**Operating Policy No. 1020**

**Foundations and General Commitments**

**PREVENTION OF HARASSMENT, INTIMIDATION AND BULLYING**

Puget Sound Educational Service District (PSESD) is committed to becoming an Antiracist Multicultural Organization. The ESD recognizes and values the racial and cultural diversity of its staff and believes this diversity strengthens the agency, stimulates creativity, promotes the exchange of ideas, and enriches staff engagement. We take personal responsibility to do our best work to support the quality, equity and effectiveness of educational programs through partnerships with K-12 education, early learning, higher education, and public and private organizations - motivated by a deep desire to ensure that every child has the opportunity to reach his or her fullest potential.

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

PSESD seeks to prevent harassment, intimidation, or bullying by integrating prevention and intervention training into all PSESD programs, learning environments and work sites. The ESD will provide information and education to staff, students, volunteers, interns, and parents regarding this policy. Information on recognition and prevention of harassment, including information on responsible and safe use of the internet and electronic communication systems and devices, shall be included in staff, student and regular volunteer and intern orientation and training sessions, and will be published in electronic and print materials. Copies of this policy, along with appropriate materials on the recognition and prevention of harassment, including sexual harassment, shall be made available to staff, students, volunteers, interns, and parents. Informal procedures and formal steps for filing a complaint of harassment will be provided and are included in the Operating Procedure 1020P and those Operating Policies and Procedures cited below in Cross References.

Definitions harassment, intimidation, or bullying means any intentional electronic, verbal or physical act or any intentional written or electronic media content, including, but not limited to, one shown to be motivated by any characteristic of race, color, religion, ancestry, national origin, gender, gender identity, marital or veteran status, sexual orientation, mental or physical disability, or other distinguishing characteristics, when such conduct or communication has the purpose or effect of substantially interfering with or disrupting an individual’s work or school environment; physically harms another or damages an individual’s property; is so severe, persistent, or pervasive that it creates an intimidating or threatening educational or work environment. (“Intentional acts” refers to the individual’s choice to engage in the act, rather than the ultimate impact of the act. “Other distinguishing characteristics” can include, but are not limited to, physical appearance, clothing or other apparel, and socioeconomic status.)

Harassment, intimidation and bullying 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. Any employee or student who has been found, after appropriate investigation, to have maliciously or sexually harassed another employee, student, or client, will be subject to disciplinary action up to and including discharge or expulsion.

Harassment, intimidation, or bullying can take many forms: slurs, rumors, jokes, innuendo, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats, hazing, or other written, oral, or physical action.

“Malicious harassment” is defined as actions, based on any characteristic of race, color, creed, religion, ancestry, national origin, marital or veteran status, mental or physical disability, or other distinguishing characteristics, that a staff member or student undertakes purposely or knowingly with intent to terrify, intimidate, threaten, annoy, or offend and that: 1) causes bodily injury to another; 2) causes reasonable apprehension of bodily injury, or 3) damages or destroys another person’s personal property.

Malicious harassment refers to behavior which is not welcome, is personally offensive, and which interferes with an employee’s, volunteers, interns, or student’s productivity or with the work or learning environment. Malicious harassment occurs in a context or circumstance that indicates the communication is a threat. Threatening communication does not constitute malicious harassment if it is apparent that the employee, volunteer, or student does not have the ability to carry out the threat.

“Sexual harassment” may include, but is not limited to, unwelcome or uninvited sexual advances, requests for sexual favors, sexual comments, cartoons, innuendo, or other verbal or physical conduct of a sexual nature. Under federal and state law, the term “sexual harassment” may include:

* acts of sexual violence;
* unwelcome sexual or gender-directed conduct or communication that interferes with an individual’s educational performance or creates an intimidating, hostile, or offensive environment;
* unwelcome sexual advances;
* unwelcome requests for sexual favors;
* sexual demands when submission is a stated or implied condition of obtaining an educational benefit;
* sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

“Electronic” or “electronic means” means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. “Electronic” and “electronic means” include, but are not limited to, communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.

Adopted: May 1990

Revised: February 2007

Revised: January 2014

Revised: March 2018

Relevant PSESD Board Governance Policies: EL 1 Global Executive Constraint

EL 3 Treatment of Stakeholders

EL 4 Treatment of Staff

Cross References: Operating Policy No. 1000 Nondiscrimination

Operating Policy No. 1010 Racial Equity

Operating Policy No. 1030 Workplace and Learning Environment Safety and Violence Prevention

Operating Policy No. 3205 Sexual Harassment of Students Prohibited

Operating Procedure No. 3205P

Operating Policy No. 3207 Prohibition of Harassment, Intimidation and Bullying

Operating Procedure No. 3207P

Operating Policy No. 5011 Sexual Harassment of Staff Prohibited

Legal References: Sec 703, Title VII of the Civil Rights Act of 1964 29

CFR 1604.11 RCW 26.33.030, Abuse of Children and Adult Dependent Persons

RCW 9A.36.080 Malicious harassment – definition and criminal penalty RCW 28A.300.285, Harassment, intimidation, and bullying prevention policies

RCW 28A.400.317, Duty to report

RCW 28A.640.020, Regulations, guidelines to eliminate discrimination WAC 148-120-100, Conduct violations

WAC 392-190, Equal Education Opportunity, Sex Discrimination Prohibited

WAC 392-190-056, Sexual harassment – Definitions

WAC 392-190-057, Sexual harassment policy – Adoption date – Required criteria

WAC 392-190-058, Sexual harassment – Procedures

WAC 392-190-075, Compliance – Contested Case – Duty of superintendent of public instruction