

## **Student Prohibition of Harassment, Intimidation and Bullying**

### **A. Introduction**

Tacoma School District strives to provide students with optimal conditions for learning by maintaining a safe and civil educational environment where everyone is treated with respect and no one is 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, staff members, parent/legal guardians, family members and guests. 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 such as, but not limited to, physical appearance, clothing or other apparel, socioeconomic status, marital status or weight.

District staff who observe, overhear, or otherwise witness 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 – is 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– is an intentional electronic, written, verbal, auditory or physical act that:

- physically harms a student; or
- damages the student’s property; or
- has the effect of substantially interfering with a student’s education; or
- is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
- 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, but not limited to, the following considerations: grades, attendance, demeanor, interaction with peers, participation in activities or other indicators.

Conduct that may rise to the level of harassment, intimidation or bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks, threats, gestures or acts relating to an individual or group whether written, verbal, auditory, or physically or electronically 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.

Retaliation – is an act of harm or discrimination in response to a report of harassment, intimidation and/or bullying by anyone involved in the incident.

Staff – includes, but is not limited to, certificated employees, classified employees, school board members, substitute and temporary employees or volunteers.

Targeted Student – is 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:

- RCW 28A.300.285 – Harassment, Intimidation and Bullying
- RCW 28A.640.020 – Sexual Harassment
- RCW 28A.642 – Prohibition of Discrimination in Public Schools
- RCW 49.60.010 – The Law Against Discrimination

The district will ensure its compliance with all state laws regarding harassment, intimidation or bullying. Nothing in this procedure prevents a student, parent/legal guardian, family member, guest, school or district from taking action to remediate harassment and/or discrimination based on a person's gender or membership in a legally protected class under local, state or federal law.

### **D. Education/Prevention**

#### **1. Dissemination**

In each district facility, and on the district's website, the district will prominently post information on reporting harassment, intimidation and bullying, the name and contact information of the school administrator to whom a report is made and the name and contact information for the district compliance officer. The district's policy and regulation, upon request, will be available in each facility in a language that families can understand.

Annually, the superintendent will ensure that a statement summarizing the policy and regulation is provided in student, staff, volunteer and parent/legal guardian handbooks. Additional distribution of the policy and regulation is subject to the requirements of Washington Administrative Code 392-400-226.

2. Student Education

Annually students will receive age-appropriate education on the recognition of, prevention of and intervention strategies in response to harassment, intimidation or bullying. The presentation will include information about Incident Reporting.

3. Staff Training

Staff will receive annual education and training on the school district's policy and regulation, including staff roles and responsibilities, how to monitor common areas and the use of the district's Incident Reporting Form for preventing and intervening in cases of harassment, intimidation and bullying while acting in the role of a Tacoma School District staff member.

4. District Strategies

The district will implement a range of evidence-based prevention and intervention strategies designed to increase social competency, improve school climate and to reduce and ultimately eliminate harassment, intimidation and bullying in schools.

### **E. Staff Intervention**

All staff members shall intervene when witnessing or receiving reports or complaints 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 be documented, but may not require further action under this regulation.

In cases where a targeted student experiences harassment, intimidation or bullying that threatens the student's health and safety, the principal or designee may facilitate a meeting with the child's parent/legal guardian to develop a safety plan to protect the student.

### **F. Compliance Officer**

The district compliance officer will:

1. Serve as the district's primary contact for regulations regarding harassment, intimidation and bullying.
2. Provide support and assistance to the principal or designee in resolving complaints.
3. Receive copies of all Incident Reporting Forms, Discipline Referral Forms (as it relates to harassment, intimidation and/or bullying incidents) and letters to parents/legal guardians providing the results 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 regulation 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 of district policy and regulation throughout the district and ensure staff and students receive annual training.

7. Provide the OSPI School Safety Center with notification of policy or regulation updates or changes on an annual basis.
8. In cases where, despite school efforts, a targeted student continues to experience 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 parent/legal guardian to evaluate and/or amend the safety plan to protect the student.

## **G. Reporting an Incident**

The Incident Reporting Form will be available for students, families or staff to report incidents of harassment, intimidation or bullying. This form can be found on the district's website, in school main offices and through school counseling departments.

Any student who believes he or she has been the target of 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 harassment, intimidation or bullying, may report incidents verbally or in writing to any staff member in one of three ways:

1. Informal verbal;
2. Informal written; or
3. Formal written (Incident Reporting Form)

All staff are responsible for receiving informal or formal reports. Staff who initially receive an informal report of harassment, intimidation or bullying will attempt to resolve the incident. 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, the incident may be documented, but may not require further action under this regulation.

All unresolved informal reports of harassment, intimidation or bullying will be recorded on the Incident Reporting Form and submitted to the principal or designee.

All formal reports of harassment, intimidation or bullying will be submitted to the principal or designee.

If the designee is the subject of the complaint, the Incident Reporting Form will be submitted to the principal. If the principal is the subject of the complaint, the Incident Reporting Form will be submitted to the appropriate district-level director.

## **H. Addressing Complaints/Reports**

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

In order to protect a targeted student from retaliation, a student need not reveal their identity on the Incident Reporting Form. The form may be filed anonymously, confidentially or non-confidentially.

**Status of Reporter**

## a. Anonymous

Students, parent/legal guardian and/or community members may file a report without revealing their identity. Staff may not file anonymously. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools will offer methods for receiving anonymous, unsigned reports.

## b. Confidential

Individuals may ask that their identities be kept secret from the alleged aggressor and other students. The district may not be able to take action against an alleged aggressor based solely on a confidential report. Individuals filing complaints shall be advised that the district will treat the complaint as confidential to the extent permitted by state and federal law and due process requirements, and that the district will implement the anti-retaliation requirements of the policy and regulation to protect complainants and witnesses.

## c. Non-confidential

Complainants agreeing to make their complaint non-confidential will be informed that due process requirements may require that the district release all information regarding the complaint to any individuals involved in the incident. The information will be restricted to those with a need to know, both during and after the investigation.

**Step 2: Investigations of Harassment, Intimidation and Bullying**

All complaints of harassment, intimidation or bullying, which have not been immediately resolved by the supervising staff, will be investigated with reasonable promptness. Any student may be accompanied by a trusted adult, of their choosing, throughout the reporting and investigative processes.

- a. Upon receipt of the complaint or incident report that alleges harassment, intimidation or bullying, the school or district designee will begin the investigation. If there is a clear threat of serious physical harm to the targeted student, the district will take appropriate action including, but not limited to, notifying law enforcement and informing the parent/legal guardian(s).
- b. During the course of the investigation, the school or district will take reasonable measures to ensure that no further incidents of harassment, intimidation or bullying occur between the targeted student and the alleged aggressor. If necessary, the school or district will implement a safety plan for the student(s) involved. The plan may include, but not be limited to, implementing a school or district no contact order or agreement; changing seating arrangements and/or schedules for the alleged aggressor and/or the targeted student; identifying a staff member who will act as a safe person for the targeted student; and other measures.
- c. Within two (2) school days after receiving the complaint or incident report, the principal or designee will notify the parents/legal guardians of the students involved that a complaint was received and direct the parents/legal guardians to the district's policy and

regulation on harassment, intimidation and bullying. If the notification, in the person's judgment, would threaten the health and safety of the targeted student or the alleged aggressor, the person may initially refrain from contacting the parent/legal guardian. Staff who are mandatory reporters under Policy 3421, Reporting Child Abuse and Neglect Prevention, must report.

- d. The investigation will include, at a minimum:
  - Interviews with:
    - the complainant, when known;
    - the targeted student(s);
    - the alleged aggressor(s);
    - other students, staff or individuals who may have knowledge of the alleged incident.
  - A review of any previous complaints involving either the targeted student or the alleged aggressor.
- e. The principal or designee may determine that other steps must be taken before the investigation is complete.
- f. The investigation will be completed no later than five (5) school days after the initial complaint or report. If additional time is needed the school or district will provide the affected parties with weekly updates.
- g. 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/legal guardian of the targeted student 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.
  - The process for filing an appeal.

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/legal guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

### **Step 3: Discipline/Corrective Measures**

After completion of the investigation, the school or district designee will institute any corrective measures necessary within its authority on findings of harassment, intimidation or bullying. Corrective measures will be instituted as quickly as possible, but no later than five (5) school days after contact has been made to the parents/legal guardians regarding the outcome of the investigation. Depending on the severity of the conduct, corrective measures may include, but

not be limited to, school counseling, education, discipline and/or referral to appropriate agencies. Corrective measures for a student who commits an act of harassment, intimidation or bullying will vary according to the nature of the behavior, the developmental age of the student and the student's behavior history. Corrective measures that involve student discipline will be implemented according to district policy 3241, Classroom Management, Corrective Actions or Punishment. If the 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 the conduct was of a public nature or involved groups of students or bystanders, the school or district will consider school-wide training or other activities to address the incident.

If in an investigation a principal or designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

#### **Step 4: Right to Appeal**

1. If the targeted student and/or their respective parent/legal 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. Discipline, including corrective action(s) of the alleged aggressor is subject to appeal per policy 3241, Classroom Management, Corrective Actions or Punishment. 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, and/ or their respective parent/legal guardian remains dissatisfied after the initial appeal to the superintendent or his/her designee, they 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 or his/her designee's written decision.
3. An appeal before the school board must be reviewed on or before the tenth (10) 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 (5) school day following its review, and shall provide a copy to all parties involved. The board's decision will be the final district decision.

#### **Step 5: Support for the Targeted Student**

Students found to have been subjected to harassment, intimidation or bullying will have district support services made available to them as feasible and appropriate.

## I. Immunity/Retaliation

Retaliation is prohibited. Any staff, student or individual who engages in retaliation will be subject to appropriate discipline. Students and staff who promptly report an incident of harassment, intimidation or bullying per the regulation are immune from a cause of action for damages arising from a failure to remedy a reported incident per RCW 28A.600.480.

## J. Other Resources

Students, parents/legal guardians and families should use the district's complaint and appeal procedures as a first response to allegations of harassment, intimidation or bullying. However, nothing in this regulation prevents a student, parent/legal 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 local, state or federal agencies:

- Tacoma School District Superintendent Office  
(253) 571-1010  
[www.tacoma.k12.wa.us](http://www.tacoma.k12.wa.us)
- 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  
1 (800) 233-3247  
[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)
- Office of 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 Services  
1 (877) 292-3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)
- Office of Education Ombudsman  
1 (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 Safety Center  
(360) 725-6044  
<http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx>

**K. Other District Policies and Regulations**

Nothing in the policy and regulation is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation or bullying as defined herein, but which are, or may be, prohibited by other district regulations or school rules.

**Approved: 07/07/11**