

STUDENTS

Prohibition of Harassment, Intimidation and 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 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, staff member, or other member of the school community who engages in the harassment, intimidation or bullying of a student.

“Harassment, intimidation and or bullying” (HIB) means any intentional electronic, written, verbal, or physical act ~~that 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:~~

- 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.

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. Nothing in this section requires the ~~affected~~ targeted student to actually possess a characteristic that is a basis for the harassment, intimidation ~~and~~ or 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/Expressions

~~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 and bullying of a student.~~

~~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.~~

“Retaliation” is occurs when an aggressor ~~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 ~~and~~ or bullying, or because the student has participated in an investigation of harassment, intimidation ~~and~~ or bullying.

“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 harassment, intimidation, and bullying 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 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.

DB.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 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 **and 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 and phone.

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 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 harassment, intimidation and bullying.

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.

EC.Staff Intervention

~~Any school~~ **All** staff members who observes, overhears, or otherwise witnesses harassment, intimidation ~~and 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 ~~and or~~ bullying, may require no further action under this procedure.

FD.Compliance Officer

The district compliance officer 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 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 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 the 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.
8. In cases where, despite school efforts, a targeted student experiences harassment, intimidation ~~and 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.

GE. Incident Reporting

If the HIB incident report allegations indicate discriminatory harassment under [Procedure 3210P](#) (such as race, sex, or disability-based harassment) ~~of 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 ~~his/her~~ 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 ~~his or her identity~~ when reporting HIB. The report may be filed anonymously, confidentially, or the individual may choose to disclose ~~his or her~~ 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 ~~of this policy~~ 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 ~~perpetrator~~ 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. Anonymous

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged ~~perpetrator~~ aggressor based solely on an anonymous report. Schools may use 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 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 harassment, intimidation **and 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 **and or** bullying, no further action may be necessary under this procedure.

All reports of unresolved, severe, or persistent harassment, intimidation **and or** bullying 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 Harassment, Intimidation and Bullying

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

- a. Upon receipt of the incident report that alleges unresolved, severe, or persistent harassment, intimidation **and or** bullying, the school or district designee will begin an investigation. If there is potential for clear and immediate physical harm to the **targeted student complainant**, the district will immediately contact law enforcement and inform the parent/guardian.
- b. During the course of the investigation, the district will take reasonable measures to ensure that no further incidents of harassment, intimidation **and or** bullying occur between the **targeted student complainant** and the alleged **perpetrator aggressor**. If necessary, the district will implement a safety plan for the student(s) involved. The plan may include changing seating arrangements for the **targeted student complainant** and/or the alleged **perpetrator aggressor** in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the **targeted student complainant**; altering the alleged **perpetrator's aggressor's** schedule and access to the **targeted student 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 392-190-066 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 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 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~~ **complainant** or the alleged ~~perpetrator~~ **aggressor** to involve ~~his or her~~ **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 or neglect, they must follow district ~~p~~**Policy 3241** for reporting such cases to Child Protective Services or ~~the police~~ **law enforcement**.
- e. The investigation shall include, at a minimum:
 - An interview with the ~~targeted student~~ **complainant**;
 - An interview with the alleged ~~perpetrator~~ **aggressor**;
 - A review of any previous complaints involving either the ~~targeted student~~ **complainant** or the alleged ~~perpetrator~~ **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 ~~practical~~ **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 ~~targeted student~~ **complainant** and the alleged ~~perpetrator~~ **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 ~~targeted student~~ **complainant** to file an appeal if the ~~targeted student~~ **complainant** disagrees with results.

Because of the laws 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~~ the district chooses to contact the parent/guardian by letter, the letter will be mailed to the parent/guardian of the ~~targeted student~~ complainant and alleged ~~perpetrator~~ 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 ~~targeted student~~ complainant or the alleged ~~perpetrator~~ aggressor to involve ~~his or her~~ 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 ~~the police~~ 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 Perpetrator 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](#) – Corrective Actions. If the accused ~~perpetrator~~ 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 harassment, intimidation ~~and 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~~ complainant or ~~his or her~~ parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or ~~his or her~~ designee by filing a written notice of appeal ~~with the superintendent~~ within five (5) school days of receiving the decision. The superintendent or ~~his or 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.
- b. If the targeted student remains dissatisfied after the initial appeal to the superintendent, the student or ~~his or her~~ 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 disciplinary 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 disciplinary 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~~s~~ **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 **and 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 the student who commits an act of harassment, intimidation **and or** bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district [Policy 3300](#) – Corrective Actions.

If the harassment, intimidation **and or** bullying 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 ~~this p~~**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 ~~this p~~**Policy 3204** may result in the loss of contracts.

Step 7: Support for the Targeted Student

Students found to have been subjected to harassment, intimidation **and or** bullying 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 harassment, intimidation **and or** 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 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 harassment, intimidation **and or** bullying. 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 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 student's membership in a legally protected class under local, state or federal law. A harassment, intimidation **and or** bullying complaint based on a student's legally protected status may also be reported to the following state or federal agencies:

- OSPI Equity and Civil Rights Office
360.725.6162
Email: equity@k12.wa.us
www.k12.wa.us/Equity/default.aspx
- Washington State Human Rights Commission
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

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 harassment, intimidation **and or** bullying as defined herein, but which are prohibited by other district or school rules.

Cross reference: [Board Policy 3204](#)

Prohibition of Harassment, Intimidation and Bullying

Adopted: March 25, 2003
Revised: August 2008
Revised: June 2011
Updated: December 2011

Revised: July 2013
Revised: October 2015
Revised: May 2018
PROPOSED: April 2019

IN REVISION

3204P

Page 11 of 12

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 bullies (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 bully 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):

IN REVISION

3204P
Page 12 of 12

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 target 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 (complainant): _____	Date _____
Parent/guardian contacted (alleged harasser): _____	Date _____
Mark one: <input type="checkbox"/> Resolved <input type="checkbox"/> Unresolved	
Referred to: _____	

Revised: July 2013