

# Superintendent Procedure 3207SP.A **Prohibition of Harassment, Intimidation & Bullying - Students**



Approved by: s/ Larry Nyland Date: 3/8/18

Dr. Larry Nyland, Superintendent

## **A. Introduction**

Seattle School District 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 applies to all students who are harassed, intimidated, or bullied.

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, volunteers, families, patrons, and other visitors. No student within the school community will be harassed because of their race, creed, color, religion, ancestry, national origin, age, economic status, gender, sexual orientation including gender expression or identity, pregnancy status, marital status, physical appearance, the presence of any sensory, mental or physical disability, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a 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 reoccurrence.

## **B. Definitions**

**Alleged Aggressor** is a student, staff member, or other member of the school community who has allegedly engaged in harassment, intimidation or bullying of a student.

**Harassment, intimidation or bullying** is an intentional electronic, written, verbal, or physical act that:

1. Physically harms a student or damages the student's property; or
2. Has the effect of substantially interfering with a student's education; or
3. Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
4. 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, interest and 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 relating to an individual or group. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

Incident Reporting forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying. An Incident Reporting form can be found on the Office of Student Civil Rights’ district webpage.

**Retaliation** is when an alleged aggressor harasses, intimidates, or bullies a student because the student has reported an incident of bullying or who has provided information as a witness during the investigation of a harassment, intimidation, or bullying incident.

**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, policies and procedures to address related issues such as sexual harassment or discrimination.

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

1. RCW 28A.300.285 – Harassment, Intimidation and Bullying;
2. RCW 28A.640.020 – Sexual Harassment;
3. RCW 28A.642 – Prohibition of Discrimination in Public Schools; and
4. 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.

Nothing in this policy or procedure precludes any targeted student or reporter from exercising their rights under the procedures outlined in Federal or State laws.

### **D. Prevention**

## **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's compliance officer. The district's policy and procedure will be available in each school in a language that families can understand.

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.

## **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.

## **3. Training**

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

All SPS orientation sessions for staff or regular volunteers shall introduce the elements of the policy and procedure. Staff shall be provided information on recognizing and preventing harassment, intimidation, or bullying. Staff shall be reminded of their responsibility to report instances of suspected child abuse or neglect, and how that responsibility may be implicated by some allegations of harassment, intimidation, and bullying.

## **4. Prevention Strategies**

The district will implement a range of prevention strategies including individual, classroom, school, and district-level approaches. The dissemination of prevention or intervention strategies falls under the purview of the District's Behavior Health Services department.

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.

## **E. Compliance Officer**

1. The Superintendent designates the Student Civil Rights Compliance Officer in the Office of Student Civil Rights to be the HIB compliance officer for the district for all complaints brought under this procedure.
2. The district compliance officer shall:

- a. Serve as the district's primary contact regarding harassment, intimidation and bullying.
- b. Receive copies of all formal complaints, Incident Reporting Forms, and letters to parents providing the outcomes of investigations. If a written report of harassment, intimidation, or bullying indicates a potential violation of the district's nondiscrimination policy, the compliance officer must comply with the policies and procedures as set forth in Policy 3210 or 5010 and Superintendent Procedures 3210SP.B or 5010SP, as applicable. .
- c. The compliance officer or his/her designee will ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
- d. Serve as the primary contact on the policy and procedure between the school district, the Office of the Education Ombudsman, and the Office of the Superintendent of Public Instruction.
- e. The compliance officer or his/her designee shall assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receives annual fall training.
- f. The compliance officer or his/her designee shall provide support and assistance to school-based leaders in resolving complaints.
- g. The compliance officer or his/her designee shall 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.
- h. The compliance officer or his/her designee shall provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
- i. The compliance officer or his/her designee shall, in cases where, despite school efforts, a targeted student experiences harassment, intimidation or bullying that threatens the student's health and safety, facilitate a meeting between district staff and the targeted student's parents/guardians to develop a safety plan to protect the student.

#### **F. Staff Intervention**

All staff members shall intervene 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.

#### **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.

An Incident Reporting Form may be used by students, families, or staff to report alleged incidents of harassment, intimidation or bullying against a student. The form can be found on the SPS website.

#### **H. Addressing Bullying – Reports**

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

A student need not reveal his or her identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the person 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, 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. Reporters agreeing to make their complaints 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 reporters, targeted students, 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 of 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 HIB Incident Reporting Form. Staff, students, or community reporters shall submit such forms to the principal or designee, unless the principal or designee is the subject of the complaint; and to the Office of Student Civil Rights.

## **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 investigated with reasonable promptness. Any student may have a trusted adult with him or her throughout the reporting and investigation process.

- a. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school's building leader will contact the district's HIB Compliance Officer or his/her designee and they will determine who shall begin the investigation. In most cases, the investigation will

be conducted by a building leader. If there is potential for clear and immediate physical harm to the targeted student, the district will immediately contact law enforcement and inform the parent/guardian.

- b. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the targeted student 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 targeted student, reporter 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 targeted student; altering the alleged aggressor's schedule and access to the targeted student, and any other measure deemed appropriate that afford all parties with their due process rights.
- c. If, during the course of an investigation, the district employee conducting the investigation becomes aware of a potential violation of the district's nondiscrimination policy (Policy 3210), the investigator will promptly notify the district's Student Civil Rights Compliance Officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination procedure in WAC 392-190-066 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the district knows or should have known that a written report of harassment, intimidation, or bullying involves allegations of a violation of the district's nondiscrimination policy.
- d. 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.
- e. 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 targeted student 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 or bullying. If professional school personnel suspect that a student is subject to abuse or neglect, they must follow district policy and state law regarding the mandatory reporting of suspected abuse to Child Protective Services.
- f. The investigation shall include, at a minimum:
  - An interview with the reporter and/or targeted student;
  - An interview with the alleged aggressor, if known;
  - A review of any previous complaints involving either the targeted student or the alleged aggressor; and
  - Interviews with other students or staff members who may have knowledge of the alleged incident.
- g. The principal or designee may determine that other steps must be taken before the investigation is complete.
- h. 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.

- i. 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 or verbally to the parent/guardian of the targeted student and the alleged aggressor stating:
  - The results of the investigation;
  - Whether the allegations were found to be factual;
  - Whether there was a violation of policy; and
  - The process for the targeted student to file an appeal if he or she disagrees with results.

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

If the incident cannot be resolved at the school level, the principal or designee shall request assistance from the district's HIB 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, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Depending on the severity of the conduct, remedial action may include, but it is not limited to, counseling, education, change in classrooms, discipline, and/or referral to law enforcement. If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

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 targeted student or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the compliance officer, the Superintendent's designee for appeals, by filing a written notice of appeal within five (5) school days of receiving the written decision. The compliance officer 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. This right of appeal does not afford the targeted student or targeted student's parent/guardian a right to appeal the corrective action or discipline imposed against another student.
2. If the targeted student remains dissatisfied after the initial appeal to the compliance officer, an appeal may be filed with the Superintendent or disciplinary appeal council by filing a written notice of appeal on or before the fifth (5) school day following the date upon which the targeted student received the compliance officer's written decision. Upon receipt of a timely appeal, the Superintendent shall copy the School Board and delegate hearing and deciding the appeal to a neutral hearing examiner hired by the District.
3. An appeal before the Hearing Examiner or disciplinary appeal council must be heard on or before the tenth (10) school day following the filing of the written notice of appeal to the Superintendent. The appeal shall be based on the facts previously raised by the complainant and/or investigated by the District and the written decision of the compliance officer. This hearing shall be recorded.
4. The Hearing Examiner or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5) school day following the termination of the hearing, and shall provide a copy to all parties involved. The Hearing Examiner or disciplinary appeal council'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.

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.

If the conduct was of a public nature or involved groups of students or bystanders, the district will strongly consider school-wide training or other activities to address the incident.

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

Students 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. 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**

Staff, 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. A 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. 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.

## **L. Disclaimer of Liability**

Pursuant to established School Board policy, nothing in this policy or procedure shall be construed to provide a private right of action in the courts.

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Cross Reference: Policy Nos. 3207; 3208; D50.00; D51.00; F11.00; 3200; 3210; 3240; 3241; 3207SP.B; 3208SP; RCW 28A.300.285 Harassment, intimidation and bullying prevention policies and procedures – Model policy and procedure – Training materials – Posting on web site – Rules – Advisory committee