

Board Policy 5011 - Harassment, Intimidation, Bullying

BOARD POLICY

5011

SUBJECT: Harassment, Bullying, and Intimidation

The OESD is committed to providing staff, volunteers, students, and clients a safe, civil, and productive working and educational environment free from harassment, bullying, or intimidation. The OESD prohibits harassment by employees, students, and others involved in OESD activities. Federal and/or state law and/or OESD Policy prohibit harassment based on race, ethnic or national origin, religion, gender, sexual orientation, or disability. Harassment based on other characteristics is also unacceptable.

“Harassment, bullying, or intimidation” means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

- A. Physically harms another or damages an individual's property; and/or
- B. Has the effect of substantially interfering with an individual's work or student's education; and/or
- C. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; and/or
- D. Includes unwelcome or uninvited sexual advances, request for sexual favors, sexually motivated physical contact, sexual comments, cartoons, innuendo, or other verbal or physical conduct of a sexual nature. Such sexual harassment occurs when:
 1. Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining education, employment, work opportunity, or other benefit; and/or
 2. Submission to or rejection of such conduct/communication by an individual is used as a factor in decisions affecting that individual's education or employment; and/or
 3. That conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Harassment, bullying, and intimidation can occur adult-to-student, student-to-adult, student-to-student, adult-to-adult, male-to-female, female to male, male-to-male, or female-to-female. Depending upon the frequency and severity of the conduct, interventions such as counseling, correction, discipline and/or referral to law enforcement agencies will be used to remediate the behavior of the perpetrator. Support for the victim may include appropriate intervention and restoration of a positive climate. False reports or retaliation for harassment, bullying, or intimidation also constitute violations of this policy.

The Superintendent is directed to develop procedures that provide for receiving and investigating a complaint from any staff member who alleges that he/she has been subject to sexual harassment, bullying, or intimidation. The Board shall be advised of all formal complaints that are filed with the Superintendent. Any staff member who believes he/she has been subjected to harassment, bullying, or intimidation may file a complaint in the manner prescribed in OESD procedures.

LEGAL REFERENCE:

Sec 703 Title VII: Civil Rights Act of 1964

29 CFR 1604.11: Sexual Harassment

Title IX

RCW 9A.36.080

RCW 28A.300.285

RCW 28A.400.317

RCW 28A.640.020

WAC 148-120-100

WAC 392-190-056

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Malicious harassment – definition and criminal penalty

Harassment, intimidation, and bullying prevention policies

Duty to report

Regulations, guidelines to eliminate discrimination

Conduct violations

Sexual harassment – Definitions

Sexual harassment policy – Adoption date – Required criteria

Sexual harassment – Procedures

DATE ADOPTED:

October 20, 1988

REVISED:

February 21, 2008

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