

## **PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING**

Harassment, intimidation and bullying (HIB) means any intentional electronic, written, verbal or physical act, including but not limited to one shown to be motivated by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, mental, sensory, or physical disability or other distinguishing characteristics, when the intentional electronic, written, verbal or physical 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, embarrassing or threatening educational environment; or
- Has the impact of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation and bullying.

"Other distinguishing characteristics" may include, but are not limited to: physical appearance, clothing or other apparel, socio-economic status and weight.

"Intentional" refers to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

### **BEHAVIORS/EXPECTATIONS**

Harassment, intimidation and bullying can take many forms, including but not limited to, slurs, name calling, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, hazing, physical attacks, threats or other written, oral or physical acts or electronically transmitted messages or images.

#### **A. DEFINITIONS**

**Perpetrator** – is a student, staff member, or other member of the school community who engages in the harassment, intimidation or bullying of a student.

**HIB Incident Reporting Form** – may be used by students, families or staff to report incidents of harassment, intimidation or bullying.

**Retaliation** – when a student, staff member, or other member of the school community takes adverse action or reprisal against a student because the student has reported incidents of harassment, intimidation or bullying, or because the student has participated in an investigation of harassment, intimidation and bullying.

**School Community** – includes, but is not limited to, students, parents/guardians, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, paraprofessionals, volunteers, school board members, vendors, contractors or other visitors.

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

**B. 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.

Annually, the superintendent or designee 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.

**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 process to report HIB via the internet, email, text message, phone or by submission of a written form.

**3. Training**

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

**4. Prevention Strategies**

The district will provide assistance to schools in the development and implementation of school-based prevention strategies including individual, classroom and school-wide approaches. Whenever possible, these efforts will include evidence-based prevention programs designed to increase social competency, improve school climate, and eliminate harassment, intimidation and bullying in schools. On an annual basis, schools will report on the implementation of these programs to the superintendent or designee.

**C. COMPLIANCE OFFICER**

The district compliance officer will:

1. Serve as the district's primary contact for harassment, intimidation and bullying.
2. Provide support and assistance to the principal or designee in resolving complaints.
3. Receive copies of all *HIB Incident Reporting Forms*, discipline referral forms related to HIB, and letters to parents/legal guardians providing the outcomes of investigations.
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 procedures 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. Building principals will maintain records of staff training and report to the compliance officer no later than November 1 of each year, ensuring staff training has been completed.

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 parents/guardians to develop a safety plan to protect the student.

#### **D. STAFF INTERVENTION**

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. 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.

#### **E. INCIDENT REPORTING**

Any student who believes they have 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.

If the *HIB Incident Reporting Form* alleges discriminatory harassment under Procedure 3210P (such as race, sex, or disability-based harassment) or if allegations arise during the course of the district's investigation, the principal will promptly notify the district's Title IX Compliance Officer and the complaint will be investigated under Procedure 3210, as well as the HIB complaint procedure. The Title IX Compliance Officer will notify the complainant that their complaint will also proceed under Procedure 3210P in a language that the complainant understands.

#### **F. ADDRESSING BULLYING REPORTS**

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

A student need not reveal their identity on an *HIB Incident Reporting Form*. The form may be filed anonymously or confidentially, or the student may choose to disclose their 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 perpetrator 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. (*Example: An unsigned HIB 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 perpetrator 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 name, 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 who file non-confidentially will be informed that under due process the district may be required to release all information regarding the complaint to any individuals involved in the incident, but all information will continue to 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 targeted students and witnesses.

**Step 2: Receiving an HIB Incident Report**

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 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.

All reports of unresolved, severe or persistent harassment, intimidation or bullying will be recorded on a district *HIB 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. To aid in the investigation in the case of alleged cyberbullying, a request may be made to the reporter to allow access to the social media or internet site(s) on which the cyberbullying is occurring. Any student may have a trusted adult with them throughout the report and investigation process.

- a. Upon receipt of a *HIB 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 targeted student the district will immediately contact law enforcement and inform the parent/guardian.
- b. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the targeted student and the alleged perpetrator. If necessary, the district will implement a safety plan for the students involved. The plan may include changing seating arrangements for the targeted student and/or the alleged perpetrator in the classroom, at lunch, or on the bus;

- identifying a staff member who will act as a safe person for the targeted student; altering the alleged perpetrator's schedule and access to the targeted student, and other measures.
- c. Within two (2) school business days after receiving the *HIB 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 and appropriate staff (such as a psychologist, counselor, or social worker), the district has evidence that it would threaten the health and safety of the targeted student or the alleged perpetrator to involve their parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation and bullying. If professional school personnel have reasonable cause to believe that a student is subject to child abuse and neglect, they must follow district policy for reporting such cases to Child Protective Services or the police.
  - e. The investigation will include, at a minimum:
    - An interview with the targeted student.
    - An interview with the alleged perpetrator.
    - A review of any previous complaints involving either the targeted student or the alleged perpetrator.
    - 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 possible 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 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 will respond in writing to the targeted student, the parent/guardian of the targeted student and the alleged perpetrator, stating:
    - The results of the investigation;
    - Whether the allegations were found to be factual;
    - Whether there was a violation of policy; and
    - The process for the targeted student to file an appeal if the targeted student disagrees with results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the targeted student and alleged perpetrator by United States Postal Service

with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the targeted student or the alleged perpetrator to involve their family.

If the incident is unable to be resolved at the school level, the principal or designee will request assistance from the district compliance officer.

**Step 4: Corrective Measures for the Perpetrator**

- a. After completion of the investigation, the school or district designee will institute any corrective measures necessary.
- b. Corrective measures will be instituted as soon as possible, but in no event more than five (5) school days after contact has been made with parents/guardians regarding the outcome of the investigation.
- c. Corrective measures that involve student discipline will be implemented according to Policy 3240, Student Conduct. If the accused perpetrator is appealing the imposition of discipline, the district may be prevented by law and policy from imposing the discipline until the appeal process is concluded.
- d. If a principal or designee found that a student, staff member or other member of the school community knowingly made a false allegation of harassment, intimidation or bullying, that individual may be subject to corrective measures, including discipline.

**Step 5: Targeted Student's Right to Appeal**

- a. If the targeted student or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or designee by filing a written notice of appeal with the superintendent 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.
- b. If the targeted student or parent/guardian remains dissatisfied after the initial appeal to the superintendent, the student or parent/guardian may appeal to the school board by filing a written notice of appeal with the secretary of the school board within five (5) school days of receiving the superintendent's written decision.
- c. An appeal to the school board must be heard within ten (10) school days of receipt 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 within five (5) school days following the termination of the hearing, and will provide a copy of the decision 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

and the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to Policy 3200, Student Rights and Responsibilities.

If the conduct was of a public nature or involved groups of students or bystanders, the district or school will 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, the district may impose disciplinary action, up to and including termination of employment. 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 result in loss of contracts.

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

Students found to have been subjected to harassment, intimidation or bullying will have appropriate district support services made available to them, and the adverse impact of the harassment on the student will be addressed and remedied as appropriate. In addition, the safety plan, if any, will be reviewed and modified as appropriate.

**G. Immunity/Retaliation**

A staff member, student, or other member of the school community who promptly reports an incident of harassment, intimidation and bullying to an appropriate school official, and who makes this report in compliance with the district's policy and procedure relating to harassment, intimidation and bullying is immune from a cause of action for damages arising from any failure to remedy the reported incident.

No staff member, student or other member of the school community may engage in reprisal or retaliation against a 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.

**H. 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.

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 complaint of harassment, intimidation or bullying may also be reported to:

- OSPI Equity and Civil Rights Office  
(360) 725-6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
[www.k12.wa.us/Equity](http://www.k12.wa.us/Equity)
- Washington State Human Rights Commission  
800-233-3247  
[www.hum.wa.gov](http://www.hum.wa.gov)

- OSPI Safety Center  
360-725-6044  
[www.k12.wa.us/SafetyCenter/BullyingHarassment](http://www.k12.wa.us/SafetyCenter/BullyingHarassment)
- Office for Civil Rights  
Seattle Office  
US Department of Education  
206-607-1600  
Email: OCR.Seattle@ed.gov  
[www.ed.gov/ocr](http://www.ed.gov/ocr)
- Office of the Education Ombudsman  
866-297-2597  
Email: OEOinfo@gov.wa.gov  
[www.oeo.wa.gov](http://www.oeo.wa.gov)
- Department of Justice  
Community Relations Service  
202-305-2935  
Email: askcrs@usdoj.gov  
[www.justice.gov/crs](http://www.justice.gov/crs)

**I. 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 prohibited by other district or school rules.



*PROCEDURE ESTABLISHED ..... June 30, 2011*  
*REVISED..... August 30, 2016*



**Olympia School District  
HIB Incident Reporting Form**

TARGETED STUDENT		REPORTING DATE	
REPORTING PERSON (OPTIONAL)		EMAIL ADDRESS (OPTIONAL)	PHONE (OPTIONAL)
DATE(S) OF INCIDENT (IF KNOWN)	NAME(S) OF SCHOOL ADULT(S) YOU'VE ALREADY CONTACTED		
NAMES OF BULLIES (IF KNOWN)			
WHERE DID IT HAPPEN? (CHECK ALL THAT APPLY)		<input type="checkbox"/> CLASSROOM	<input type="checkbox"/> HALLWAY
<input type="checkbox"/> PLAYGROUND	<input type="checkbox"/> LOCKER ROOM	<input type="checkbox"/> LUNCH ROOM	<input type="checkbox"/> SPORT FIELD
<input type="checkbox"/> PARKING LOT	<input type="checkbox"/> SCHOOL BUS	<input type="checkbox"/> CELL PHONE	<input type="checkbox"/> INTERNET

**PLEASE CHECK THE BOXES THAT BEST DESCRIBE WHAT THE BULLY DID.**

- HITTING, KICKING, SHOVING, SPITTING, HAIR PULLING OR THROWING SOMETHING AT THE STUDENT
- GETTING ANOTHER PERSON TO HIT OR HARM THE STUDENT
- TEASING, NAME CALLING, MAKING CRITICAL REMARKS OR THREATENING IN PERSON, BY PHONE, BY E-MAIL, ETC.
- PUTTING THE STUDENT DOWN AND MAKING THE STUDENT A TARGET OF JOKES
- MAKING RUDE AND/OR THREATENING GESTURES
- EXCLUDING OR REJECTING THE STUDENT
- MAKING THE STUDENT FEARFUL, DEMANDING MONEY OR EXPLOITING
- SPREADING HARMFUL RUMORS OR GOSSIP
- CYBER BULLYING (BULLYING BY CALLING, TEXTING, EMAILING, WEB POSTING, ETC.)
- HAZING

<b>OTHER - PLEASE DESCRIBE</b>
<b>WHY DO YOU THINK THE HARASSMENT, INTIMIDATION OR BULLYING OCCURRED?</b>
<b>WERE THERE ANY WITNESSES? PLEASE PROVIDE NAMES AND CONTACT INFORMATION</b>
<b>DID A PHYSICAL INJURY RESULT FROM THIS INCIDENT? PLEASE DESCRIBE</b>
<b>WAS THE TARGET ABSENT FROM SCHOOL AS A RESULT OF THE INCIDENT? PLEASE DESCRIBE</b>
<b>CAN YOU PROVIDE ANY ADDITIONAL INFORMATION?</b>