

# Superintendent Procedure 5207SP Prohibition of Harassment, Intimidation & Bullying

Approved by: s/Larry Nyland Date: 11/1/17

Dr. Larry Nyland, Superintendent



## I. INTRODUCTION

The District is committed to creating a safe, civil, and supportive work environment. Creating this environment is a part of our responsibility to provide an appropriate working environment for our employees and volunteers. Harassment, intimidation, or bullying (“HIB”) is conduct that disrupts an employee’s or volunteer’s ability to work and the District’s ability to create a safe working environment. This conduct has no place in the District. We commend our teachers, staff, administrators, and other adults throughout the District who demonstrate appropriate behavior and treat others with civility and respect. This procedure applies to all instances where an employee or volunteer is harassed, intimidated, or bullied on District property or at District-sponsored events, including incidents that occur adult-to-adult or student-to-adult.

## II. INVESTIGATIONS

All complaints of HIB will be taken seriously and will be investigated. This section outlines the investigations that may take place.

### Designated Compliance Officer

For all formal and informal complaints brought under this procedure, the Superintendent has designated the following office to receive, process, and assign complaints:

Human Resources (“HR”)  
**(206) 252-0282**

If the designated investigator from HR is the person who is allegedly harassing, intimidating, or bullying the complainant, the investigator shall be that alleged harasser’s immediate supervisor or an impartial internal or external investigator.

## III. COMPLAINTS

There are two types of HIB complaints that an employee or volunteer can file with the District. The first type of complaint alleges HIB toward an employee or volunteer based on a protected class listed in School Board Policy 5010. A complaint that alleges HIB based on a protected class shall be investigated and responded to as described in

Superintendent Procedure 5010SP. The second type of complaint includes all other allegations of HIB toward an employee or volunteer. This procedure applies to the second type of complaints.

Complaints of HIB under this procedure may be in the form of an informal complaint, where a person submits an oral complaint or an unsigned written complaint, or a formal complaint, which shall be in writing and signed. If a complaint is emailed, the District has the right to request that the complainant come in and sign the complaint. If the complainant does not provide a written signature to the complaint after notification, the District may treat the complaint as an informal complaint.

All complaints must be filed within one (1) year after the act, condition, or circumstance that is the subject matter of the complaint.

Complainants shall be informed that due process requirements may require that the District release all of the information regarding the complaint to the accused, thus the identity of the complainant may not remain confidential. The District will, however, fully implement the nonretaliation provisions contained within District policy to protect both complainants and witnesses.

The complainant and the District may agree to resolve the complaint in lieu of an investigation. The District strongly supports Alternative Dispute Resolution ("ADR") processes. The District will establish a fair and neutral process for ADR resolutions to take place, with the goal being a prompt resolution via an impartial facilitator.

#### A. Informal Complaint Process

Informal complaints may be made orally or in writing and may also be made anonymously. A complainant should understand that an anonymous complaint might not be resolved to the complainant's satisfaction, due to the limitations placed on the investigation by the anonymity.

Employees are responsible for receiving informal complaints of HIB and forwarding them to the alleged harasser's director, building administrator, and/or program/department manager or supervisor, unless that individual is the subject of the complaint, in which case the complaint shall be turned over to HR.

A director, building administrator, and/or program/department manager or supervisor (as appropriate to the alleged harasser's position) may investigate an informal complaint, or it may be handled by HR, which is required if the immediate supervisor is the subject of the complaint. The investigation shall include, at a minimum, discussions with adults who have knowledge of the alleged incident, a review of any previous complaints involving either the complainant or the alleged harasser, and an opportunity for both the complainant and alleged harasser to comment on the allegations. The investigator may determine that other steps must be taken before the investigation is complete. All attempts shall be made to keep the identity of the complainant and the alleged harasser confidential, although confidentiality

cannot be guaranteed. No appeal may be made from the findings or conclusions of an informal complaint.

Informal remedies include an opportunity for the investigator to explain to the alleged harasser that his or her conduct is unwelcome, offensive, or inappropriate, either in writing or face-to-face; a statement from HR to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline; a review of this Policy and Procedure with building/department staff without identifying the complainant; and/or disciplinary or remedial action.

#### B. Formal Complaint Process

Anyone may initiate a formal complaint of HIB, even if the informal complaint process is being utilized. A formal complaint must be submitted to HR. HR may investigate the allegation or assign the investigation to a director, building administrator, program/department manager or supervisor (as appropriate to the alleged harasser's and complainant's positions), or to an outside investigator.

1. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions, or circumstances alleged to have occurred that constitute HIB. HR may draft the complaint, based on the report of the complainant, for the complainant to review and sign.
2. When the investigation is completed, HR shall prepare a written report containing the results of the investigation. HR shall attempt to complete the investigation of all HIB complaints filed under this procedure within sixty (60) days. After the investigation is completed, HR shall respond in writing to the complainant stating:
  - a. The District denies the allegations; or
  - b. Confirms the allegations and lists the corrective measures that the District intends to take.
3. Corrective measures deemed necessary by HR, in consultation with other appropriate District staff, will be instituted as quickly as possible, but no later than thirty (30) days after the written response is issued, unless the accused is appealing the imposition of discipline and the District is prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

#### C. Bargaining Agreements

Nothing in this complaint procedure prohibits the processing of grievances by an employee bargaining representative and/or a member of a bargaining unit pursuant to grievance procedures established at the District level by an applicable collective bargaining agreement ("CBA").

### IV. DISCIPLINE/REMEDIAL ACTION

The District will take prompt, equitable, and remedial action within its authority on formal and informal complaints alleging HIB that come to the attention of the District. Engaging in HIB will result in appropriate discipline or other sanctions against offending employees. Others who engage in HIB on District property or at District activities may have access to District property and District activities restricted, as appropriate. Persons found to have been subjected to HIB will have appropriate District services made reasonably available to them and adverse consequences of the harassment shall be reviewed and remedied as appropriate.

#### V. APPEAL

If a formal complaint was filed and the complainant disagrees with the conclusions made by HR, the complainant may appeal to the Deputy Superintendent by filing a written notice of appeal with the Deputy Superintendent on or before the tenth (10th) day following the date upon which the complainant received HR's response. The Deputy Superintendent may hear the appeal or delegate the appeal to his or her designee. The Deputy Superintendent may not delegate appeals involving allegations of HIB by an Associate or Assistant Superintendent, an Executive Director, Chief, or Director, or a Building Principal or Assistant Principal. District employees and the complainant shall have the opportunity to submit written materials to the Deputy Superintendent or his or her designee. The appeal is reviewed based on these written materials.

The Deputy Superintendent or his or her designee will make a decision on the appeal within thirty (30) days of receiving the written notice of appeal.

If the complainant remains aggrieved by the Deputy Superintendent's or designee's decision, an appeal may be taken to King County Superior Court under the timelines and requirements contained in RCW 28A.645.

#### VI. TRAINING AND PREVENTION/INTERVENTION

All District orientation sessions for employees and volunteers shall introduce the elements of Policy 5207 and this Procedure. The District will provide employees and volunteers with information on recognizing and preventing HIB and shall provide a copy of the policy and this procedure to staff in its orientation materials.

#### VII. RETALIATION

No employee or volunteer may engage in reprisal or retaliation against a victim, witness, or other person who brings forward information about an act of retaliation. Reprisal or retaliation is prohibited and will result in appropriate discipline.

It is a violation of District policy and procedure to knowingly report false allegations of retaliation. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

#### VIII. OTHER LAWS

Nothing in this procedure precludes any complainant from exercising their rights under the procedures outlined in Federal or State laws.

IX. OTHER DISTRICT POLICIES AND PROCEDURES

Nothing in this procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of HIB as defined herein, but which are or may be prohibited by other District rules.

X. 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.

Approved: November 2017

Revised:

Cross Reference: Policy Nos. 3207; 3208; D51.00; 3200; 3210; 3240; 3207SP.A; 3208SP; RCW 28A.600.480