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## PROCEDURE—STUDENTS

### I. INTRODUCTION

Seattle Public Schools is committed to creating safe, civil, and supportive schools. Creating this environment is a part of our responsibility to provide an appropriate educational environment for our students. Harassment, intimidation and bullying are behaviors that disrupt a student's ability to learn, and the school's ability to create a safe educational environment. This type of conduct has no place in the Seattle Public Schools, and we commend our students who demonstrate appropriate behavior and treat others with civility and respect. This procedure applies to all instances where a student is the alleged harasser, including incidents that occur student to student, or between students and adults.

### II. DEFINITIONS

Different laws require Seattle Public Schools to prohibit different types of harassment, and these laws contain specific definitions; what follows are the legal definitions.

#### A. Harassment, intimidation, or bullying

Harassment, intimidation, or bullying is an intentional electronic, written, verbal, 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.

This prohibited student conduct can take many forms, including slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, electronic, or written, oral, or physical acts relating to an individual or group. Whether conduct is "substantially interfering with a student's education" will be determined by looking at a student's overall demeanor in school, including grades, attendance, and interest and participation in activities. There is no requirement that the student actually possess the characteristic that is the basis for the harassment, intimidation or bullying.

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B. Sexual Harassment

Sexual harassment occurs when:

- Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or other benefit; or
- Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or
- Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

This prohibited conduct can take many forms, including making unwelcome, offensive or inappropriate sexually suggestive comments, gestures or jokes; standing too close, inappropriate touching, cornering, or stalking a person; or displaying offensive or inappropriate sexual illustrations on school property; or using electronic means to display or disseminate such illustrations. Sexual harassment can occur adult to student, student to adult, student-to-student, adult-to-adult, male to female, female to male, male-to-male and female-to-female.

C. For the purposes of this Procedure, the term "harassment", whenever used, shall include sexual harassment.

III. PREVENTION/INTERVENTION

A. In order to promote a safe, civil and supportive school, each school shall use evidence-based social programs to increase social competency and reduce harassment, intimidation and bullying.

B. Because immediate intervention has been shown to reduce conflict and increase appropriate behavior, all staff members should intervene as appropriate, when confronted with an instance of harassment, intimidation, or bullying. Interventions should be documented and retained, pursuant to standard Disciplinary Policy.

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#### IV. INVESTIGATIONS

All complaints of harassment, intimidation, or bullying will be taken seriously and will be investigated in a timely manner. This section outlines the investigations that may take place.

##### A. Police and Child Protective Services

Allegations of criminal misconduct will be reported to law enforcement, and suspected child abuse must be reported to Child Protective Services, per required timelines. SPS must also investigate for the purpose of determining whether there has been a violation of SPS Policy or Procedure, even if law enforcement or CPS is also investigating. All SPS personnel must cooperate with investigations by outside agencies.

##### B. Designated Investigator

For all complaints brought against a student harasser, the Superintendent has designated the following position to investigate:

##### **Building Principal or Designee**

If the Building Principal or Designee is the person who is allegedly harassing, intimidating, or bullying, the investigator shall be that person's immediate supervisor.

#### V. COMPLAINTS

The complaint process contains an informal complaint, where a student (or his/her representative) makes an oral complaint to a staff member, and a formal complaint, which must be in writing and which receives a more intensive investigation and different remedies. Any student may have a trusted adult with them throughout the complaint process. Any student may use this complaint process, including students who believe they have been harassed, intimidated, or bullied, and students who have had a complaint filed against them and who would like an independent investigation of the complaint.



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A. Informal Complaint Process

Anyone may use these informal procedures to report and resolve complaints of harassment, intimidation, or bullying. Complaints may be made orally, and may also be made anonymously. Complainants should understand that an anonymous complaint might not be resolved to the complainant's satisfaction, due to the limitations placed on the investigation by the anonymity.

All staff are responsible for receiving informal complaints of harassment, intimidation or bullying. After receiving an informal complaint, the staff member shall inform the complainant that the report will be turned over to the Principal/Designee for investigation and resolution.

The investigation shall include, at a minimum, an interview with the complainant and an interview with the alleged harasser; a review of any previous complaints involving either the complainant or the alleged harasser; and discussions with other students or staff members who may have knowledge of the alleged incident. The Principal/Designee may determine that other steps must be taken before the investigation is complete. If requested, attempts shall be made to keep the identity of the complainant and the alleged harasser confidential, although confidentiality cannot be guaranteed.

Informal remedies include an opportunity for the complainant to explain to the alleged perpetrator that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face; a statement from the Principal/Designee to the alleged perpetrator that the alleged conduct is not appropriate and could lead to discipline; a general public statement from an administrator in a building reviewing this Policy and Procedure without identifying the complainant; or disciplinary or remedial action.

B. Formal Complaint Process

Anyone may initiate a formal complaint of harassment, intimidation, or bullying, even if the informal complaint process is being utilized. A formal complaint must be made to the Principal/Designee. If the Principal/Designee is the person allegedly harassing, intimidating, or bullying, the investigator shall be that person's immediate supervisor.

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Regardless of the complainant's interest in filing a formal complaint, the Principal/Designee may conclude that the District needs to institute a formal complaint based upon the information gathered in the investigation.

Complainants shall be informed that due process requirements may require that SPS release all of the information that SPS has to the accused, thus the identity of the complainant may not remain confidential. SPS will, however, fully implement the anti-retaliation provisions of this Policy and Procedure to protect complainants and witnesses.

1. All formal complaints shall be in writing; shall be signed by the complainant; and shall set forth the specific acts, conditions or circumstances alleged to have occurred that constitute harassment, intimidation, or bullying. The Principal/Designee may draft the complaint, based on the report of the complainant, for the complainant to review and sign. The complainant for a formal complaint may be a different person than the person who filed the informal complaint; if the initial complainant does not want to file a formal complaint, but another person believes that the complaint should be formally investigated, that person may file the complaint on behalf of the aggrieved person.
2. When the investigation is completed the Principal/Designee shall compile a full written report of the complaint and results of the investigation for the Superintendent. No later than thirty calendar days after the report has been completed, the Superintendent shall respond in writing to the complainant stating:
  - a. Seattle Public Schools denies the allegations; or
  - b. Seattle Public Schools confirms the allegations and outlines the corrective measures that SPS intends to take.
3. Corrective measures deemed necessary by the Superintendent, in consultation with other appropriate SPS staff, will be instituted as quickly as possible, but in no event more than thirty calendar days after the Superintendent's written response, unless the accused is appealing the imposition of discipline and the District is prevented

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by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.

VI. DISCIPLINE/REMEDIAL ACTION

SPS will take prompt, equitable and remedial action within its authority on complaints alleging harassment, intimidation, or bullying that come to the attention of SPS. Depending on the severity of the conduct, remedial action may include counseling, education, discipline, and/or referral to law enforcement. Persons found to have been subjected to harassment, intimidation, or bullying will have appropriate SPS services made reasonably available to them, and adverse consequences of the harassment shall be reviewed and remedied as appropriate.

VII. APPEAL

If a complainant remains aggrieved as a result of the action or inaction of the Superintendent, the complainant may appeal to the School Board by filing a written notice of appeal with the Secretary of the School Board on or before the tenth day following (a) the date upon which the complainant received the Superintendent's response or (b) the expiration of the thirty day response period.

An appeal before the School Board must be heard on or before the twentieth day following the filing of the written notice of appeal. The Board must render a written decision on or before the tenth day following the termination of the hearing, and shall provide a copy to all parties involved.

If the complainant remains aggrieved by the Board's decision, an appeal may be taken to the Office of the Superintendent of Public Instruction. Such appeal must be in writing, must include a statement of the school board's decision that is being appealed, and must include the relief requested. The appeal must be received by OSPI on or before the tenth day following the date the complainant received written notice of the School Board's decision.

VIII. TRAINING

A. District orientation sessions for students shall introduce the elements of this Policy and Procedure. Students will be provided with age-appropriate information on the recognition and prevention of sexual and other harassment,

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intimidation, or bullying, and their rights and responsibilities under this and other SPS Policies, Procedures, and rules, at student orientation sessions and on other appropriate occasions. Parents will be provided with information about this Policy and Procedure, as well as information about other District and school rules and disciplinary policies.

This Policy and Procedure shall be posted in each District building in a place available to staff, students, parents, volunteers and visitors, and shall be reproduced in student, staff, volunteer and parent handbooks.

B. Staff will receive training to select and implement evidence-based social programs to increase social competency and reduce harassment, intimidation and bullying.

IX. IMMUNITY/RETALIATION

No school employee, student, or volunteer may engage in reprisal or retaliation against a victim, witness or other person who brings forward information about an act of harassment, intimidation, or bullying. Reprisal or retaliation is prohibited and will result in appropriate discipline.

A school employee, student, or volunteer who promptly reports an incident of harassment, intimidation, or bullying to an appropriate school official, and who makes this report in compliance with the procedures in this Policy and Procedure, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

It is a violation of District policy and procedure to knowingly report false allegations of harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

X. OTHER LAWS

Nothing in this Policy or Procedure precludes any complainant from exercising their rights under the procedures outlined in Federal or State laws.

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XI. 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 SPS or school rules.

XII. DISCLAIMER OF LIABILITY

Pursuant to established School Board Policy, nothing in this Policy or Procedure shall be construed to provide a private right of action in the courts.

Reference:           RCW 28A.300.285   Harassment, Intimidation, Bullying Policies  
                           RCW 28A.600.480   Reporting of Harassment, Intimidation, Bullying  
                           RCW 28A.640.020   Sexual Harassment  
                           WAC 392-190-056—080 Sexual Harassment

Cross Reference:   Board Policy           F10.00 Private Right of Action Policy  
                           Board Policy           D49.00 Anti-Harassment