

Appendix C

Sample Procedure 3207P

Prohibition of Harassment, Intimidation and Bullying

FROM THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
[With suggestions from the other states' models and the Safe Schools Coalition in red]

Informal Complaint Process: Anyone may use informal procedures to report and resolve complaints of harassment, intimidation or bullying. At the building level, programs ~~may~~ shall be established for receiving anonymous complaints.¹ Such complaints must be appropriately investigated and handled consistent with due process requirements. Informal reports may be made to any staff member, although staff shall always inform complainants of their right to, and the process for, filing a formal complaint. Staff shall also direct potential complainants to an appropriate staff member who can explain the informal and formal complaint processes and what a complainant can expect. Staff shall also inform an appropriate supervisor or designated staff person when they receive complaints of harassment, intimidation, or bullying, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

Informal remedies include an opportunity for the complainant to explain to the alleged perpetrator that the conduct is unwelcome, disruptive, or inappropriate, either in writing or face-to-face; a statement from a staff member to the alleged perpetrator that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or a general public statement from an administrator in a building reviewing the district harassment, intimidation and bullying policy without identifying the complainant. Informal complaints may become formal complaints at the request of the complainant, parent, guardian, or because the district believes the complaint needs to be more thoroughly investigated.

Formal Complaint Process: Anyone may initiate a formal complaint of harassment, intimidation or bullying, even if the informal complaint process is being utilized. Complainants should not be promised confidentiality at the onset of an investigation. It cannot be predicted what will be discovered or what kind of hearings may result.

Conscientious eEfforts should be made to increase the confidence and trust of the person making the complaint and to protect his/her privacy to the extent that is legally permissible. A student should never be promised confidentiality, but school employees should work with the complaining student in deciding who must know and how and when they will be told about the incident.² The district will fully implement the anti-retaliation provisions of this policy to protect complainant(s) and witness(es). Student complainants and witnesses may have a parent or trusted adult of their choice with them, if requested, during any district-initiated investigatory activities.³ The superintendent or designated compliance officer (hereinafter referred to as the compliance officer) may conclude that the district needs to conduct an investigation based on information in their possession regardless of the complainant's interest in filing a formal complaint. The following process shall be followed:

- A. All formal complaints shall be in writing. Formal complaints shall set forth the specific acts, conditions or circumstances alleged to have occurred that may constitute harassment, intimidation or bullying. The compliance officer may draft the complaint based on the report of the complainant, for the complainant to review and sign.
- B. Regardless of the complainant's interest in filing a formal complaint, the compliance officer may conclude that the district needs to draft a formal complaint based upon the information in the officer's possession.
- C. The compliance officer shall investigate all formal, written complaints of harassment, intimidation or bullying, and other information in the compliance officer's possession that the officer believes requires further investigation.

D. In addition, the ... School District may take immediate steps, at its discretion, to protect the complaining student, alleged harasser, witnesses, and school employees pending completion of an investigation of alleged harassment and may make any appropriate referrals for assistance, including but not limited to counseling, rape crisis intervention, etc.⁴

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D.E. When the investigation is completed the compliance officer shall compile a full written report of the complaint and the results of the investigation. If the matter has not been resolved to the complainant's satisfaction, the superintendent shall take further action on the report.

E.F. The superintendent or designee, who is not the compliance officer, shall respond in writing to the complainant and the accused within ~~thirty~~ 15 school days², stating:

1. That the district intends to take corrective action; or
2. That the investigation is incomplete to date and will be continuing; or
3. That the district does not have adequate evidence to conclude that bullying, harassment or intimidation occurred.

E.G. Corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than ~~thirty~~ 5 school days after the superintendent's written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded.⁶

G.H. If a student remains aggrieved by the superintendent's response, the student may pursue the complaint as one of discrimination pursuant to Policy 3210, Nondiscrimination or a complaint pursuant to Policy 4220, Complaints Concerning Staff or Programs.

A fixed component of all district orientation sessions for employees, students and regular volunteers shall introduce the elements of this policy. Staff will be provided information on recognizing and preventing harassment, intimidation or bullying. Staff shall be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure. Certificated or professionally licensed staff shall be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of harassment, intimidation or bullying. Classified employees and regular volunteers shall get the portions of this component of orientation relevant to their rights and responsibilities. The School District shall conspicuously post this policy against harassment [intimidation and bullying] in each school that the District maintains, in a place accessible to students, faculty, administrators, employees, parents and members of the public. The notice shall include the name, mailing address, [email address] and telephone number of the [compliance officer].⁷

Students will be provided with age-appropriate information on the recognition and prevention of harassment, intimidation and bullying, its devastating emotional and educational consequences,⁸ and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents. In addition, multicultural education programs must be developed and implemented for faculty, staff and students to foster an attitude of understanding and acceptance of individuals from a variety of cultural, ethnic, racial and religious backgrounds.⁹ Parents shall be provided with copies of this policy and procedure and appropriate materials on the recognition and prevention of harassment, intimidation and bullying.

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¹ Studies show that many incidents will never come to the attention of school employees, and that school environments will continue to endanger children, if there is no way for them to report incidents anonymously.

² Helping a victim of bullying or violence to regain a sense of control is essential to his/her recovery.

³ The salient word is "trusted;" the student must be afforded the right to identify whom he/she most trusts to be present.

⁴ language of the "Vermont Model Anti-Harassment Policy," *Protecting Students from Harassment and Hate Crime: A Guide for Schools*, www.ed.gov/pubs/Harassment/

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⁵ Vermont's model policy allows for only 14 calendar days, and seems a much more reasonable standard for a district to hold itself to than 30 days, but to allow for school vacations, Safe Schools is recommending the compromise of 15 school days.

⁶ Vermont's model policy allows for 7 calendar days, which seems much a more reasonable time within which to implement corrective measures, after an investigation is complete, than 30 days. But considering the possibility that a school vacation might interfere with the implementation, Safe Schools is recommending 5 school days, instead.

⁷ language of the "Arizona Sample School Policy Prohibiting Harassment and Violence," *Protecting Students from Harassment and Hate Crime: A Guide for Schools*, www.ed.gov/pubs/Harassment/

⁸ language of "Rules of the West Virginia Board of Education," *Protecting Students from Harassment and Hate Crime: A Guide for Schools*, www.ed.gov/pubs/Harassment/

⁹ ibid

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