

Prohibition of Harassment, Intimidation and Bullying

A. Introduction

Kettle Falls School District strives to provide students/persons 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/person 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/persons, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s)/persons 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 reoccurrence.

B. Definitions

Aggressor means a student/person, staff member, or other member of the school community who engages in the harassment, intimidation or bullying of a student/person.

Harassment, intimidating or bullying means an intentional electronic, written, verbal, or physical act that:

- Physically harms a student/person or damages the student's/person'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/person actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

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

Retaliation: occurs an aggressor harasses, intimidates, or bullies a student/person 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/Person: means a student/person 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/person, 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

1. Dissemination

In each school and on the district's website, the district will prominently post; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. Also, the district's policy and procedure will be posted in each school *building*.

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

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

2. Education

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 training on the school district's policy and procedure, including staff roles and responsibilities, and the use of the district's Incident Report Form.

4. Prevention Strategies

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.

E. Compliance Officer

The district compliance officer (Superintendent) will:

1. Serve as the district's primary contact for harassment, intimidation and bullying. If the allegations in a written report of harassment, intimidation or bullying indicate a potential violation of Policy 3207, the district staff member who receives the report must promptly notify the district compliance officer. During the course of an investigation of harassment, intimidation or bullying, if the district becomes aware of a potential violation of Policy 3207, the district investigator must promptly notify the compliance officer. In response, the compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-065 through 392-190-075. The investigation and response timeline begins when the school district knows or should have known that a written report of harassment, intimidation or bullying involves allegations that the school district has violated its Policy 3207;
2. Provide support and assistance to the principal or designee in resolving complaints.
3. Receive copies of all Incident Reporting Forms, discipline Referral 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 [Policy 3210], the compliance officer must promptly notify the district's civil rights compliance coordinator.
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/persons to ensure successful implementation throughout the district, and ensure staff receive necessary training.
7. Provide the OSPI School Safety Center with notification of policy and procedure updates or changes if requested.
8. In cases where, despite school efforts, a targeted student/person 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/person. A sample student safety plan is available on the OSPI Website:
www.k12.wa.gov/SafetyCenter/default.aspx

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 a Incident Reporting Form

Any student/person 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/person 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. If the allegations in a written report of harassment, intimidation or bullying indicate a potential violation of this procedure, the district employee who receives the report must promptly notifies the HIB compliance officer. Alternatively, during the course of an investigation, if the district becomes aware of a potential violation of this procedure, the district employee investigating the report must promptly notify the HIB compliance officer.

Upon receipt of this information, the HIB compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-065 through WAC 392-190-075. The investigation and response timeline set forth in WAC 392-190-065 begins when the district knows or should have known that a written report of harassment, intimidation or bullying involves allegations that the district has violated this procedure or the guidelines adopted under WAC 392-190-059 or 392-190-005.

H. Addressing Bullying – Reports

Step 1: Filing an Incident Reporting Form

In order to protect a targeted student/person from retaliation, a student need not reveal his identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student/person may choose to disclose his or her identity (non-confidential).

Status of Reporter

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/persons or staff. (Example: An unsigned Incident Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.

b. Confidential

Individuals may ask that their identities be kept secret from the accused and other students/persons. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student/person tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish

the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.

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.

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 Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the 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 investigated with reasonable promptness. Any student/person may have a trusted adult with them throughout the report and investigation process.

- a. 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.
- b. During the course of the investigation, the district will take responsible 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 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.

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 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 complaint 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.

- c. 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.
- d. In rare cases, where after consultation with the student/person 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/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/person is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.
- e. 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.
- f. The principal or designee may determine that other steps must be taken before the investigation is complete.
- g. 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/person with weekly updates.
- h. 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 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 policy; and
 - The process for the complainant to file an appeal if the complainant 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 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, social worker) that it could endanger the complainant or the alleged aggressor to involve his or her family. If the professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting 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.

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. Corrective measures that involve student discipline will be implemented according to district Policy 3241, Classroom Management, Corrective Actions or Punishment. 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/person knowingly made a false allegation of harassment, intimidation or bullying, that student/person 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/her designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or his/her designee will review the investigative report and issue a written decision on the merits of the appeal with five (5) school days of receiving the notice of appeal.
2. If the targeted student/person remains dissatisfied after the initial appeal to the superintendent, the student/person 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 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 school board. The school board 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 board or 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. 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/person 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/person, or the student's/person's history of problem behaviors and performance. Corrective measures that involve student/person 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 school-wide training or other activities to address the incident.

If staff have been found to be in violation of this policy and procedure, school district's may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of WAC181-87, 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/person, or volunteer may engage in reprisal or retaliation against a targeted student/person, 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/persons 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/person, 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
E-mail: 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
1-206-607-1600

E-mail: 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
E-mail: OEInfo@gov.wa.gov
www.governor.wa.gov/oeo/default.asp
- OSPI Safety Center
1-360-725-6044
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.

Informal Complaint Process: Anyone may use informal procedures to report and resolve complaints of harassment, intimidation or bullying. At the building level, programs may be established for receiving anonymous complaints. Such complaints must be appropriately investigated and handled consistent with due process requirements. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to, and the process for, filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or designated staff person when they receive complaints of harassment, intimidation, or bullying, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

Informal remedies include an opportunity for the complainant to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate, either in writing or face-to-face; a statement from a staff member to the alleged perpetrator that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district harassment, intimidation and bullying policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the district believes the complaint needs to be more thoroughly investigated.

Formal Complaint Process: Anyone may initiate a formal complaint of harassment, intimidation or bullying, even if the informal complaint process is being utilized. Complainants should not be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearings may result. Efforts should be made to increase the confidence and trust of the person making the complaint. The district will fully implement the anti-retaliation provisions of this policy to protect complainant(s) and witness(es). Student complainants and witnesses may have a parent or trusted adult with them, if requested, during any district-initiated investigatory activities. The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the district needs to conduct

an investigation based on information in their possession regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

- A. All formal complaints shall be in writing. Formal complaints shall set forth the specific acts, conditions or circumstances alleged to have occurred that may constitute harassment, intimidation or bullying. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.
- B. Regardless of the complainant's interest in filing a formal complaint, the compliance officer may conclude that the district needs to draft a formal complaint based upon the information in the officer's possession.
- C. The compliance officer shall investigate all formal, written complaints of harassment, intimidation or bullying, and other information in the compliance officer's possession that the officer believes requires further investigation.
- D. When the investigation is completed the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.

KETTLE FALLS SCHOOL DISTRICT NO. 212

DATE OF ADOPTION: JULY 16, 2002

DATE OF REVIEW: MAY 20, 2003

DATE OF REVISION: MAY 23, 2006

DATE OF REVISION: MAY 27, 2008

DATE OF REVISION: FEBRUARY 28, 2011

DATE OF REVISION: FEBRUARY 23, 2015