

Draft Students & Staff Bullying & Harassment Policy

General Beliefs	The Providence School Board believes that preventing bullying and/or harassment is critical for creating and maintaining a safe, secure, positive school and work climate and culture, which supports academic achievement, increases school engagement, respects the rights of all individuals and groups, and purposefully builds community.
Purpose and Scope	<u>Purpose:</u> The Providence School Department's District Students and Staff Bullying and Harassment Policy ("the 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 within the working and learning environment. 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 Purpose and 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 or their designee 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, Employee Handbook, and the Providence School Safety Plan. <u>Scope:</u> Every form of bullying, harassment, cyberbullying, and/or cyber-harassment is prohibited in the learning and working environment, whether in the classroom, on school premises, immediately adjacent to school premises, when a PPCD student is traveling to or from school (portal to portal), and at school-sponsored events, whether or not held such events are held on school premises.

	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). 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. At School Means: • on school premises, • at any school-sponsored activity or event whether or not it is held on school premises, • on a school-transportation vehicle, • at an official school bus stop, • using property or equipment provided by the school, or • acts which create a material and substantial disruption of the education process or the orderly operation of the school. 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.
Definitions	The following definitions are provided to assist in understanding this policy and the legal obligations of the District: • Aggressor: a student or staff who engages in bullying or cyberbullying • 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: ○ Causes physical or emotional harm to the student or employee or damage to the student's property; ○ Places the student in reasonable fear of harm to themselves or of damage to their property; ○ Creates an intimidating, threatening, hostile, or abusive educational environment for the student; ○ Infringes on the rights of the student to participate in school activities; or ○ 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. ● Cyber-Bullying: 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: ○ The creation of a web page or blog in which the creator assumes the identity of another person; ○ The knowing impersonation of another person as the author of posted content or messages; or ○ 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. ● 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 may include cyber-harassment. ● Hostile Environment: is a situation in which bullying causes the school or working environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education or employee's working environment. ● Hazing: is defined as any activity expected of someone joining a group that humiliates, degrades, abuses or endangers regardless of the person's willingness to participate. ● Retaliation: is defined as any form of intimidation, reprisal, or harassment by a PPSD student or staff member directed against another PPSD student or staff 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. ● Staff: includes but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, paraprofessionals ● Target: is a student or employee against whom bullying, cyberbullying, or retaliation has been perpetrated.
--	--

Guidelines and Implementation Strategies

Implementation Strategies:

The Superintendent or their designee will develop administrative regulations to implement the Bullying & Harassment policy.

The regulations shall, at a minimum, establish the following:

- Age-appropriate guidelines for each school for reporting and investigating incidents of bullying or harassment. The specific individuals responsible for receiving and following up on reports of bullying and/or harassment.
- A universal 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.
- Clear protocols as to when and how reports on bullying or harassment should be made to law enforcement for investigation into possible criminal charges.
- In accordance with the Family Education Rights and Privacy Act (FERPA) specific timely notifications of which parents and guardians will be notified of a complaint .
- Professional development for staff in topics including but not limited to social-emotional learning, violence, and suicide prevention.

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. School principals 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.

Each school principal shall promptly investigate all allegations of bullying, harassment, or intimidation pursuant to the Guidelines for the Policy in cases involving students. Each school principal shall coordinate and timely report investigative findings to the District-wide Title IX & EEO Officer designated by the Superintendent or their designee.

The reporting form can be found on our website or in the Guidelines to implement the Policy.

Who Can Report:

- The victim of bullying/harassment
- Anyone who witnesses an incident of bullying/harassment
- Anyone who has credible information that an act of bullying has taken place

	- Any student or staff member who believes they are being bullied/harassed 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. 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 or their designee 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. Potential Disciplinary Consequences: The disciplinary actions for violations of the Policy shall be determined by the school/district appropriate authority. Disciplinary actions for violations of the 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: - Educational conversation - Restorative meeting
--	---

	• Verbal or written warning • Parental/ Guardian notification and meetings • Detention • In-school suspension • Loss of the opportunity to participate in extracurricular activities • Loss of the opportunity to participate in school social activities • Loss of the opportunity to participate in graduation exercises or middle school promotional activities • Police contact • School suspension Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions, restorative practices and up to and including suspension or exclusion, as outlined in the “District-Wide Code of Conduct, Grades PK-12.” 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. Support & Safety: Bullying and harassment may put the mental health of the victim at risk. When appropriate, a referral for support services shall be made. The school shall maintain ongoing support and communication with the victim to ensure that retaliation for reporting any behaviors covered in this Policy is addressed promptly. The victim and their parent/legal guardian 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. If the investigation shows that a student is the victim of serious or persistent bullying: • The school principal, director or head of school will intervene immediately to provide the student with a safe educational environment. • The interventions and/or safety plan will be developed, if possible, with input from the student, their parent/guardian, and staff. • The parents/ guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying/harassment or retaliation.
--	--

Training, Oversight, and Communication	<u>Communication:</u> 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 bullying and harassment , 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: • Distributed annually to students, staff, volunteers, and parent/legal guardians. • Included in student codes of conduct, disciplinary policies and student handbooks. • Prominently posted link on the home page of the District website. <u>Notifications:</u> • 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. • Police Notification: Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator. <u>Training:</u> School staff shall take all reasonable measures to prevent bullying and harassment at school. Such measures may include but are not limited to professional development, restorative training, prevention activities, parental workshops, and student town meetings and assemblies. <u>Implementation:</u> 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. • 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. 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. • Students and their families are expected to exhibit courteous behavior to all members of the learning community on district property and at district-sponsored events. Each school principal shall be responsible for the implementation and oversight of the Policy. Each school principal shall coordinate and timely report investigative findings to the District-wide Title IX & EEO Officer. The Office of Equity & Belonging 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.
Compliance with Laws, Confidentiality Requirements	The Superintendent will ensure that all PPSD personnel and all PPSD contractors comply fully with all applicable laws, rules, and regulations, and with all Board Policies. In the event any part of any Policy is unlawful, the Superintendent will report such event to the Board as soon as practicable and request of the Board a modification of this Policy. 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 16-38-1.1 (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
Cross Reference	Student Attendance Policy, Student Code of Conduct, Student Discipline Policy, Dating Violence/Sexual Violence Policy, Title IX Policy, Racial & Ethnic Equity Policy
History	Approved August 9, 2010 Amended November 26, 2012