

Northshore School District

ADMINISTRATIVE PROCEDURE

No. 3207 P

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STUDENTS

Prohibition of Discrimination, Harassment, Intimidation, and Bullying (HIB)

A. Introduction

The Northshore 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.

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, District 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 (including language), gender, sexual orientation, including gender expression, gender identity, age, veteran or military status, 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 reoccurrence.

B. Definitions

Aggressor – A student, staff member, or other member of the school community who engages in the harassment, intimidation, or bullying of a student.

Discipline – For students, discipline pursuant to District policies/procedures 3200 and 3200P. For staff, progressive discipline pursuant to policies 5280 and 5281 and any applicable collective bargaining agreements.

Harassment, intimidation, or bullying – Any intentional written message or image—including those that are electronically transmitted (e.g. sexting)—verbal act, or physical act, including but not limited to one shown to be motivated by race, color, ancestry, national origin (including language), religion, creed, gender, sexual orientation (including gender expression or identity), age, veteran or military status, mental or physical disability, or other distinguishing characteristics, when the message or act:

- ☐ 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; or
- ☐ Has the effect of substantially disrupting the orderly operation of the school.

“Other distinguishing characteristics” can include, but are not limited to: physical appearance, clothing or other apparel, socioeconomic status, weight, and marital status. Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

Harassment, intimidation, or bullying can take many forms, including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, physical attacks or threats, gestures, or other written, oral or physical actions. Conduct that is “substantially interfering with a student’s education” will be determined by considering a targeted student’s grades, attendance, demeanor, and interaction with peers, participation in activities, and other indicators.

“Intentional acts” refers to the individual’s choice to engage in the act, rather than the ultimate impact of the action(s).

“Electronic” means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

Incident Reporting Form – A form that may be used by students, families, or staff to report incidents of harassment, intimidation, or bullying. The HIB Incident Reporting Form is posted on the Northshore School District website.

Parent/guardian – The parent(s) or legal guardian(s) of a student.

Retaliation – When someone intimidates, threatens, coerces, or discriminates against someone for reporting harassment, intimidation or bullying, or participating in an investigation. School Day – A calendar day except school holidays on which students enrolled in the District are afforded the opportunity to be engaged in educational activity that is planned, supervised, and conducted by or under the supervision of the District’s certificated staff, and on which day all or any portion of the students enrolled actually participate in such educational activity.

Staff – Personnel including, but 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, and paraprofessionals (both employees and contractors).

Targeted Student –A student against whom harassment, intimidation, or bullying has allegedly been perpetrated.

C. Behaviors / Expressions

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

D. Relationship to Other Laws

This procedure applies only to RCW 28A. 600.477– which requires each school District to have certain policies and procedures prohibiting harassment, intimidation, or bullying. Other laws and procedures address related issues, such as sexual harassment or discrimination.

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

- ☐ RCW 28A. 600.477– Harassment, Intimidation and Bullying prevention policies and procedures;
- ☐ RCW 28A.640.020 – Prohibition of Sexual Harassment
- ☐ RCW 28A.642 – Prohibition of Discrimination in Public Schools; and
- ☐ RCW 49.60.010 – Washington 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.

E. Prevention

1. Dissemination

In each school and on the District’s web site the District will prominently post information on reporting harassment, intimidation, or 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 in each school in a language that families can understand.

Annually, the superintendent/designee will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent/guardian handbooks, and is available in school and District offices and/or hallways, or is posted on the District’s web site. The summary statement will specify the person or persons to contact to obtain a copy of the policy and procedure.

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 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.

4. Prevention Strategies

The District will implement a range of prevention strategies including approaches at the individual, classroom, school, and District-level.

Whenever possible, the District will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation, or bullying in schools.

F. Compliance Officer

The District compliance officer will:

1. Serve as the District's primary contact for harassment, intimidation, or bullying issues.
2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms-student discipline referral forms related to harassment, intimidation, or bullying; and letters to parents/guardians providing the outcomes of investigations. If a written report of harassment, intimidation, or bullying indicates—or the District during an investigation under this procedure becomes aware of—a potential violation of the District's nondiscrimination policy, Policy 3210, or gender equity policy, Policy 3211, the compliance officer will promptly notify the District's civil rights compliance coordinator, who will conduct a discrimination investigation as required by WAC 392-190-059 and Step 3 of the investigation process of this procedure, below.
4. 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;
5. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
6. Assess the training needs of staff and students to ensure successful implementation throughout the District, and ensure staff receives annual fall training;
7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis;
8. 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 student's parent/guardian to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: <https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-security-related-rcws-wacs/harassment-intimidation-and-bullying-hib>.
9. The District compliance officer must attend at least one mandatory training opportunity offered by OSPI once OSPI has developed a statewide training class for compliance officers.

G. Staff Intervention

All staff members will intervene when witnessing or receiving reports of harassment, intimidation, and 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.

H. Reporting and Investigating Harassment, Intimidation, or Bullying

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.

All staff are responsible for receiving oral and written reports of harassment, intimidation, or bullying. Whenever possible, the staff member who receives the initial report will 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.

1. Filing an Incident Reporting Form (Step 1)

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. If the principal or designee is the subject of the complaint, the form will be submitted to the compliance officer.

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), as explained further below:

- a. **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.
- b. **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.
- c. **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.

2. Receiving an Incident Reporting Form (Step 2)

When a staff member receives an Incident Reporting Form completed by a complainant—or the staff member completes such a form—the staff member will promptly provide the form to the principal or designee. The principal or designee receiving a completed Incident Reporting Form, whether directly from a complainant or from a staff member, will promptly provide a copy to the compliance officer.

3. Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation, or Bullying (Step 3)

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 them throughout the report and investigation process.

Reports of harassment, intimidation, or bullying will typically be investigated at the building level by the school principal or designee; however, the principal or designee may consult with the compliance officer to determine whether the compliance officer or a designee at the District level will investigate a report due to the severity and/or persistence of the alleged misconduct.

- a. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation or bullying, the school or District or 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.
- 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 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 in the 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.
- c. If the allegations made via the Incident Reporting Form indicate—or, during the course of an investigation into harassment, intimidation, or bullying, the District becomes aware of—a potential violation of the District's student nondiscrimination policy, Policy 3210, the person investigating the report must promptly notify the District's civil rights compliance coordinator. Upon receipt of such notice, the civil rights compliance coordinator will notify the complainant that his or her complaint will also proceed under the discrimination complaint procedure in WAC 392-190-065 through -075, as set forth in District Procedure 3210P, in addition to the investigation process under this procedure. This notice will be provided in a language that the complainant can understand, which may require language assistance for complainants with limited-English proficiency, in accordance with Title VI of the Civil Rights Act of 1964. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065, beginning when the District knew or should have known that a written report of harassment, intimidation, or bullying involved allegations of violation of the nondiscrimination policy. For purposes of this procedure, a report of harassment, intimidation, or bullying may constitute potential discrimination when it alleges that a student was subjected to harassment, intimidation, or bullying based on religion, creed, color, national origin, honorably discharged veteran or military status, sex, sexual orientation, gender expression or identity, the presence of any sensory, physical disability, or the use of a trained dog guide or service animal by a person with a disability
- 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, or bullying
- e. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, nurse, 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, or 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 and/or law enforcement.
- f. 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.

The building administrator or designee may determine that other steps must be taken before the investigation is complete. 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 school and/or District will provide the

parent/guardian and/or the student with weekly updates. When a principal or designee concludes the investigation, he or she will provide the compliance officer with a verbal or written summary of the results of the investigation.

- g. No later than two (2) school days after the investigation has been completed, (i) if performed by the compliance officer, or (ii) submitted to the compliance officer, if performed by the principal or designee, the school or District designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
- ☐ The results of the investigation.
 - ☐ Whether the allegations were found to be factual.
 - ☐ Whether there was a violation of District policy. and
 - ☐ The process for the complainant to file an appeal if the complainant disagrees with results.
 - ☐ The compliance officer will receive a copy of this written notice.

Because of the legal requirement regarding the confidentiality of student records, the building administrator 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 school and/or District chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the complainant 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, nurse, or social worker) that it could endanger the complainant 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 and/or law enforcement.

If the incident is unable to be resolved at the school level, the building administrator or designee shall request assistance from the compliance officer.

4. Corrective Measures for the Aggressor (Step 4)

After completion of the investigation, building administrator or 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. Corrective measures that involve student discipline will be implemented according to District policy/procedure 3240 and 3240P. 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 an investigation determines that a student knowingly made a false allegation of harassment, intimidation, or bullying, that student may be subject to corrective measures, including discipline.

5. Targeted Student's Right to Appeal (Step 5)

1. If the complainant or the parent(s)/guardian(s) is dissatisfied with the results of the investigation, they may appeal to the superintendent or designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or 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 or the parent(s)/guardian(s) remains dissatisfied after the initial appeal to the superintendent or designee, 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 of receipt of the superintendent's or designee's written decision.
3. An appeal before the school board must be heard on or before the tenth (10) 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 (5) school day following the termination of the hearing, and will provide a copy to all parties involved. The board's decision will be the final District decision.

6. Discipline/Corrective Action (Step 6)

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 and 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/procedure 3240 and 3240P. If the conduct was of a public nature or involved groups of students or bystanders, the District will strongly consider schoolwide training or other activities to address the incident.

If staff has been found to be in violation of this policy and procedure, the District may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of Chapter 181-87 WAC, commonly called the "Code of Conduct for Professional Educators," OSPI's Office of Professional Practices may propose disciplinary action on his or her teaching certificate, up to and including revocation. Contractor violations of this policy may result in the loss of contracts.

7. Support for the Targeted Student (Step 7)

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 will be addressed and remedied as appropriate.

If allegations are proven that a student with an Individualized Education Program (IEP) or Section 504 plan has been the subject of harassment, intimidation, or bullying, the District will convene the student's IEP or Section 504 team to determine whether the incident had an effect on the student's ability to receive a free, appropriate public education (FAPE). The meeting will occur regardless of whether the harassment, intimidation, or bullying incident was based on the student's disability. During the meeting, the team will evaluate issues such as the student's academic performance, behavior, attendance, and participation in extracurricular activities. If and to the extent determined necessary by the IEP team to ensure the student receives a FAPE, the District will provide additional services and supports, such as counseling, monitoring, and/or reevaluation or revision of the student's IEP or Section 504 plan.

I. Immunity/Retaliation

No employee, student, parent/legal guardian, or volunteer may engage in reprisal, retaliation, or false accusation against a victim, witness, or other participant in an investigation regarding a complaint 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. 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
www.k12.wa.us/Equity/default.aspx
- Washington State Human Rights Commission
1 (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
1 (877) 292-3804
www.justice.gov/crt/
- Office of the Education Ombudsman
1 (866) 297-2597
Email: OEInfo@gov.wa.gov
www.governor.wa.gov/oeo/default.asp
- OSPI Safety Center
(360) 725-6044
<https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-security-related-rcws-wacs/harassment-intimidation-and-bullying-hib>

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.

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