

Prohibition of Discrimination, Harassment, Intimidation, and/or Bullying

The Yakima School District is committed to a safe and civil educational environment for all students, employees, volunteers and patrons, free from discrimination, harassment, intimidation, and/or bullying. Discrimination, harassment, intimidation or bullying means any intentional written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in RCW 9A.36.080(3), (race, color, national origin, ancestry, gender, sexual orientation, age, ethnicity, language barrier, religious beliefs, politics, physical and mental handicap or disability, economic and social conditions, or actual or potential marital or parental status), or other distinguishing characteristics, when the intentional written, verbal, or physical act:

- physically or emotionally is harmful or damages student and/or staff property;
- has the effect of substantially interfering with the educational process;
- is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; and/or
- has the effect of substantially disrupting the orderly operation of the school.

A complaint may go forward and be relevant whether or not the person(s) complaining of maltreatment actually possess the characteristics that are listed above and/or any other characteristics that may be at issue, such as those in the following lists. Intentional acts refer to the individual's choice to engage in the act rather than the ultimate impact of the action(s).

In addition to the list in the first paragraph above, distinguishing characteristics may include, but are not limited to, physical appearance, clothing or other apparel, or socioeconomic status. Discrimination, harassment, intimidation, or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendos, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats, or other written, oral or physical actions.

Also prohibited is cyberbullying which is accomplished through electronic means; this encompasses any of the already prohibited actions, such as discrimination, harassment, intimidation, and/or bullying. Cyberbullying is online social aggression. Cyberbullying is being cruel to others by sending or posting harmful material or engaging in other forms of social aggression using the Internet or other digital technologies.

This operational procedure is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment. Many behaviors that do not rise to the level of discrimination, harassment, intimidation, and/or bullying may still be prohibited by other district operational procedures or building, classroom, or program rules.

This operational procedure is a component of the district's responsibility to create and maintain a safe, civil, respectful and inclusive learning community and is to be implemented in conjunction with comprehensive training of staff and volunteers, including the education of students in partnership with families and the community. The operational procedure is to be implemented district-wide in conjunction with comprehensive safety plans that include prevention,

intervention, crisis response, recovery, and annual review. Employees in particular are expected to support the dignity and safety of all members of the school community.

Depending upon the frequency and severity of the conduct, the district will use intervention, counseling, correction, discipline, and/or referral to law enforcement to remediate the impact on the victim, to improve school climate, and to change the behavior of the perpetrator. School staff response includes appropriate intervention, restoration of a positive climate, and support for victims and others impacted by the violation. False reports of retaliation for harassment, intimidation, and/or bullying also constitute violations of this operational procedure.

The superintendent directs the development and implementation of processes addressing the elements of this operational procedure, consistent with the complaint and investigation components of operational procedure 5010 Equal Employment Opportunity and Nondiscrimination. District process 5010.1X and complaint form 5010.2X may be used for informal (or formal) complaint.

Cross References:

- (cf.: 2140 – Guidance and Counseling)
- (cf.: 2150 – Co-curricular and Non-curricular Activity Program)
- (cf.: 2315 – Learning Resources and Library/Media Centers)
- (cf.: 2340 –Religious-related Activities and Practices)
- (cf.: 3200 – Student Rules, Regulations and Conduct: Discipline)
- (cf.: 3210 – Nondiscrimination and Complaint)
- (cf.: 3215 – Prohibition of Harassment, Intimidation, and Bullying)
- (cf.: 3216 – Sexual Harassment)
- (cf.: 4311 – Use of Electronic Information Systems, Email and Network)
- (cf.: 5010 – Equal Employment Opportunity and Nondiscrimination)
- (cf.: 5255 – Disciplinary Action and Discharge)

Legal References:

- RCW 9A.36.080 Malicious Harassment
- RCW 46.60 Law against Discrimination

Title VI of the Civil Rights Act of 1964 as amended in 1972 and 1991
Sec. 703, Title VII of the Civil Rights Act of 1964 as amended in 1972 and 1991
29 CFR 1604.11
Federal Register Vol. 59, No. 47, Thursday, March 10, 1994, Racial Incidents and Harassment
Against Students at Educational Institutions; Investigative Guidance
Tinker v. Des Moines Independent School District, 1969

Adoption Date:

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