

## Prohibition of Harassment, Intimidation and Bullying

### A. Introduction

Clover Park 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.

To ensure respect and prevent harm, it is a violation of district policy for a student to be harassed, intimidated, or bullied by others in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. The school community includes all students, school employees, school board members, contractors, unpaid volunteers, families, patrons, and other visitors. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental or physical disability, or other distinguishing characteristics.

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

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

1. Physically harms a student or damages the student's property;
2. Has the effect of substantially interfering with a student's education;
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, participation in activities and other indicators.

Conduct that may rise to the level of harassment, intimidation and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

Incident Reporting Forms will normally be used by students, families or staff to report incidents of harassment, intimidation or bullying. See form 3207-F1.

**Retaliation** is when an aggressor harasses, intimidates or bullies a student who has reported incidents of bullying.

**Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).

**Targeted Student** means a student against whom harassment, intimidation or bullying has allegedly been perpetrated.

### C. Relationship to Other Laws

This procedure applies only to [RCW 28A.300.285 – Harassment, Intimidation and Bullying prevention](#). There are other laws and procedures to address related issues such as sexual harassment or discrimination.

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

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](#)
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.

### 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 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.

The school principal is responsible for ensuring that appropriate training is provided to students in the school on a regular basis so the theme of no harassment, intimidation or bullying is clearly conveyed. The principal is also charged with ensuring that parents are notified and remain well-informed about this policy/procedure, and would be wise to engage parent groups and site councils to garner ownership of the no harassment, intimidation and bullying theme. The district will create/provide appropriate resources and guidelines for such training.

3. Training

Every district staff member 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. More on training is found in section I of this procedure.

All CPSD staff members, volunteers, and contractors will participate in required training on the contents of this policy and procedure (and the accompanying incident reporting form) in the first two weeks of each school year. Follow-up trainings will take place periodically throughout the school year. This training may be district-led or building-directed.

4. Prevention Strategies

The district will implement a range of prevention strategies including individual, classroom, school and district-level approaches. The district will also incorporate antibullying strategies and expectations into the counseling and guidance curriculum.

Whenever possible, the district will implement evidence-based prevention programs designed to increase social competency, improve school climate and eliminate harassment, intimidation and bullying in schools. Where possible and appropriate, school leaders will engage students to assist in establishing a culture of non-bullying through student-led activities.

**E. Compliance Officer**

The district compliance officer is the Director of Student Services, and will:

1. Serve as the district's primary contact for harassment, intimidation and bullying;
2. Provide support and assistance to principals or designees 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 to ensure successful implementation throughout the district, and ensure staff receive annual fall training;
7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
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 child's parents/guardians to develop a safety plan to protect the student.
9. The district's compliance officer will gather information and prepare annual reports to ensure the training has taken place, along with the content thereof. The compliance officer will also collect data monthly and annually on the incidents and types of harassment, intimidation, and bullying occurring throughout the year. This information will be shared with the superintendent upon request by August 1 annually.

#### **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.

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

Step 1: File an Incident Reporting Form

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

**Status of Reporter**

**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 to receive 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. (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. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student 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 the district to release all information 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 to protect complainants and witnesses.

**Step 2: Receiving an Incident Reporting Form**

All staff are responsible to receive 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.

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 may have a trusted adult with them throughout the report and investigation process.

- a. Upon receipt of the Incident Reporting Form, 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 reasonable measures to ensure 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 them to the district's policy and procedure on harassment, intimidation and bullying.
- d. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor or social worker) the district has evidence it would threaten the health and safety of the complainant or the alleged aggressor to involve his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation and bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must report 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 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 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 disciplinary action taken, unless it involves a directive that the targeted student must be aware of in order to report violations.

If the district contacts 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 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 report 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.

#### 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 involving student discipline will be implemented according to 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 finds a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

Step 5: Targeted Student's Right to Appeal

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or his/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 ***within five (5) school days of receiving the notice of appeal***.
2. If the targeted student remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board ***on or before the fifth (5) school day*** following the date upon which the complainant received the superintendent's written decision.
3. An appeal before the school board must be heard ***on or before the tenth (10th) school day*** following the filing of the written notice of appeal to the school board. The school board will review the record and render a written decision on the merits of the appeal ***on or before the fifth (5th) school day*** following the termination of the hearing, and shall provide a copy to all parties involved. The board's decision will be the final district decision.

Step 6: Discipline/Corrective Action

The district will take prompt and equitable corrective measures within its authority on findings of harassment, intimidation or bullying. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline and/or referral to law enforcement.

Corrective measures for a student who commits an act of harassment, intimidation or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to Policy 3241,

*Classroom Management and Corrective Actions*.

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 have been found to be in violation of this policy and procedure, the school district may impose employment disciplinary action, up to and including termination. If a certificated

educator is found to have committed a violation of WAC 181-87, commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

Step 7: Support for the Targeted Student

Persons found to have been subjected to harassment, intimidation or bullying will have appropriate district support services made available to them, and the adverse impact of the harassment on the student shall be addressed and remedied as appropriate. In-district services such as counseling, support-groups, regular check-ins with administrators/counselors/staff, etc. are possible activities that can be arranged, dependent on the uniqueness of each student's circumstance.

**I. Immunity/Retaliation**

No school employee, student or volunteer may engage in reprisal or retaliation against a targeted student, witness or other person who brings forward information about an alleged act of harassment, intimidation or bullying. Retaliation is prohibited and will result in appropriate discipline.

**J. Other Resources**

Students and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation and bullying. However, nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected class under local, state or federal law. A harassment, intimidation or bullying complaint may also be reported to the following state or federal agencies:

- OSPI Safety Center  
360.725-6044  
[www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx)
- Office of the Education Ombudsman  
866.297-2597  
Email: [OEInfo@gov.wa.gov](mailto:OEInfo@gov.wa.gov)  
[www.governor.wa.gov/oeo/default.asp](http://www.governor.wa.gov/oeo/default.asp)
- 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/)

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