

STUDENTS and STAFF BULLYING AND HARASSMENT POLICY

Guiding Principle The Providence School Board believes that preventing bullying and/or harassment is critical for creating and maintaining a safe, secure, positive school climate and culture, which supports academic achievement, increases school engagement, respects the rights of all individuals and groups, and purposefully builds community.

Purpose The Providence School Department's District Bullying and Harassment policy will align with the Statewide Bullying Policy that is promulgated pursuant to the authority set forth in §16-21-34 of the General Laws of Rhode Island. Known as the Safe School Act, the statute recognizes that the bullying of a student creates a climate of fear and disrespect that can seriously impair the student's health and negatively affect learning. Bullying undermines the safe learning environment that students need to achieve their full potential. The purpose of the Policy is to ensure a consistent and unified state and District wide approach to the prohibition of bullying at school.

To protect the rights of all individuals to engage in teaching and learning, bullying and/or harassment of/by any student, teacher, administrator, staff member, parent, or community partner, participating in any sanctioned school activity (as described under SCOPE below) is prohibited.

To clearly define what constitutes actions of bullying and/or harassment, to highlight the importance of responding to bullying and/or harassment behaviors, and to clarify the extent to which the Superintendent of the Providence Public School Department (PPSD) is directed to apply disciplinary actions, as specified in the following Providence School Board Policies and School District Procedures: Student Rights and Responsibilities, Code of Conduct, Student Discipline, and the Providence School Safety Plan.

Definitions **BULLYING** means the use by one or more individuals of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at an individual that:

- a. Causes physical or emotional harm to the student or damage to the student's property;
- b. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
- c. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
- d. Infringes on the rights of the student to participate in school activities;

or

e. Materially and substantially disrupts the education process or the orderly operation of a school.

Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber-bullying offender(s) and the bullying victim(s). If a single incident is sufficiently severe it may be considered bullying.

Harassment is bullying behavior as described above which includes the expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as:

Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

Harassment includes cyber-harassment (as defined below).

Sexual Harassment is defined as either Hostile Environment Sexual Harassment or *Quid Pro Quo* Sexual Harassment. Sexual harassment may occur student to student, adult to student, student to adult, adult to adult, male to female, female to male, female to female, and male to male.

Hostile Environment Sexual Harassment occurs when unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature by another student, a school employee, or a third party on school property or at a school-related activity is sufficiently severe, pervasive or persistent so as to interfere with or limit a student's ability to participate in or benefit from PPSD programs or activities, or to interfere with or limit an individual's or individuals' employment, by creating a hostile, humiliating, intimidating, or offensive educational or work environment. A victim may also be someone reasonably affected by conduct directed toward another individual.

Quid Pro Quo Sexual Harassment occurs when a PPSD employee or a student explicitly or implicitly conditions participation in an education program or activity or bases an educational decision on the student's submission to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, whether or not the student submits to the conduct. *Quid pro quo* sexual harassment also occurs when a PPSD employee conditions a PPSD employee's employment on submission to sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature or as a basis for an employment decision (including but not limited to promotion, demotion, alteration of duties or hours, or performance reviews).

CYBER-BULLYING means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications.

Forms of cyber-bullying may include but are not limited to:

- a. The creation of a web page or blog in which the creator assumes the identity of another person;
- b. The knowing impersonation of another person as the author of posted content or messages; or
- c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (a) to (e) of the definition of bullying.

Cyber-harassment is the behavior described as cyber-bullying motivated by prejudice bias. (see definition of harassment above)

Hazing is defined as any activity expected of someone joining a group that humiliates, degrades, abuses or endangers regardless of the persons willingness to participate.

Retaliation is defined as any form of intimidation, reprisal, or harassment by a PPSD community member directed against another PPSD community member for reporting or filing a complaint, for aiding or encouraging the filing of a report or complaint, for cooperating in an investigation under this Policy, or for taking action consistent with this Policy.

Scope

Every form of bullying, harassment, cyberbullying, and/or cyber-harassment is prohibited **at school**, whether in the classroom, on school premises, immediately adjacent to school premises, when a PPSD student is traveling to or from school (portal to portal), or at a school-sponsored event, whether or not held on school premises.

“Traveling to or from school (portal to portal)” also includes, but is not limited to (henceforth “including”), on a school bus or other school related-vehicle (including using a district-issued bus pass), at official school bus stops, and walking to or from school within a reasonable time before or after school hours. Bullying or harassment, including cyberbullying or cyber-harassment, that is not initiated at a location defined above is covered by this policy if the incident results in a potentially substantial disruption of the school learning environment

for one or more individuals and/or the orderly day-to-day operations of any school or school program.

AT SCHOOL means:

- a. on school premises,
- b. at any school-sponsored activity or event whether or not it is held on school premises,
- c. on a school-transportation vehicle,
- d. at an official school bus stop,
- e. using property or equipment provided by the school, or
- f. acts which create a material and substantial disruption of the education process or the orderly operation of the school.

District Procedures The Superintendent shall define “Guidelines and Procedures to implement the Bullying and Harassment Policy and Dating Violence Policy.” The Superintendent shall provide age-appropriate guidelines for each school for reporting and investigating incidents of bullying or harassment. Specific persons responsible for receiving and following up on reports will be identified in these procedures. Such guidelines will include a standardized reporting form to be used by any member of the PPSD community.

The purpose of such a reporting form is to trigger an investigation, which protects the safety of the target, bystanders, and/or concerned family/guardian/community members. These guidelines shall include clear guidelines as to when and how reports on bullying or harassment should be made to law enforcement for investigation into possible criminal charges. Within the requirements of FERPA, the Guidelines and Procedures to Implement the Bullying and Harassment Policy and Dating Violence Policy shall include a specific amount of time within which parents will be informed of a complaint and a specific amount of time for investigations to be completed.

Additionally, the Guidelines and Procedures to Implement the Bullying and Harassment Policy and Dating Violence Policy shall also include a plan for communicating with parents/guardians, professional development for all staff, and instruction for students at all school levels in social-emotional learning and violence prevention.

**Information
Dissemination**

The school principal, director, or head of school shall ensure that students, staff and parents/legal guardians are provided information regarding this policy. This information shall include methods of discouraging and preventing this type of behavior, the procedure to file a complaint, and the disciplinary action that may be taken against those who commit acts in violation of this policy.

The policy shall be:

- a. Distributed annually to students, staff, volunteers and parent/legal guardians.
- b. Included in student codes of conduct, disciplinary policies and student handbooks
- c. Prominently posted link on the home page of our District website

Reporting

Each member of the PPSD community is responsible for reporting knowledge of any behaviors covered in this Policy or credible information that such an act has taken place.

Each school principal shall establish, and prominently publicize to students, staff, volunteers, and parents/guardians, how a report of bullying may be filed and how this report will be acted upon. The reporting form can be found in our website or in Guidelines and Procedures to Implement the Bullying and Harassment Policy and Dating Violence Policy.”

The victim of bullying/harassment, anyone who witnesses an incidence of bullying/harassment, and anyone who has credible information that an act of bullying has taken place may file a report of bullying. Any student or staff member who believes he/she is being bullied/harassed should immediately report such circumstances to an appropriate staff member, teacher or administrator.

Parents / Guardians of the victim of bullying/harassment and parents/ guardian of the alleged perpetrator of the bullying shall be notified within twenty-four (24) hours of the incident report. When there is a reasonable suspicion that a child is either a bully or a victim of bullying/harassment, the parents/ guardians of the child will be notified immediately by the principal, director or head of school.

Responsibility of Staff: School staff, including volunteers, who observe an act of bullying/harassment or who have reasonable grounds to believe that bullying is taking place must report the bullying/harassment to school authorities. Failure to do so may result in disciplinary action.

Responsibility of Students: Students who observe an act of bullying/harassment or who have reasonable grounds to believe that bullying/harassment is taking place must report the bullying/harassment to school authorities. Failure to do so may result in disciplinary action. The victim of bullying/harassment, however, shall not be subject to discipline for failing to report the bullying/harassment. Student reports of bullying/harassment or retaliation may

be made **anonymously**, provided, however, that no disciplinary action shall be taken against a student solely on the basis of an **anonymous report**.

Prohibition against Retaliation: Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying/harassment, those who are witnesses to bullying/harassment, or those investigating an incident of bullying/harassment shall not be tolerated. Retaliation or threat of retaliation will result in the imposition of discipline in accordance with the school behavior code.

False Reporting/Accusations: A school employee, school volunteer or student who knowingly makes a false accusation of bullying/harassment or retaliation shall be disciplined in accordance with the school behavior code.

Reports in Good Faith: A school employee, school volunteer, student, parent/legal guardian, or caregiver who promptly reports, in good faith, an act of bullying/harassment to the appropriate school official designated in the school's policy shall be immune from a cause of action for damages arising from reporting bullying/harassment.

Investigation/ Response

Each school principal shall promptly investigate all allegations of bullying, harassment, or intimidation. Each school principal shall coordinate and timely report investigative findings to the District-wide Title 9/Equity coordinator also designated by the superintendent or his/her designee. If a report of cyberbullying and/or cyber-harassment concerning an incident initiated outside the Scope (as defined above), such report will be investigated by the Superintendent to determine if the incident(s) resulted in a potentially substantial disruption of the school learning environment for one or more individuals and/or the orderly day-to-day operations of any school or school program.

If the allegation is found to be credible, appropriate disciplinary actions, subject to applicable due process requirements, will be imposed. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations. The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment or intimidation has had on the victim. A student who engages in continuous and/or serious acts of bullying will also be referred to the school psychologist and/or social worker.

Police Notification: Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator.

Protection: If the investigation shows that a student is the victim of serious or persistent bullying:

- a. The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment.
- b. The interventions and/or safety plan will be developed, if possible, with input from the student, his or her parent/guardian, and staff.
- c. The parents/ guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying/harassment or retaliation.

School Climate

Bullying, cyber-bullying, and retaliation against any person associated with a report of bullying or the investigation thereof is prohibited in all schools that are approved for the purpose of the compulsory attendance statute (§§16-19-1 and 16-19-2). School staff shall take all reasonable measures to prevent bullying at school. Such measures may include professional development and prevention activities, parental workshops, and student assemblies among other strategies. School faculty, administration and staff, at all times, will model courteous behavior to each other, to students, and to school visitors. Abusive or humiliating language or demeanor will not be accepted. Additionally, students and their families are expected to exhibit courteous behavior to all members of the learning community in school and at school sponsored events.

Consequences

The disciplinary actions for violations of the bullying policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the bullying policy shall balance the need for accountability with the need to teach appropriate behavior. The severity of the disciplinary action shall be aligned to the severity of the bullying/harassing behavior. The range of disciplinary actions that may be taken against a perpetrator for bullying/harassment, cyberbullying/harassment or retaliation shall include, but not be limited to:

- a. Admonitions and warnings
- b. Parental/ Guardian notification and meetings
- c. Detention
- d. In-school suspension
- e. Loss of school-provided transportation or loss of student parking pass
- f. Loss of the opportunity to participate in extracurricular activities
- g. Loss of the opportunity to participate in school social activities
- h. Loss of the opportunity to participate in graduation exercises or middle school promotional activities
- i. Police contact
- j. School suspension: No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy.

Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to

and including suspension or exclusion, as outlined in the “District-Wide Code of Conduct, Grades PK-12.” Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying or harassment, those who are witnesses or those investigating an incident of bullying or harassment will be subject to Level Two or Three in the “District-Wide Code of Conduct, Grade PK-12.”

Acts of bullying or harassment allegedly committed by adult members (including teachers, administrators, staff members, other school personnel, parents, community partners, or other visitors to the school) of the school community will be reported to school administrators and/or the designated office of the PPSD for investigation and consequences, in accordance with applicable procedures, including appropriate legal actions.

Retaliation or threats of retaliation by adult members (including teachers, administrators, staff members, other school personnel, parents, community partners, or other visitors to the school) of the PPSD community in any form designed to intimidate the victim of, witnesses to, or those investigating bullying or harassment will be subject to additional consequences, in accordance with appropriate procedures.

SOCIAL NETWORKING

Students shall be prohibited from accessing social networking sites in school, except for educational or instructional purposes and with the prior approval from school administration.

Support for the Target including Social Services / Counseling

Since bullying and harassment puts the mental health of the target at risk, an appropriate referral for support services will be made. The school shall maintain ongoing support and communication with the target to ensure that retaliation for the reporting any behaviors covered in this policy is addressed promptly. The target and the target’s parent should be afforded a range of options to ensure that person’s emotional and physical safety.

Referral to appropriate counseling and/or social services currently being offered by schools or communities shall be provided for bullying victims, perpetrators and appropriate family members of said students.

Policy Oversight & Responsibility

Each school principal shall be responsible for the implementation and oversight this bullying policy. Each school principal shall coordinate and timely report investigative findings to the District-wide Title 9/Equity coordinator also designated by the superintendent or his designee. The District Equity Officer

shall provide the superintendent with a summary report of incidents, responses, and any other bullying-related issues at least twice annually.

For public schools, the prevention of bullying shall be part of the school district strategic plan (§ 16-7.1-2(e)) and school safety plan (§16-21-24).

Annually, the Superintendent shall also report to the School Board prior to the start of each school year on the number of complaints, investigations, verified acts, and trends of bullying, harassment, cyber-bullying and cyber-harassment.

**Other Redress
And/or other
Legal Remedies**

This section does not prevent a victim of bullying, cyber-bullying or retaliation from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

Any PPSD community member may also pursue legal remedies or other avenues of recourse, including but not limited to filing a complaint with: the Rhode Island Department of Education, at (401) 222-4600; the Rhode Island Office of Attorney General, Civil Rights Division, at (401) 274-4400; the Office of Civil Rights of the United States Department of Education, at (617) 289-0111, and/or the Equal Employment Opportunity Commission, at (800) 669-4000; filing a civil lawsuit; or pursuing criminal prosecution.

Legal References

R.I.G.L. section 16-21-34 (School Safety)
R.I.G.L. section 16-21-33 (Safe Schools Act)
R.I.G.L. section 6-38-1.1 (Sex Discrimination)
R.I. Gen. Laws section 42-112-1 *et seq.* (Rhode Island Civil Rights Act of 1990)
RI 28-5-1 *et seq.* (Labor Employment Practices; State Fair Employment Practices)
RI 42-28-1 *et seq.* (Hate Crimes) (racial, religious, ethnic, sexual orientation, gender or disability prejudice)
R.I.G.L. section 16-38-1 *et seq.* and 16-38-1.1 *et seq.* (Relating to age, race and sex discrimination in education)
R.I.G.L. section 42-87-1 *et seq.*; (The Civil Rights of People With Disabilities Act)
R.I.G.L. section 42-80.1-1 *et seq.* (The Religious Freedom Restoration Act)
R. I. G. L. section 11-52-4.2, § 11-52-4.3 (criminal statutes relating to cyber crimes)
R.I.G.L section 11-21-1 (RI Hazing Law)
US Civil Rights Act of 1964, Title VI (Discrimination in Education based on Race, Color, or National Origin)

US Civil Rights Act of 1964, Title VII (Employment Discrimination Based on Race, Color, Religion, Sex, National Origin)

Title IX of the Education Amendments of 1972 (Gender Equity including Sexual Harassment)

Section 504 of the Rehabilitation Act of 1973 (Disability)

Americans with Disabilities Act of 1990

History

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