

## Prohibition of Harassment, Intimidation and Bullying Introduction

### A. Introduction

Tahoma School District No. 409 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. This procedure is designed to enforce the district's "Prohibition of Harassment, Intimidation and Bullying Policy."

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, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical 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. Willful failure to do so may be considered violation of district policy and subject to disciplinary actions.

### B. Definitions

**Agressor** is a student, staff member, or other member of the school community (previously defined above) who engages in the harassment, intimidation or bullying of a student.

#### **Harassment, Intimidation and Bullying (HIB):**

**Harassment:** RCW 9A.46.020. A person is guilty of harassment if without lawful authority the person knowingly threatens:

- To cause bodily injury immediately or in the future to the person threatened or to any other person; or
- To cause physical damage to the property of a person other than the actor; or
- To subject the person threatened or any other person to physical confinement or restraint; or
- Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and

- The person by words or conduct placed the person threatened in reasonable fear that the threat will be carried out. “Words or conduct” includes, in addition to any other form of communication or conduct, the sending of an electronic communication.

**Malicious Harassment:** A person is guilty of malicious harassment if he or she maliciously and intentionally commits one of the following acts because of his or her perception of the victim’s race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.

- Causes physical injury to the victim or another person;
- Causes physical damage to or destruction of the property of the victim or another person; or
- Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under all the circumstances. For purposes of this section, “reasonable person” is a reasonable person of the victim’s race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory handicap as the victim. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat. Threatening words do not constitute malicious harassment if it is apparent to the victim that the person does not have the ability to carry out the threat.
- Sexual orientation for this purpose includes gender expression or identity.

**Note:** *Malicious Harassment shall also be reported to law enforcement.*

**Intimidation:** Not rising to the level of harassment, but minor behaviors that have the intent to keep another person fearful; especially to compel or deter by making threats.

**Bullying:** Bullying is generally defined as repeated (and with intent to harm) actions words or other behaviors that involve an imbalance of power, with one person exerting said power over another. Bullying is generally defined as such due to persistence of behaviors, frequency of behaviors, or ganging up on the target.

With respect to the school environment these abovementioned actions manifest as intentional electronic, verbal, written and/or physical acts that:

Physically harms a student or damages the student’s property.

- Has the effect of substantially interfering with a student’s education.
- Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment.

- 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.

The district prohibits active or passive support for harassment, intimidation, or bullying. Students are encouraged to support other students who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Building Staff.

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

### C. Relationship to Other Laws

This procedure applies only to RCW 28A.300.285 – Harassment, Intimidation and Bullying prevention. 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:

- RCW 28A.300.285 – Harassment, Intimidation and Bullying
- RCW 28A.640.020 – Sexual Harassment
- RCW 28A.642 – Prohibition of Discrimination in Public Schools
- RCW 49.60.010 – 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

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.

##### 1. Dissemination

In each school and on the district's website the district will prominently post 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 on the district's website in a language that families can understand. Upon request, printed copies of these documents are available in a language that families can understand from either a school's office or the district's office.

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

Additional distribution of the policy and procedure is subject to the requirements of Washington Administrative Code 392-400-226. In addition, the district will incorporate lessons on suicide prevention as part of its curriculum.

##### 2. Education

Annually students will receive age-appropriate information on the recognition and prevention of harassment, intimidation or bullying at student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Reporting Form or a link to a web-based form.

In addition, the district will incorporate lessons on suicide prevention as part of its curriculum.

##### 3. Training

Staff will receive annual training on the school district's policy and procedure, including staff roles and responsibilities, how to identify instances of HIB, how to monitor common areas and classrooms, and the use of the district's Incident Reporting Form.

#### E. Compliance Officer

The district compliance officer and / or his or her designee will:

4. Serve as the district's primary contact for harassment, intimidation and bullying.
5. Provide support and assistance to school / district staff in investigating and / or resolving complaints.
6. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations related to incidents of HIB.
7. 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.
8. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
9. Asses the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training.
10. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
11. 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 must act 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. Staff should err on the side of reporting incidents if unsure whether the action rises to the level of harassment, intimidation or bullying.

#### G. Filing an Incident Reporting Form

Any student who believes he or she has 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. In lieu of using the official reporting form, any signed narrative description of the incident(s) of concern shall be considered a valid incident report.

#### H. Addressing Bullying – Reports

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

Status of Reporter:

1. **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.
2. **Confidential**  
Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, such reports will be investigated; however, no disciplinary action will be taken against an alleged aggressor based **solely** on a confidential report.
3. **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. Whenever possible staff who initially receive an oral or written report for harassment, intimidation or bullying shall 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 and submitted to the principal or designee, unless the principal or designee is the subject of 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 promptly investigated. Any student may have a trusted adult with them throughout the report and investigation process.

1. Upon receipt of the Incident Reporting Form 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 help prevent further incidents of harassment, intimidation or bullying from occurring 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 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 his or her 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 shall include, at a minimum:
  - An interview with the complainant;
  - An interview with the alleged aggressor;
  - A review of any previous complaints involving either the complainant or the alleged aggressor; and
  - 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 shall respond in writing and attempt to contact in person (includes over the

phone) the parent/guardian of the complainant and the alleged aggressor stating:

- The results of the investigation;
- Whether the allegations were supported by the evidence gathered;
- Whether there was a violation of policy; and
- The process for the complainant to file an appeal if the complainant disagrees with results.

Because of the legal requirement (FERPA) 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 the incident cannot be resolved at the school level, the principal or designee shall request assistance from the District Compliance Officer.

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

After completion of the investigation, the school or district designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, consistent with district Policy 3241 *Classroom Management, Corrective Actions or Punishment*.

If in an investigation a principal or principal's 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 his or her designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or his or her 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) 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 (10th) 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 (5th) school day

following the termination of the hearing, and shall provide a copy 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, *Classroom Management, Corrective Actions or Punishment*.

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

- OSPI Equity and Civil Rights Office  
360.725.6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
[www.k12.wa.us/Equity/default.aspx](http://www.k12.wa.us/Equity/default.aspx)
- Washington State Human Rights Commission  
800.233.3247  
[www.hum.wa.gov/index.html](http://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](mailto:OCR.Seattle@ed.gov)  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)
- Department of Justice Community Relations Service  
877.292.3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)
- Office of the Education Ombudsman  
866.297-2597  
Email: [OEOinfo@gov.wa.gov](mailto:OEOinfo@gov.wa.gov)  
[www.governor.wa.gov/oeo/default.asp](http://www.governor.wa.gov/oeo/default.asp)
- OSPI Safety Center  
360.725-6044  
[www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx)

#### K. Approval and Annual Review

All documents associated with Policy 3207 including this procedure 3207P shall be reviewed at least annually by the Board during the district's Disciplinary Report to the School Board pursuant to Tahoma District Policy 3241.

#### L. 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 herein, but which are, or may be, prohibited by other district or school rules.