



# Yakama Nation Tribal School

*"Knowledge for Generations to Come"*

Policy: 3207  
Section: 3000 - Students

## Prohibition of Harassment, Intimidation, and Bullying of Students

The Yakama Nation Tribal School (YNTS) is committed to a safe and civil educational environment that is free from the harassment, intimidation, or bullying. Harassment, intimidation or bullying in any way, shape, or form. Retaliation is prohibited, as well as knowingly reporting false allegations of harassment, intimidation, and bullying. No one will be disciplined for making a report in good faith.

**Harassment, intimidation, or bullying** is an intentional electronic, written, verbal, or physical act that:

- 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.

Harassment, intimidation, or bullying can take many forms including, but not limited to, slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written, oral, physical or electronically transmitted messages or images directed toward a student.

This policy is not intended to prohibit expression of religious, philosophical, or political views, provided that the expression does not substantially disrupt the educational environment.

### Compliance Officer

A compliance officer will serve as the primary contact for all complaints and oversee policy implementation. The name and contact information for the compliance officer will be communicated throughout the district.

### Training

Comprehensive training of the compliance officer, staff and volunteers will be implemented. Specific training requirements are included in the accompanying procedure.

### Prevention

The harassment, intimidation, and bullying prevention strategy will include partnerships with the Yakama Nation, families, law enforcement, and other community agencies.

### Interventions

Interventions will address the impact on targeted students and the behavior of aggressors ranging from counseling, correcting behavior and discipline, to law enforcement referrals.

### Students with Individual Education Plans or Section 504 Plans

If the aggressor or target is on an Individual Education Plan (IEP) or Section 504 Plan, the student's IEP or Section 504 team will address whether the incident impacted the student's ability to receive a free, appropriate public education.

Adoption Date:

Classification: **Essential**

Revised Dates: **04.02; 10.07; 04.08; 12.10; 12.11; 12.13; 12.14; 01.15; 07.19; 08/01/2019; 07.23**



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Policy: 3207P  
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## Procedure - Prohibition of Harassment, Intimidation and Bullying of Students

### A. Introduction

The Yakama Nation Tribal School (YNTS) strives to provide students with optimal conditions for learning by maintaining a school environment where every student is treated with respect and students are not physically or emotionally harmed.

In order to ensure respect, prevent harm, and improve school climate, it is a violation of policy for a student to be harassed, intimidated, or bullied by other students in the school community, at school sponsored events, or when such actions create a substantial disruption to the educational process. Student(s) will not be harassed because of their race, color, religion, ancestry, national origin, gender, sexual orientation, gender expression, gender identity, mental or physical disability, or other distinguishing characteristics.

Any school staff who observes, overhears, or otherwise witnesses harassment, intimidation, or bullying of a student or to whom such actions have been reported must take prompt and appropriate action to stop the harassment, intimidation, or bullying, prevent its recurrence, and report it to the building level administrator and/or HIB Compliance Officer.

### B. Definitions

**Aggressor** means a student who harasses, intimidates, or bullies another student.

**Harassment, intimidation, or bullying** means an intentional electronic, written, verbal, or physical act that:

1. Physically harms a student or damages the student's property;
2. Has the effect of substantially interfering with a student's education;
3. Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
4. Has the effect of substantially disrupting the orderly operation of the school.

Conduct that is "substantially interfering with a student's education" will be determined by considering a targeted student's grades, attendance, demeanor, interaction with peers, participation in activities, and other indicators.

Conduct that may rise to the level of harassment, intimidation, or bullying may take many forms, including, but not limited to: slurs, rumors, jokes, innuendoes, demeaning comments, drawings, cartoons, pranks, ostracism, physical attacks or threats, gestures, or acts relating to an individual or group whether electronic, written, oral, or physically transmitted messages or images. There is no requirement that the targeted student actually possess the characteristic that is the basis for the harassment, intimidation, or bullying.

This procedure does not govern harassment, intimidation, or bullying toward or by an employee, volunteer, parent/legal guardian, or community member.

**Retaliation** occurs when a student is intimidated, threatened, coerced, or discriminated against for reporting harassment, intimidation, or bullying, participating in an investigation, or being identified as a targeted student.

**Staff** includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, classified staff, substitute and temporary teachers, volunteers, or paraprofessionals (both employees and contractors).





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student orientation sessions and on other appropriate occasions. The information will include a copy of the Incident Reporting Form or a link to a web-based process.

### 3. Training

The HIB Compliance Officer will participate in at least one mandatory training opportunity offered by OSPI. As feasible, the HIB Compliance Officer will attend annual training as a refresher course, particularly in the event that changes to the HIB law or process occur. Staff will receive annual training on the policy and procedure, including at a minimum, staff roles and responsibilities, and the use of the YNTS Incident Reporting Form.

### 4. Prevention Strategies

A range of prevention strategies including individual, classroom, school, and community-level approaches will be implemented. Whenever possible, culturally responsive and evidence-based prevention programs will be implemented that are designed to increase social competency, improve school climate, and eliminate harassment, intimidation, and bullying in schools.

### F. Compliance Officer

The Civil Rights Coordinator will serve as HIB compliance officer.

The compliance officer will:

1. Serve as the primary contact for harassment, intimidation, or bullying of a student. If any staff member receives allegations in a written report of harassment, intimidation, or bullying that indicate a potential violation of Policy 3207, that staff member must promptly notify the compliance officer;
2. Provide support and assistance to the principal or designee in resolving complaints;
3. Receive copies of all Incident Reporting Forms, discipline Referral Forms, and letters to parents providing the outcomes of investigations;
4. If a written report of harassment, intimidation, or bullying of a student indicates a potential violation of the nondiscrimination policy [Policy 3210], or if during the course of an investigation, YNTS becomes aware of a potential violation of the nondiscrimination policy, the compliance officer must proceed with the complaint under both nondiscrimination and harassment, intimidation, and bullying policies and procedures. At that time, the compliance officer must promptly notify the complainant that their complaint will proceed under both this policy/procedure and the nondiscrimination policy/procedure. The investigation and response timeline for the nondiscrimination procedure begin when YNTS knows or should have known that a written report or investigation or harassment, intimidation, or bullying involves a potential violation of the nondiscrimination policy;
5. Be familiar with the use of the student information system. The compliance officer may use this information to identify patterns of behavior and areas of concern;
6. Ensure implementation of the policy and procedure by overseeing the investigative processes, including ensuring that investigations are prompt, impartial, and thorough;
7. Assess the training needs of staff and students to ensure successful implementation, and ensure staff receive annual training;
8. Provide the OSPI School Safety Center with notification of policy or procedure updates or changes on an annual basis; and
9. In cases where, despite school efforts, a targeted student experiences harassment, intimidation, or bullying that threatens the student's health and safety, the compliance officer will facilitate a meeting between staff and the child's parents/guardians to develop a safety plan to protect the student. A sample student safety plan is available on the OSPI website: [www.k12.wa.us/SafetyCenter/default.aspx](http://www.k12.wa.us/SafetyCenter/default.aspx).
10. YNTS will provide updated names and contact information to OSPI after a change of the HIB Compliance Officer.

### G. Staff Intervention

All staff members will intervene and report when witnessing or receiving reports of harassment, intimidation, or bullying of a student. Incidents that do not meet the definition of harassment, intimidation, or bullying, or conduct not directed toward a student may require no further action under this procedure, other than tracking, to ensure they are not repeated.

### H. Filing an Incident Reporting Form

Incident Reporting Forms may be used by students, families, or staff to report incidents of harassment, intimidation or bullying of a student. A sample form is provided on the Office of Superintendent of Public Instruction's (OSPI) School Safety Center website: [www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx](http://www.k12.wa.us/SafetyCenter/BullyingHarassment/default.aspx)

Any student or students who believe they have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying, or any other person in the school community who observes or receives notice that a student has or may have been the target of unresolved, severe, or persistent harassment, intimidation, or bullying may report incidents verbally or in writing to any staff member.





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Incident report form must be provided to students, families, or staff, if requested.

## I. Addressing Harassment, Intimidation, or Bullying – Reports

### **Step 1: Filing an Incident Reporting Form**

In order to protect a targeted student from retaliation, a student need not reveal their identity on an Incident Reporting Form. The form may be filed anonymously, confidentially, or the student may choose to disclose their identity (non-confidential).

#### **Status of Reporter**

##### **1. Anonymous**

Individuals may file a report without revealing their identity. No disciplinary action will be taken against an alleged aggressor based solely on an anonymous report. Schools may identify complaint boxes, use online reporting processes, or develop other methods for receiving anonymous, unsigned reports. Possible responses to an anonymous report include enhanced monitoring of specific locations at certain times of day or increased monitoring of specific students or staff. (Example: An unsigned Incident Reporting Form dropped on a teacher's desk led to the increased monitoring of the boys' locker room in 5th period.)

##### **2. Confidential**

Individuals may ask that their identities be kept secret from the accused and other students. Like anonymous reports, no disciplinary action will be taken against an alleged aggressor based solely on a confidential report. (Example: A student tells a playground supervisor about a classmate being bullied but asks that nobody know who reported the incident. The supervisor says, "I won't be able to punish the bullies unless you or someone else who saw it is willing to let me use their names, but I can start hanging out near the basketball court, if that would help.")

##### **3. Non-confidential**

Individuals may agree to file a report non-confidentially. Complainants agreeing to make their complaint non-confidential will be informed that due process requirements may require the release all of the information that it has regarding the complaint to any individuals involved in the incident, but that even then, information will still be restricted to those with a need to know, both during and after the investigation. YNTS will, however, fully implement the anti-retaliation provision of this policy and procedure to protect complainants and witnesses.

### **Step 2: Receiving an Incident Reporting Form**

All staff are responsible for receiving oral and written reports. Whenever possible staff who initially receive an oral or written report of harassment, intimidation, or bullying of a student will attempt to resolve the incident immediately. If the incident is resolved to the satisfaction of the parties involved, if the incident does not meet the definition of harassment, intimidation, or bullying, or if the conduct is not directed toward a student, no further action may be necessary under this procedure. If the parties involved are not satisfied with the attempt to resolve the situation, the staff member will notify the HIB Compliance Officer, the parties will be provided with a HIB Incident Report form, and given the opportunity to complete the form, thereby initiating the process for an official HIB investigation.

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying will be recorded on an Incident Reporting Form and submitted to the principal or designee, once recorded, the principal or designee must communicate with the HIB Compliance Officer regarding the complaints.

### **Step 3: Investigations of Unresolved, Severe, or Persistent Harassment, Intimidation and Bullying**

All reports of unresolved, severe, or persistent harassment, intimidation, or bullying of a student will be investigated with reasonable promptness. Any student may have a trusted adult with them throughout the report and investigation process.

1. Upon receipt of the Incident Reporting Form that alleges unresolved, severe, or persistent harassment, intimidation, or bullying of a student, a designee will begin the investigation. If there is potential for clear and immediate physical harm to the complainant, law enforcement will be contacted immediately and the parent/guardian will be informed.
2. For allegations involving a staff member the Human Resources Department must be involved. These allegations will not be handled under the processes in 3207 and 3207P. Human Resources Departments must include consideration of policy and procedure 3210 – Nondiscrimination of Students, policy and procedure 5010 – Nondiscrimination and Affirmative Action, and other applicable policies and





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laws, including WAC 392-190-0555. The Human Resources Departments should work with their legal services to determine the appropriate complaint process and response.

3. During the course of the investigation, reasonable measures will be taken to ensure that no further incidents of harassment, intimidation, or bullying occur between the complainant, targeted student, and the alleged aggressor. If necessary, a safety plan will be implemented (<https://www.k1wa.us/student-success/health-safety/school-safety-center/safety-planning-toolkit>) for the student(s) involved. The plan may include changing seating arrangements for the complainant, targeted student, and/or the alleged aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a safe person for the complainant; altering the alleged aggressor's schedule and access to the complainant, and other measures.

If, during the course of an investigation, the employee conducting the investigation becomes aware of a potential violation of the nondiscrimination policy [Policy 3210], the investigator will promptly notify the civil rights compliance officer. Upon receipt of this information, the civil rights compliance officer must notify the complainant that their complaint will proceed under the discrimination complaint procedure in WAC 392-190-065 through WAC 392-190-075 as well as the HIB complaint procedure. The notice must be provided in a language that the complainant can understand. The investigation and response timeline for the discrimination complaint procedure will follow that set forth in WAC 392-190-065 and begins when the YNTS knows or should have known that a written report of harassment, intimidation or bullying involves allegations of a violation of the nondiscrimination policy.

4. Within two (2) school days after receiving the Incident Reporting Form, the school designee will notify the families of the students involved that a complaint was received and direct the families to the policy and procedure on harassment, intimidation and bullying.
5. In rare cases, where after consultation with the student and appropriate staff (such as a psychologist, counselor, or social worker) there is evidence that it would threaten the health and safety of the complainant or the alleged aggressor to involve their parent/guardian, YNTS may initially refrain from contacting the parent/guardian in its investigation of harassment, intimidation, or bullying of a student. If professional school personnel suspect that a student is subject to abuse and neglect, they must follow policy for reporting suspected cases to the appropriate authorities.
6. The investigation will include, at a minimum:
  - a. An interview with the complainant;
  - b. An interview with the targeted student, if different than the complainant;
  - c. An interview with the alleged aggressor;
  - d. A review of any previous complaints involving the complainant, the targeted student, or the alleged aggressor; and
  - e. Interviews with other students or staff members who may have knowledge of the alleged incident.
7. The principal or designee may determine that other steps must be taken before the investigation is complete.
8. The investigation will be completed as soon as practicable but generally no later than five (5) school days from the initial complaint or report. If more time is needed to complete an investigation, the parent/guardian and/or the student will be provided weekly updates.
9. No later than two (2) school days after the investigation has been completed and submitted to the compliance officer, the principal or designee will respond in writing or in person to the parent/guardian of the complainant and the alleged aggressor stating:
  - a. The results of the investigation;
  - b. Whether the allegations were found to be factual;
  - c. Whether there was a violation of policy; and
  - d. The process for the complainant to file an appeal if the complainant disagrees with the results.

Because of the legal requirement regarding the confidentiality of student records, the principal or designee may not be able to report specific information to the targeted student's parent/guardian about any disciplinary action taken unless it involves a directive that the targeted student must be aware of in order to report violations.

If a parent/guardian is contacted the by letter, the letter will be mailed to the parent/guardian of the complainant and alleged aggressor by United States Postal Service with return receipt requested unless it is determined, after consultation with the student and appropriate staff (psychologist, counselor, social worker) that it could endanger the complainant or the alleged aggressor to involve their family. If professional school personnel suspect that a student is subject to abuse or neglect, as mandatory reporters they must follow policy for reporting suspected cases.

If the incident cannot be resolved at the school level, the principal or designee will request assistance from the HIB compliance officer.





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## **Step 4: Corrective Measures for the Aggressor**

After completion of the investigation, the YNTS designee will institute any corrective measures necessary. Corrective measures will be instituted as quickly as possible, but in no event more than five (5) school days after contact has been made to the families or guardians regarding the outcome of the investigation. Corrective measures that involve student discipline will be implemented according to policy 3241, Student Discipline. If the accused aggressor is appealing the imposition of discipline, it will be prevented until the appeal process is concluded according to due process considerations or a lawful order.

If in an investigation a principal or principal's designee found that a student knowingly made a false allegation of harassment, intimidation or bullying, that student may be subject to corrective measures, including discipline.

## **Step 5: Complainant's Right to Appeal**

1. If the complainant or parent/guardian is dissatisfied with the results of the investigation, they may appeal to the superintendent or their designee by filing a written notice of appeal within five (5) school days of receiving the written decision. The superintendent or their designee will review the investigative report and issue a written decision on the merits of the appeal within five (5) school days of receiving the notice of appeal.
2. If the complainant remains dissatisfied after the initial appeal to the superintendent, the student may appeal to the school board by filing a written notice of appeal with the secretary of the school board on or before the fifth (5) school day following the date upon which the complainant received the superintendent's written decision.
3. An appeal before the school board or disciplinary appeal council must be heard on or before the tenth (10th) school day following the filing of the written notice of appeal to the school board. The school board or disciplinary appeal council will review the record and render a written decision on the merits of the appeal on or before the fifth (5th) school day following the termination of the hearing, and will provide a copy to all parties involved. The board or council's decision will be the final decision.

## **Step 6: Discipline/Corrective Action**

Prompt and equitable corrective measures will be taken on findings of harassment, intimidation or bullying of a student. Depending on the severity of the conduct, corrective measures may include counseling, education, discipline, and/or referral to law enforcement.

Corrective measures for a student who commits an act of harassment, intimidation, or bullying will be varied and graded according to the nature of the behavior, the developmental age of the student, or the student's history of problem behaviors and performance. Corrective measures that involve student discipline will be implemented according to policy and procedure 3241, Student Discipline.

If the conduct was of a public nature or involved groups of students or bystanders, schoolwide training or other activities will be considered to address the incident.

If staff have been found to be in violation of this policy and procedure by not reporting harassment, intimidation, or bullying or not preventing retaliation, YNTS may impose employment disciplinary action, up to and including termination. If a certificated educator is found to have committed a violation of [WAC 181-87](#), commonly called the Code of Conduct for Professional Educators, OSPI's Office of Professional Practices may propose disciplinary action on a certificate, up to and including revocation. Contractor violations of this policy may include the loss of contracts.

## **Step 7: Support for the Targeted Student**

Students found to have been subjected to harassment, intimidation or bullying will have appropriate support services made available to them, and the adverse impact of the harassment on the student will be addressed and remedied as appropriate.

### **J. Immunity/Retaliation**

No school employee, student, or volunteer may engage in reprisal or retaliation against a targeted student, witness, or other person who brings forward information about an alleged act of harassment, intimidation or bullying of a student. Retaliation is prohibited and will result in appropriate discipline.





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## K. Other Resources

Students and families should use the complaint and appeal procedures as a first response to allegations of harassment, intimidation, or bullying of a student. However, nothing in this procedure prevents a student, parent/guardian, school, or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected class under local, state or federal law.

## L. For questions or more information, students and families can reach out to the following state or federal agencies:

- OSPI Equity and Civil Rights Office (for discrimination complaints)  
360.725.6162  
Email: [equity@k12.wa.us](mailto:equity@k12.wa.us)  
<https://www.k12.wa.us/policy-funding/equity-and-civil-rights>
- Washington State Human Rights Commission  
800.233.3247  
[www.hum.wa.gov/index.html](http://www.hum.wa.gov/index.html)
- Office for Civil Rights, U.S. Department of Education, Region IX  
206.607.1600  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)  
[www.ed.gov/about/offices/list/ocr/index.html](http://www.ed.gov/about/offices/list/ocr/index.html)
- Department of Justice Community Relations Service  
877.292.3804  
[www.justice.gov/crt/](http://www.justice.gov/crt/)
- Office of the Education Ombuds  
866.297-2597  
Email: [OEInfo@gov.wa.gov](mailto:OEInfo@gov.wa.gov)  
<http://oeo.wa.gov/>
- OSPI Safety Center  
Email: [Schoolsafety@k12.wa.us](mailto:Schoolsafety@k12.wa.us)  
360.725-6068  
<https://www.k12.wa.us/student-success/health-safety/school-safety-center>

## M. Other Policies and Procedures

Nothing in this policy or procedure is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of harassment, intimidation, or bullying as defined in this procedure but which are, or may be, prohibited by other school rules.

Adoption Date:

Classification: **Essential**

Revised Dates: **04.02; 04.08; 12.10; 12.11; 12.14; 01.15; 07.19; 08/01/2019; 07.23**

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