

PROHIBITION AGAINST BULLYING, CYBER-BULLYING, HARASSMENT, INTIMIDATION, TEEN DATING VIOLENCE AND SEXUAL VIOLENCE

Prohibition

Harassment, intimidation, bullying, teen dating violence and sexual violence are prohibited in the public schools of Warwick in Rhode Island. [R.I.G.L. 16-21-26, 16-21-30] The prevention of bullying, cyber-bullying, teen dating violence, and sexual violence is part of Warwick Public Schools, strategic plan [R.I.G.L.16-7-2(e)] and school safety plan [R.I.G.L.16-21-24]. Bullying, dating violence, and sexual violence will not be tolerated in the Warwick Public Schools.

The purpose of this policy is to:

- Raise school-wide awareness about bullying, teen dating violence and sexual violence;
- Provide direction in responding to incidents; and
- Prevent new incidents of bullying, dating violence, and sexual violence.

1. DEFINITIONS

BULLYING means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student 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 occurs when a student intentionally assaults, batters, threatens, harasses, stalks, menaces, intimidates, extorts, humiliates, or taunts another student.

Bullying also occurs when a student or a group of students organize a campaign of shunning against another student or when a student or group of students maliciously spread rumors about another student. In most circumstances bullying does not include a mutual fight between two students of roughly equal strength who are angry with each other. Such fights are subject to discipline as a violation of school rules prohibiting fighting.

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.

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).

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 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.

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.
- g. while students are walking to or from *school,*

Dating Violence: A pattern of behavior where one person uses threats of, or actually uses physical sexual, verbal or emotional abuse to control his or her dating partner.

Sexual Assault includes behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation, or pressure and may include:

- Intentional touching of someone in ways that are unwanted.
- Voyeurism,
- Exposure to exhibitionism,
- Undesired exposure to pornography, or
- Public display of images that were taken in a private context or when the victim was unaware.

REPORTING RESPONSIBILITIES

The district, with input from school-based staff, shall establish, distribute and prominently publicize to school staff, students, volunteers, and parents how to report bullying, dating violence and sexual violence and how such reports will be acted on. The victim of bullying, dating violence, or sexual violence; witnesses/bystanders may report such actions. Any employee who has information that these actions have occurred must file a report. Procedures will be established to enable other interested individuals to file a report.

The district, with input from school based staff, shall develop procedures and guidelines for the investigation of a bullying, dating violence, and sexual violence report for distribution to the schools. If the allegation is found to be credible, appropriate disciplinary sanctions, subject to due process procedures, shall be imposed.

The principal or his/her designee shall investigate all allegations of bullying, harassment, intimidation, dating violence and/or sexual violence. If the allegation is found to be credible, appropriate disciplinary sanctions, subject to any appropriate due process procedures, will be imposed. The investigation will include an assessment of what effect the bullying, dating violence and/or sexual violence has had on the victim.

INVESTIGATION

The School Resource Officer or other qualified staff may be utilized to mediate situations involving a violation of this policy.

The investigation will include an assessment by the school psychologist and/or social worker of what effect the bullying, harassment, intimidation, dating and sexual violence has had on the victim. A student who engages in continuous and/or serious acts of violations of this policy will also be referred to the school psychologist and/or social worker.

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DISCIPLINARY SANCTIONS

Disciplinary sanctions for bullying, dating violence or sexual violence may include any of the disciplinary actions listed in the Student Code of Ethics and/or School Committee policies including the following:

- ★ 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 in promotional activities;
- ★ loss of school bus transportation or parking pass;
- ★ transfer to another school,
- ★ assignment of community service,
- ★ in-house suspension,
- ★ short-term school suspension (10 or fewer days of suspension) or long-term school suspension (suspension for more than 10 days). No student shall be suspended from school unless it is deemed to be a necessary consequence of the violation of this Policy,
- ★ admonitions, warnings and counseling.
- ★ Parental/Guardian notification and meetings;
- ★ Detention;
- ★ Police contact.

VICTIM RIGHTS AND PROTECTION

The district is committed to creating a campus environment in all of its schools that promotes timely and fair adjudication of bullying, teen dating violence, and sexual violence cases. The district shall establish guidelines to protect the rights and privacy of the victim as well as the due process rights of the alleged perpetrator.

PREVENTION

The district shall ensure that students and staff are instructed on how to identify, prevent and report bullying, teen dating violence, and sexual violence. The district shall also ensure that the school health program and counseling services include the appropriate social skills training to help students avoid isolation and help them interact in a healthy manner.

School staff shall model correct and courteous behavior to each other, to students, parents and to visitors. Abusive or humiliating language or demeanor shall not be accepted. The staff shall ensure that each student is known by a teacher that the student can turn to if abuse develops. To the extent possible, the influence of cliques and other exclusive student grouping shall be diminished by the creation of inclusive school activities in which all students are encouraged to participate.

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RESPONSIBILITY OF STAFF

School staff shall take all reasonable measures to prevent bullying, dating violence and/or sexual violence and shall report all acts of bullying, dating violence and/or sexual violence that come to their attention. In this context, the staff includes volunteers working in the school.

INSTRUCTION IN PREVENTION

Students and staff shall be given instruction in this district's policy and regulations against bullying, dating violence and/or sexual violence. This instruction shall include methods of discouraging and preventing bullying, along with instruction in how to file a complaint against bullying, and the disciplinary action that may be taken against those who commit acts of bullying.

RESPONSIBILITY OF STUDENTS

Students who observe an act of bullying, dating violence and/or sexual violence or who have reasonable grounds to believe that bullying is taking place are obligated to report the bullying to school authorities. Failure to do so may result in disciplinary action. The victim of bullying, dating violence and/or sexual violence shall, however, not be subject to discipline for failing to report the bullying.

HELP FOR THE VICTIM

If the victim's mental health has been placed at risk, appropriate referrals will be made. If the policy violation included a violent criminal offense, the victim of the bullying, dating violence and/or sexual violence will be informed of any school transfer rights he or she may have under the Federal No Child Left Behind Act.

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

IMMEDIATE INTERVENTION

Protection: If a student is the victim of serious or persistent bullying, cyber-bullying, harassment, intimidation, dating violence or sexual violence:

- a. The school principal or his or her designee will intervene immediately to provide the student with a safe educational environment.
- b. The interventions will be developed, if possible, with input from the student, his or her parent/guardian, and staff.

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- c. The parents/guardians of a victim shall also be notified of the action taken to prevent any further acts in violation of this policy or retaliation.

PROHIBITION AGAINST RETALIATION:

Retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, harassment, intimidation, dating violence and/or sexual violence, those who are witnesses to said acts, or those investigating an incident of *said acts* shall not be tolerated. In most cases, retaliation or a threat of retaliation will result in the imposition of a short or long-term school suspension and, in appropriate cases, referral to the police.

PROHIBITION AGAINST FALSE REPORTS

False reports concerning harassment, intimidation, bullying, cyber-bullying, dating violence and/or sexual violence will be subject to appropriate school discipline including short or long-term suspension from school.

POLICE NOTIFICATION

When the harassment, intimidation, bullying, cyber-bullying, dating violence and/or sexual violence involves conduct that violates the criminal law, the police shall be notified immediately.

SCHOOL CLIMATE

Harassment, intimidation, bullying, cyber-bullying, sexual violence and/or dating violence and retaliation against any person associated with a report of a violation of this policy 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 violations of this policy 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.

An effort will be made to ensure that each student is well known by at least one certified teacher so that the student will have someone to turn to at school if a bullying situation develops. To the extent possible the influence of cliques and other exclusive student groupings will be diminished by the creation of a range of inclusive school activities in which student will be encouraged to participate.

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REPORTING BULLYING, CYBER-BULLYING, DATING VIOLENCE AND SEXUAL VIOLENCE

The district shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of bullying, cyber-bullying, dating violence and/or sexual violence may be filed and how this report will be acted upon. The victim of bullying, anyone who witnessed the bullying, and anyone who has credible information that an act in violation of this policy has taken place may file a report of bullying.

POLICY OVERSIGHT AND RESPONSIBILITY

The school principal or his or her designees shall be responsible for the implementation and oversight of this policy. The school principal or his or her designees shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other issues related to this policy at least twice annually.

INFORMATION DISSEMINATION

The school principal or his or her designee shall ensure that students, staff, volunteers, 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. This policy shall be:

- a. Distributed annually to students, staff, volunteers, and parents/legal guardians;
- b. Included in student codes of conduct, disciplinary policies, and student handbooks;
- c. A prominently posted link on the home page of the school/district website.

SOCIAL SKILLS TRAINING

The school health program and school counseling services will include appropriate social skills training to help students avoid isolation and to help them interact in a healthy manner.

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.

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OTHER REDRESS

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

Adopted: 8/03/04

Amended: 12/11/12

LEGAL REFS: General Laws of R.I., 11-42-2
 11-59-2
 16-7.1-2e
 16-21-24
 16-21-26
 16-21-30

 16-38-4
 16-53.1-2
 Title IX, Education Amendment of 1972

CROSS REFS:

- ACB, Student Sexual Harassment
- GBH (JM), Staff-Student Relations
- JFC, Student Conduct
- JFC subcodes, all relate to aspects of student conduct
- JFCO, Bullying, Teen Dating Violence and Sexual Violence
- JG Student Discipline
- JGD, Student Suspension

OTHER REFS: Student Code of Ethics, Warwick Public Schools