

WEST VALLEY SCHOOL DISTRICT #208
Formal Complaint of Harassment, Intimidation, or Bullying

Section 1 - To be filled out by Complainant

Name of Complainant	Date/Time of Incident
Name of Alleged Harasser	Location of Incident
Describe Incident	
How would complainant like incident resolved?	
Names of Witnesses	

Section 2 - To be filled out by Principal or Designee

Summary of Witness Statements
Summary of Action Taken
Name of Compliance Principal/Designee handling report

Section 3 - To be filled out by District Compliance Officer

Date reviewed:	#
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Our school is committed to a safe and civil educational environment for all students, employees, volunteers and patrons, free from harassment, intimidation, or bullying.

RCW 28A.600.477 (5)(b)(i) Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any characteristic in **RCW 28A.640.010** and **28A.642.010**, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

- (A) Physically harms a student or damages the student's property;
 - (B) Has the effect of substantially interfering with a student's education;
 - (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
 - (D) Has the effect of substantially disrupting the orderly operation of the school.
- (ii) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

RCW 28A.640.020 (2)(f) "Sexual harassment" as used in this section means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if: (i) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment; (ii) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or (iii) 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.

In addition to corrective action by the school, a student may be referred to authorities for legal action as per the following sections of the Revised Code of Washington (RCW):

RCW 9A.36.080 (1) A person is guilty of malicious harassment if he or she maliciously and intentionally commits one of the following acts because of his or her perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap: (a) Causes physical injury to the victim or another person; (b) Causes physical damage to or destruction of the property of the victim or another person; or (c) Threatens a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. . . .(3) It is not a defense that the accused was mistaken that the victim was a member of a certain race, color, religion, ancestry, national origin, gender, or sexual orientation, or had a mental, physical, or sensory handicap. . . .(7) Malicious harassment is a class C felony.

RCW 9A.36.083 Malicious harassment -- Civil action. In addition to the criminal penalty provided in RCW 9A.36.080 for committing a crime of malicious harassment, the victim may bring a civil cause of action for malicious harassment against the harasser. A person may be liable to the victim of malicious harassment for actual damages, punitive damages of up to ten thousand dollars, and reasonable attorneys' fees and costs incurred in bringing the action.

RCW 9A.46.020 (1) A person is guilty of harassment if: (a) Without lawful authority, the person knowingly threatens: (i) To cause bodily injury immediately or in the future to the person threatened or to any other person; or (ii) To cause physical damage to the property of a person other than the actor; or (iii) To subject the person threatened or any other person to physical confinement or restraint; or (iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and (b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, the sending of an electronic communication. (2) A person who harasses another is guilty of a gross misdemeanor. . . .

The Washington State Legislature is committed to safe schools and high academic standards.

RCW 28A.300.285 Findings -- 2002 c 207: "The legislature declares that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. The legislature finds that harassment, intimidation, or bullying, like other disruptive or violent behavior, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Furthermore, the legislature finds that

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Students

students learn by example. The legislature commends school administrators, faculty, staff, and volunteers for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying." [2002 c 207 § 1.]

Revised Dates: 02.11; 11.24