and bullying.

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

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

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

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

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

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

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

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

42 If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the
 43 parent/guardian of the complainant and alleged aggressor by United States Postal Service
 44 with return receipt requested unless it is determined, after consultation with the student and

1 appropriate staff (psychologist, counselor, social worker) that it could endanger the
 2 complainant or the alleged aggressor to involve his or her family. If professional school
 3 personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they
 4 must follow district policy for reporting suspected cases to Child Protective Services.

5 If the incident cannot be resolved at the school level, the principal or designee shall request
 6 assistance from the district.

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

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

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

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

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

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

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

40 Corrective measures for a student who commits an act of harassment, intimidation or
 41 bullying will be varied and graded according to the nature of the behavior, the developmental
 42 age of the student, or the student’s history of problem behaviors and performance. Corrective
 43 measures that involve student discipline will be implemented according to district policy
 44 3241, *Classroom Management, Corrective Actions*.

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

3 If staff have been found to be in violation of this policy and procedure, school districts may
 4 impose employment disciplinary action, up to and including termination. If a certificated
 5 educator is found to have committed a violation of WAC 181-87, commonly called the Code
 6 of Conduct for Professional Educators, OSPI’s Office of Professional Practices may propose
 7 disciplinary action on a certificate, up to and including revocation. Contractor violations of
 8 this policy may include the loss of contracts.

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

10 Persons found to have been subjected to harassment, intimidation or bullying will have
 11 appropriate district support services made available to them, and the adverse impact of the
 12 harassment on the student shall be addressed and remedied as appropriate.

13 I. Immunity/Retaliation

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

18 J. Other Resources

19 Students and families should use the district’s complaint and appeal procedures as a first
 20 response to allegations of harassment, intimidation and bullying. However, nothing in this
 21 procedure prevents a student, parent/guardian, school, or district from taking action to
 22 remediate discrimination or harassment based on a person’s membership in a legally
 23 protected class under local, state or federal law. An harassment, intimidation or bullying
 24 complaint may also be reported to the following state or federal agencies:

- 25 • OSPI Equity and Civil Rights Office
 26 360.725.6162
 27 Email: equity@k12.wa.us
 28 www.k12.wa.us/Equity/default.aspx
- 29 • Washington State Human Rights Commission
 30 800.233.3247
 31 www.hum.wa.gov/index.html
- 32 • Office for Civil Rights, U.S. Department of Education, Region IX
 33 206.607.1600
 34 Email: OCR.Seattle@ed.gov
 35 www.ed.gov/about/offices/list/ocr/index.html
- 36 • Department of Justice Community Relations Service
 37 877.292.3804
 38 www.justice.gov/crt/
- 39 • Office of the Education Ombudsman
 40 866.297-2597
 41 Email: OEOinfo@gov.wa.gov
 42 www.governor.wa.gov/oeo/default.asp
- 43 • OSPI Safety Center
 44 360.725-6044
 45 www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx

1 K. Other District Policies and Procedures

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

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11 **Adoption Date:** 06/26/08
12 **Revised:** 03/17/11
13 **Revised:** 10/28/14
14 **Revised:** 02/19/15