

STUDENTS

Prohibition of Harassment, Intimidation, ~~and~~ or Bullying

A. Introduction

Everett Public Schools 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, 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, gender 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, intimidation, or bullying and to prevent its reoccurrence.

B. Definitions

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

As defined in legislation, “Harassment, intimidation, or bullying” (HIB) means any intentionally ~~written message or image – including those that are~~ electronically ~~transmitted--~~, ~~written~~, verbal, or physical act including but not limited to one shown to be motivated by any characteristic in RCW 28A.640.010 and RCW 28A.642.010, or other distinguishing characteristics, when an 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, embarrassing or threatening educational environment; or
4. Has the effect of substantially disrupting the orderly operation of the school.

Harassment refers to any malicious act, which causes harm to any person's physical or mental 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 or distress on the targeted youth including physical, psychological, social, or educational harm. Bullying can also occur through technology and is called electronic bullying or cyberbullying

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 HIB 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.

This procedure recognizes that ‘harassment,’ ‘imitation,’ and ‘bullying’ are separate but related behaviors. Each must be addressed appropriately.” Nothing in this section requires the targeted student to actually possess a characteristic that is a basis for HIB.

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

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

“**Retaliation**” occurs when **an individual is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, or participating in an investigation.** ~~an aggressor takes adverse action or reprisal against a student because the student has reported incidents of HIB, or because the student has participated in an investigation of HIB.~~

“**School community**” includes students, staff members, school board members, contractors, volunteers, parents and guardians, families, patrons, and other visitors.

“**Staff member**” 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**” is a student against whom HIB has allegedly been perpetrated.

C. Relationship to Other Laws

The school community should be aware of other laws and procedures that address related issues such as sexual harassment or discrimination, including:

1. [RCW 28A.300.285](#) – Harassment, Intimidation and Bullying

2. [RCW 28A.640.020](#) – Sexual Harassment
3. [RCW 28A.642](#) –Discrimination Prohibition
4. [RCW 49.60.010](#) – The “law against discrimination”

The district will ensure its compliance with all state laws regarding HIB. 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 HIB; 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 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 HIB at student orientation sessions and on other appropriate occasions. The information will include a process to [report HIB](#) via the internet, email, text message and phone.

3. Training

The district compliance officer will participate in at least one (1) mandatory training opportunity offered by OSPI. Staff will receive annual training on the district’s policy and procedure, including, **at a minimum,** staff roles and responsibilities, how to monitor common areas and the use of the [district’s reporting website](#).

4. Prevention Strategies

The district will implement a range of strategies including individual, classroom, school, and district-level approaches to prevent HIB.

Whenever possible, the district will implement evidence-based prevention programs that are designed to increase social competency, improve school climate, and eliminate HIB in schools.

E. Staff Intervention

All staff members who observe, overhear, or otherwise witness HIB 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 HIB, may require no further action under this procedure, **other than tracking, to ensure they are not repeated.**

F. Compliance Officer

The district compliance officer will:

1. Serve as the district's primary contact for HIB. If the allegations in a written report of HIB indicate a potential violation of [Policy 3204](#), 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 3204](#), 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 [WAC 392-190-075](#).~~
2. Provide support and assistance to the principal or designee in resolving complaints.
3. Receive copies of all HIB reports, discipline referral forms relating to HIB, and letters to parents providing the outcomes of investigations. ~~If a written report of HIB 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. Communicate with the district's designated civil rights compliance coordinator. If a written report of HIB indicates a potential violation of the district's nondiscrimination policy ([Policy 3210](#)), or if during the course of an investigation of HIB, the district becomes aware of a potential violation of the district's nondiscrimination policy, the compliance officer must promptly notify the district's civil rights compliance coordinator. At that time, the compliance officers must promptly notify the complainant that their complaint will proceed under both [Policy 3204](#) and [Procedure 3204P](#) and [Policy 3210](#) and [Procedure 3210P](#). The investigation and response timeline for the nondiscrimination procedure begin when the district knows or should have known that a written report or investigation of HIB involves a potential violation of the district's nondiscrimination policy.**
- 54.** 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.
- 65.** Ensure the implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough.
- 76.** Assess the training needs of staff and students to ensure successful implementation throughout the district, and ensure staff receive annual fall training.
- 87.** Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
- 98.** In cases where, despite school efforts, a targeted student experiences HIB 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.

G. Incident Reporting

If the HIB incident report allegations indicate discriminatory harassment under [Procedure 3210P](#) (such as race, sex, or disability-based harassment) or if such allegations arise during the course of the district's investigation, the principal or designee will promptly notify the district's Title IX/Civil Rights Compliance Officer and the complaint will be investigated under [Procedure 3210P](#), as well as the HIB complaint procedure. The Title IX/Civil Rights Compliance Officer will notify the complainant that the complaint will also proceed under [Procedure 3210P](#) in a language that the complainant understands.

Step 1: Filing an Incident Report

An individual's identity need not be revealed when reporting HIB. The report may be filed anonymously, confidentially, or the individual may choose to disclose their identity (non-confidential). Staff members should report incidents of HIB via the [reporting website](#) or phone number.

Status of Reporter

a. 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 in [Policy 3204](#) and this procedure to protect complainants and witnesses.

b. Confidential

Individuals may file a report asking 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 near the basketball court but asks that nobody know who reported the incident. The supervisor says, "I can start monitoring the basketball court more closely and keep an eye out for your classmate and any problems that might crop up, but I can't take any disciplinary action against the bully(ies) unless you or someone else who saw it is willing to let me use their names.

c. 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 use complaint boxes, use online reporting processes, 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 Incident Report Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

Step 2: Receiving an Incident Report

All staff members are responsible for receiving oral and written reports. Whenever possible, staff members who initially receive an oral or written report of HIB 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 HIB, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent HIB will be recorded on the [district reporting website](#) 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 HIB

All reports of unresolved, severe, or persistent HIB 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 (e.g., parent/guardian, relative, mentor, staff member) with them throughout the report and investigation process.

- a. Upon receipt of the incident report that alleges unresolved, severe, or persistent HIB, the school or district designee will begin an 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 HIB 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 [Policy 3210](#), Nondiscrimination, 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 392-190-065](#) 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 HIB involves allegations of a violation of the district's nondiscrimination policy.

- c. Within two (2) school days after receiving the incident report, 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 HIB.

- 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 complainant or the alleged aggressor to involve their parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of HIB. If professional school personnel have reasonable cause to believe that a student is subject to child abuse or neglect, they must follow district [Policy 3421](#) for reporting such cases to Child Protective Services or law enforcement.
- 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 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 verbally 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 laws regarding the confidentiality of student records (FERPA), 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 the 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 their family.

If professional school personnel have reasonable cause to believe that a student is subject to child abuse or neglect, as mandatory reporters they must follow district policy for reporting such cases to Child Protective Services or law enforcement.

If the incident cannot be resolved at the school level, the principal or designee shall request assistance from the district compliance officer.

Step 4: Corrective Measures for the Aggressor

- a. After completion of the investigation, the school or district designee will institute appropriate corrective measures.
- 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 the families or guardians regarding the outcome of the investigation.
- c. Corrective measures that involve student discipline will be implemented according to district [Policy 3300](#) – Student Discipline. If the accused aggressor 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 principal’s designee finds that a student, staff member, or other member of the school community knowingly made a false allegation of HIB, that individual may be subject to corrective measures, including discipline.

Step 5: Targeted Student’s Right to Appeal

- a. If the complainant 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 within five (5) school days of receiving the 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 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 superintendent within five (5) school days of receiving the superintendent’s written decision.
- c. An appeal to the school board or discipline appeal council must be heard within ten (10) school days of receipt of the written notice of appeal to the school board. The school board or discipline appeal council 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 shall provide a copy of the decision to all parties involved. The board or council’s decision will be the final district decision.

Step 6: Discipline

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

Corrective measures for the student who commits an act of HIB 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 3300](#) – Student Discipline.

If the HIB was of a public nature or involved groups of students or bystanders, the school may consider schoolwide training or other activities to address the incident.

If a staff member has been found to be in violation of [Policy 3204](#) and this procedure, the district may impose disciplinary action, up to and including termination of employment. If a certificated employee 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 impose disciplinary action on a certificate, up to and including revocation. Contractor violations of [Policy 3204](#) may result in the loss of contracts.

Step 7: Support for the Targeted Student

Students found to have been subjected to HIB will be provided information regarding resources available to them, and the adverse impact of the harassment on the student shall be addressed. In addition, the safety plan, if any, will be reviewed and modified as appropriate.

F. Immunity/Retaliation

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

No staff member, student, volunteer, 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 HIB. Retaliation is prohibited and will result in appropriate discipline.

G. Other Resources

Students and families should use the district's complaint and appeal procedures as a first response to allegations of HIB.

Nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a student's membership in a legally protected class under local, state or federal law. A HIB complaint based on a student's legally protected status may also be reported to the following state or federal agencies:

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- OSPI Equity and Civil Rights Office (**for discrimination complaints**)
360.725.6162
Email: equity@k12.wa.us
www.k12.wa.us/Equity/default.aspx <https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- Washington State Human Rights Commission
800.233.3247
<http://www.hum.wa.gov/>
- 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
877.292.3804
www.justice.gov/crt/
- Office of the Education Ombudsman
866.297-2597
Email: OEInfo@gov.wa.gov
<http://oeo.wa.gov/>
- OSPI Safety Center
360.725.6044
www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>

H. Other District Policies and Procedures

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

Cross reference: [Board Policy 3204](#)

Prohibition of Harassment, Intimidation,
and or Bullying

Adopted: March 25, 2003
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Revised: June 2011
Updated: December 2011
Revised: July 2013
Revised: October 2015
Revised: May 2018
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Everett Public Schools Harassment, Intimidation or Bullying (HIB) Incident Reporting Form

Today's date: _____ Reporting person (optional): _____

Targeted student: _____ Targeted student's school: _____

Your email address (optional): _____ Your phone number (optional): _____

Name of school adult you've already contacted (if any): _____

Name(s) of aggressors (if known): _____

List dates did the incident(s) occurred (if known): _____

Where did the incident happen? Mark all that apply.

- | | | | | | |
|---|--------------------------------------|--|-------------------------------------|--------------------------------------|---|
| <input type="checkbox"/> Classroom | <input type="checkbox"/> Hallway | <input type="checkbox"/> Restroom | <input type="checkbox"/> Playground | <input type="checkbox"/> Locker room | <input type="checkbox"/> Lunchroom |
| <input type="checkbox"/> Sport field | <input type="checkbox"/> Parking lot | <input type="checkbox"/> School bus | <input type="checkbox"/> Internet | <input type="checkbox"/> Cell phone | <input type="checkbox"/> During a school activity |
| <input type="checkbox"/> Off school property | | <input type="checkbox"/> On the way to/from school | | | |
| <input type="checkbox"/> Other (Please describe): _____ | | | | | |

Please check the box that best describes what the aggressor did. Please choose all that apply.

- ☐ 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
- ☐ Cyberbullying (bullying by calling, texting, emailing, web posting, etc.) If the incident involves social media or an internet site(s), will you allow access to the site where the cyberbullying occurred to aid in the investigation? ☐ Yes ☐ No
- ☐ Hazing
- ☐ Other

Describe the incident, providing specific details (write on another piece of paper if you need more space):

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Why do you think the harassment, intimidation or bullying occurred?

Were there any witnesses? ☐ Yes ☐ No If yes, please provide their names:

Did a physical injury result from this incident(s)? If yes, please describe.

Was the targeted student absent from school as a result of the incident? ☐ Yes ☐ No If yes, please describe

Is there any additional information?

All reports should be submitted to the student's assigned administrator.

Thank you for reporting!

-----For Office Use-----

Received by: _____	Date received: _____
Action taken: _____	
Parent/guardian contacted (targeted student): _____	Date _____
Parent/guardian contacted (aggressor): _____	Date _____
Mark one: <input type="checkbox"/> Resolved <input type="checkbox"/> Unresolved	
Referred to: _____	

Revised: July 2013
Revised: June 2019