

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 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** is defined as the victimization, intimidation or mistreatment by others in the school community, based on unequal physical, psychological or social power or perceived power. Bullying does not include elements of bias (as defined below under **Harassment**). Bullying does include cyber-bullying and hazing (as defined below).

Bullying implies behaviors that can cause physical and/or emotional harm, are unwelcome, intentional, unprovoked, and usually repeated. Bullying can be verbal, physical, direct (face-to-face), or indirect (e.g. through another person, in writing, etc.).

Harassment is defined as unwelcome, intentional, unprovoked discriminatory behavior toward an individual or individuals, motivated by prejudice based on any one or more of the following real or perceived characteristics and/or legally protected categories: race, color, religion, ethnicity/natural origin, disability, sex, sexual orientation, gender identity, and age. 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).

Cyberbullying is defined as any willful and repeated harm inflicted through, but not limited to, the use of computers, cell phones, and other electronic devices. The following are examples of cyberbullying, when they are intentional and result in social-emotional harm and/or distress:

- Sending text messages over the Internet or using a cell phone or texting device or medium
- Sending or posting text, images, audio, or video on or over the Internet or through a cell phone or electronic network (sexting), including social networking sites
- Sending a threatening, intimidating, graphic or sexually explicit picture or video via the Internet or using a cell phone or electronic network, including social networking site

Cyber-harassment is defined as any willful harm inflicted through, but not limited to, the use of computers, cell phones, and other electronic devices, motivated by prejudice based on any one or more of the following real or perceived characteristics and/or legally protected categories: race, color, religion, ethnicity/natural origin, disability, sex, sexual orientation, and gender identity.

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, 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.

Reporting and Investigations

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. A specific person responsible for receiving and following up on such reports for a school building shall be identified by the superintendent or his designee at the beginning of each school year, and such person shall coordinate and timely report investigative findings to the District-wide Title 9/Equity coordinator also designated by the superintendent or his 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.

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.

Consequences

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.

Accountability

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.

Support for the Target

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.

Other Legal Remedies

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 16-21-24 (School Safety)
R.I.G.L. section 16-21-26 (Bullying/Harassment)

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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