

**PROHIBITION OF HARASSMENT, INTIMIDATION, & BULLYING**  
*Inclusive of dating and relationship violence*  
**Procedure No. 3207P**

**A. Introduction**

Blaine School District strives to provide students with optimal conditions for learning by maintaining a school environment where everyone is treated with respect and no one is physically or emotionally harmed.

In order to ensure respect and prevent harm, it is a violation of district policy for harassment, intimidation, or bullying 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, gender expression or identity, mental or physical disability, relationship status, or other distinguishing characteristics. Dating violence is a specific behavior that is not tolerated under this policy.

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

**Complainant** is the person who reports an incident of harassment, intimidation, or bullying. The complainant may be the person who was targeted or they may be a person who witnessed or has information about an incident.

**Dating Violence** is a pattern of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or otherwise exert power and control over another person in a dating relationship.

**Harassment, intimidation, violence, or bullying** is any intentional electronic, written, verbal, or physical act that:

- 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 or threatening educational environment.
- Has the effect of or potential to be substantially disrupting the orderly operation of the school.
- Limits a students' freedom to lawfully express themselves without fear of retaliation or

harm.

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, violence, and bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, controlling a dating partner’s or other student’s actions, threats, coercion, intimidating postures, monitoring or stalking (including through technology), demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

“Intentional acts” refers to the individual’s choice to engage in the act rather than the ultimate impact of the action(s) with no other context. The purpose of identifying intention is to acknowledge that young people are in a process of learning about the impacts of their actions. The Blaine School District acknowledges that the impact an act has on another person is also an important consideration in creating safety.

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation, violence, or bullying.

Blaine School District’s Incident Reporting Form is available on the district website at: [www.blainesd.org](http://www.blainesd.org)

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

**Safety and Support Planning** is a way to help increase students’ safety and may include things like: offering accommodations, offering a School-based Stay Away Agreement, referrals to local support organizations, a plan of action for the targeted student to follow if they encounter the person who harassed them at school or in the community, routes to and from school or classes, or a number of other ideas that the student and response team determine to contribute to the students’ experience of safety, healing, and resilience at school.

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

**Targeted Student** 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 9A.44 – Sexual Offenses
- RCW 9A.44.010(7) – Consent
- 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
- WAC 478-121-150 – Sexual Assault
- WAC 478-121-153 – Sexual Exploitation

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

### **D. Prevention**

The district will provide students, staff, and families with strategies aimed at preventing harassment, intimidation, violence, and bullying. Prevention with students will include providing information about power, coercion, healthy relationships, and consent. The district will seek partnerships with families, law enforcement and other community agencies to prevent these issues.

#### **1. Dissemination**

In each school and on the district’s website the district will prominently post information on reporting harassment, intimidation, and bullying; the name and contact information for making a report to a school administrator; and the name and contact information for the district compliance officer. The district’s policy and procedure will be available in each school in a language that families can understand. Annually, the superintendent will ensure that a statement summarizing the policy and procedure is provided in student, staff, volunteer, and parent handbooks, is available in school and district offices and/or hallways or is posted on the district’s website. Additional distribution of the policy and procedure is subject to the requirements of Washington Administrative Code 392-400-226.

#### **2. Training**

Staff will receive annual training on the school district’s policy and procedure, including staff roles and responsibilities, how to create a safer school environment, monitor common areas, address behaviors directly with students, and the use of the district’s Incident Reporting Form, which can be found on the district website. Training for staff will include information about power, coercion, healthy relationships, and consent.

### **3. Education and Prevention Strategies**

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. Education will include information about what constitutes harassment, intimidation, and bullying (including dating and relationship violence) and how to report, with a copy of the Incident Reporting Form, or a link to a web-based form.

Students will be provided with evidence-based prevention programs in classrooms that are designed to: increase social competency, including empathy; support healthy communication and consent; improve school climate; promote healthy relationships and respect for personal boundaries; and eliminate sexual violence and sexual harassment in schools. All students will receive age-appropriate dating and sexual violence prevention training at least once in their middle school and at least once in their high school educational experiences. Prevention education with students will include information about this policy; the definition of dating violence, sexual violence and sexual harassment; as well as information about power, coercion, healthy relationships, and consent.

Annually, families will be informed of resources related to talking with children about power, coercion, healthy relationships, and consent, in an effort to support parents and guardians in participating in the prevention of these issues. This information will be accessible to those with disabilities and to those with limited English proficiency.

### **E. 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 Incident Reporting Forms, discipline Referral Forms, school-based stay away orders, safety plans, and letters to parents 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 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 receives annual fall training.
7. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis.
8. Cases where, despite school efforts, a targeted student experiences harassment, intimidation, or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between district staff and the child's parents/guardians to develop a safety and support plan to help protect the student.

### **F. Staff Intervention**

All staff members shall intervene when witnessing or receiving reports of harassment,

intimidation, or bullying. Minor incidents that staff members are able to resolve immediately, or incidents that do not meet the definition of harassment, intimidation, violence, or bullying, may require no further action under this procedure.

### **G. Filing an Incident Reporting Form**

Any student who believes he or she has been the target of unresolved, severe, or persistent harassment, intimidation, or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying may report incidents verbally or in writing to any staff member.

### **H. Addressing Harassment, Intimidation, Violence, or Bullying – 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 an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose their identity (non-confidential). Even if a student discloses their name, complaints shall be treated as confidential, to the greatest extent possible. Limited disclosure may be necessary to complete a thorough investigation.

If a district employee becomes aware that a student may have been impacted by dating or relationship violence, they should follow the Relationship Abuse and Sexual Violence Protocol. This response protocol is available on the District website at [www.blainesd.org](http://www.blainesd.org) and offers trauma-informed ways to talk with and listen to students who have been impacted by dating or relationship abuse.

Non-administrative staff members should not investigate reported incidents. They should, instead, focus on listening to understand and support students, and connecting them with appropriate support services.

#### **Status of Reporter**

- a. Anonymous:** Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. The district may take other action, however, to increase safety. 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 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 aggressor and other students. Like anonymous reports, no disciplinary action will be taken against an accused 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.") If the report is substantiated, the district may take other direct action to hold the aggressor accountable for harms caused.

- c. **Non-Confidential:** Individuals may agree to file a report non-confidentially. Complainants agreeing to make their complaint non-confidential will be informed that due process requirements may require 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 of this policy and procedure to protect complainants and witnesses.

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

All staff is responsible for receiving oral and written reports. Whenever possible, staff who initially receives an oral or written report of harassment, intimidation, or bullying shall attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, or if the incident does not meet the definition of harassment, intimidation, or bullying, no further action may be necessary under this procedure. If the incident involves dating or relationship violence, the staff member will follow the Relationship Abuse and Sexual Violence Response Protocol, available online at [www.blainesd.org](http://www.blainesd.org).

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be recorded on a district Incident Reporting Form and submitted to the principal or designee, unless the principal or designee is the subject of the complaint.

### **Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation, and Bullying**

All reports of unresolved, severe, or persistent harassment, intimidation or bullying will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the report and investigation process.

- a) Upon receipt of the Incident Reporting Form 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 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 or bullying occur between the complainant and the alleged aggressor. If necessary, the district will implement a safety and support 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. Together with the targeted student, the staff members responsible for creating a safety and support plan will consider adjustments to the aggressor's schedule first with the goal of limiting disruptions to the targeted student's schedule.
- c) Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the district's policy and procedure on harassment, intimidation, and bullying. The staff will inform the targeted student that they generally notify parents or guardians. Staff will assess the safety and potential implications of such contact. The targeted student will also be notified of next steps and consulted about any safety considerations in those next steps.
  - 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 his or her parent/guardian, the district may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation, and bullying. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow district policy for reporting suspected cases to Child Protective Services.
  - e) The investigation shall include, at a minimum:
    - An interview with the complainant;
    - An interview with the alleged aggressor;
    - A review of any previous complaints involving either the complainant or the alleged aggressor; and
    - Interviews with other students or staff members who may have knowledge of the 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 not later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the district will provide the parent/guardian and/or the student with weekly updates.
  - h) No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee shall respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
    - The results of the investigation;
    - Whether the allegations were found to be factual;
    - Whether there was violation of policy; and
    - The process for the complainant to file an appeal if the complainant disagrees with results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations. Regardless of the findings, the complainant will be consulted to assess their experiences and concerns at school and how school personnel can support their safety and healing.

If a 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 suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow district policy for reporting suspected cases to Child Protective Services.

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

#### **Step 4: Targeted Student's Right to Appeal**

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

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

Persons who have been subjected to harassment, intimidation, or bullying will have appropriate district and community support services made available to them, and the adverse impact of the harassment on the student shall be addressed and remedied as appropriate. The district recognizes that sometimes there is no evidence to find that a violation of policy has occurred, and that students may have experienced harm and need support regardless of investigation findings. School District personnel will meet with the targeted student to create



a safety and support plan together and to support the students' healing and resilience.

In the case of dating or relationship violence, the Relationship Abuse and Sexual Violence Response Protocol will be followed. This protocol includes partnering with community organizations to offer support to the student who has been targeted and harmed.

### **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/or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to district policy 3241, *Classroom Management, Corrective Actions or Punishment*. If the conduct was of a public nature or involved groups of students or bystanders, the district should strongly consider school wide training or other activities to address the incident.

Corrective measures will be instituted as quickly as possible, but in no more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation.

If the accused aggressor is appealing the imposition of discipline, the district may be prevented by due process considerations or a lawful order from imposing the discipline until the appeal process is completed.

### **I. Retaliation**

No school employee, student, or volunteer may retaliate against a targeted student, witness, or other person who brings forward information about an act of harassment, intimidation or bullying. Retaliation is prohibited and will result in appropriate discipline. Aggressors will be informed that the district takes seriously any act of retaliation or any effort to directly or indirectly intimidate or disparage the targeted student, complainant, or others who provide information about the incident(s).

### **J. Other Resources**

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

A harassment, intimidation, or bullying complaint may also be reported to the following state or federal agencies:

- OSPI Equity and Civil Rights Office  
360.725.6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
[www.k12.wa.us/Equity/default.aspx](http://www.k12.wa.us/Equity/default.aspx)
- Washington State Human Rights Commission  
800.233.3247  
[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)
- Office for Civil Rights, U.S. Department of Education, Region IX  
206.607.1600  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)
- Department of Justice Community Relations Service  
877.292.3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)
- Office of the Education Ombudsman  
866.297-2597  
Email: [OEInfo@gov.wa.gov](mailto:OEInfo@gov.wa.gov)  
[www.governor.wa.gov/oeo/default.asp](http://www.governor.wa.gov/oeo/default.asp)
- OSPI Safety Center  
360.725-6044  
[www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx)

If a student is experiencing dating or relationship violence, they may also seek out services and support from these organizations:

- Domestic Violence and Sexual Assault Services of Whatcom County (DVSAS) - *Services and support for those impacted by relationship abuse and sexual violence* - 360.715.1563 - [www.dvsas.org](http://www.dvsas.org)
- Lummi Victims of Crime - *Culturally specific services for Native survivors and their friends and family* - 360.312.2015
- Love Is Respect - *An online resource for youth and their parents about teen dating violence and sexual assault* - [www.loveisrespect.org](http://www.loveisrespect.org)
- Northwest Youth Services- Queer Youth Project - *Services and support for youth who identify as LGBTQ+* - 360.734.9862
- The Northwest Network of Bi, Trans, Lesbian, and Gay Survivors of Abuse - *Services for Survivors who identify as LGBTQ+* - 206.568.7777 - [www.nwnetwork.org](http://www.nwnetwork.org)

#### **K. 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, or may be, prohibited by other district or school rules.

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