

# Policies

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**Newport Public Schools**

**No. 5560**

## **Students – Disciplinary Policies – Anti-Harassment, Anti-Intimidation & Anti-Bullying-Dating Violence and Sexual Violence**

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A Statewide Bullying Policy 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 prevention of harassment, intimidation, bullying, dating violence, and sexual violence is part of the Newport Public School's Strategic Plan and school safety plan. Harassment, intimidation, bullying, dating violence, and sexual violence will not be tolerated in the Newport Public Schools.

The purpose of this policy is:

- to raise awareness of the inappropriateness of harassment, bullying, dating violence, and sexual violence
- to prevent incidents of harassment, bullying, dating violence, and sexual violence
- to provide direction in responding to any such incidents.

### **Definition: Harassment, Intimidation or Bullying**

In the context of this policy, harassment, intimidation or bullying means an intentional written, electronic, verbal or physical act or threat of a physical act directed at a student that under the totality of circumstances, a reasonable person should know will have the effect of:

- a. physically harming a student,
- b. damaging a student's property,
- c. placing a student in reasonable fear of harm to his or her person, or the student's property;
- d. is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening, hostile or abusive educational environment for a student;
- e. Materially and substantially disrupts the education process of the orderly operation of a school.

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**Harassment, intimidation or bullying** occurs when a student, or group of students, while at school, intentionally assaults, batters, threatens, harass, stalks, menaces, intimidates, extorts, humiliates, or taunts another student or staff member. 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 most often occurs as repeated behavior and often is not a single incident between the bullying/cyber-bullying offender(s) and the bullying victim as 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.

**Cyber-Bullying**, includes tormenting, threatening, taunting, ranking, degrading, harassing, humiliating, or otherwise targeting a student or staff member 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.

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**Dating Violence** is a pattern of behavior by which one person uses threats of, or actual uses, physical, verbal or emotional abuse to control his/her dating partner.

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

- unwanted contact
- voyeurism
- exposure to exhibitionism
- exposure to pornography or
- public display of images that were taken in a private context or when the victim is unaware.

### **At School**

In the context of this policy, the phrase “at school” includes the following places and situations:

- on school premises
- immediately adjacent to school property
- on a school bus or other school transportation vehicle
- at school bus stops
- while students are walking to or from school
- at any school-sponsored activity or event, whether or not held on school premises.

### **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,

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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.

#### **Policy Oversight and Responsibility**

The School Committee has no duty to regulate or review “not at school” Internet messages, statements, postings, or acts. However, the School Committee reserves the right to regulate, review, investigate, and discipline students for cyber-bullying or for other disciplinary violations when such Internet statements, postings, or acts are made while on school campus or while made “not at school” and such statements, postings, or acts threaten violence against another student or a staff member or otherwise disrupt the learning environment or orderly conduct of the school, school business or school activities. The School Committee’s reservation of rights does not impose on the School Committee a duty to regulate or review “not at school” internet messages, statements, postings or acts.

The school principal, director, or head of school shall be responsible for the implementation and oversight of this bullying policy.

The school principal, director, or head of school shall provide the superintendent, school committee and/or school governing board with a summary report of incidents, responses, and any other bullying-related issues at least twice annually.

#### **Disciplinary Sanctions**

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 behavior.

The range of disciplinary sanctions for violation of the bullying policy may include, but not be limited to:

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- 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;
- Loss of school bus transportation;
- Transfer to another school;
- Assignment of research on "The Effects of Harassment; Intimidation or Bullying" or community service;
- Detention;
- In-house suspension;
- Short term school suspension [10 or fewer days] or long term school suspension;
- Admonitions, warnings, and counseling;
- Police contact.

### **Reporting Harassment, Intimidation, Bullying, Dating Violence, and Sexual Violence**

The principal of each of Newport's public schools shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of harassment, intimidation, bullying, dating violence, and sexual violence may be filed and how this report will be acted upon.

The victim of harassment, intimidation, bullying, dating violence, and sexual violence, and anyone who witnessed the Harassment, intimidation, bullying, dating violence, and sexual violence, and anyone who has credible information that an act of harassment, intimidation or bullying has taken place, may file a report of harassment, intimidation or bullying.

Any student or staff member who believes he/she is being bullied should immediately report such circumstances to an appropriate staff member, teacher or administrator.

Parents / Guardians of the victim of bullying and parents/ guardians 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

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child is either a bully or a victim of bullying, the parents/ guardians of the child will be notified immediately by the principal, director or head of school.

### **Responsibility of Staff**

School staff shall take all reasonable measures to prevent harassment, intimidation, bullying, dating violence, or sexual violence, and must report all acts of Harassment, intimidation, bullying, dating violence, or sexual violence that come to their attention. Failure to do so may result in disciplinary action. In this context the staff includes volunteers working for or with the school.

### **Prevention**

Students and staff shall be given instruction in how to identify, prevent, and report harassment, intimidation, bullying, teen dating violence, and sexual violence. This instruction shall include methods of discouraging and preventing harassment, intimidation, bullying, teen dating violence, and sexual violence, along with instruction in how to file a complaint, and the disciplinary action that may be taken against those who commit acts of harassment, intimidation, bullying, teen dating violence, and sexual violence.

### **Responsibility of Students**

Students who observe an act of harassment, intimidation, bullying, dating violence, and sexual violence or who have reasonable grounds to believe that such behavior is taking place, or being encouraged, must report the harassment, intimidation, bullying, dating violence, and sexual violence to school authorities. Failure to do so may result in disciplinary action. The victim of harassment, intimidation, bullying, dating violence, and sexual violence shall, however, not be subject to discipline for failure to report the harassment, intimidation or bullying.

### **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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#### **Investigation of Harassment, Intimidation, Bullying, Dating Violence, and Sexual Violence**

The principal, or his or her designee, shall promptly investigate all allegations of harassment, intimidation, bullying, dating violence, and 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 effects the harassment, intimidation, bullying, dating violence, and sexual violence has had on the victim. The School Resource Officer or other qualified staff may be utilized to mediate bullying situations.

#### **Protection: If 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 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 or retaliation.

#### **Prohibition against Retaliation**

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

#### **Prohibition against False Reports of Harassment, Intimidation or Bullying**

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

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### **Individual School Safety Plan**

If a student is the victim of serious or persistent harassment, intimidation, bullying, dating violence, and sexual violence, the principal of the school will prepare a written school safety plan outlining what steps will be taken to provide the student with a safe educational environment. This plan will be developed, if possible, with input from the parents (guardians) of the student. Staff members who are to implement the plan will help formulate it.

### **Police Notification**

When, in the opinion of the building principal, the harassment, intimidation, bullying, dating violence, and sexual violence involves conduct that may be a violation of the criminal law, the police shall be notified.

### **Mediation**

The principal of any school may establish a Mediation Board to resolve complaints of harassment, intimidation, bullying, dating violence, and sexual violence in circumstances where mediation may provide an appropriate remedy. The Mediation Board may, when appropriate, include students.

### **Voluntary Participation in Mediation**

No student who is the victim of harassment, intimidation, bullying, dating violence, and sexual violence shall be required to participate in mediation or to accept any apology tendered by the harassing, intimidating, bullying or violent student. The decision of a victim of harassment, intimidation, bullying, dating violence, and sexual violence to not participate in a mediation program shall not diminish the obligation of the school to impose discipline against the student who had committed an act of harassment, intimidation, bullying, dating violence, and sexual violence.

### **Harassment, Intimidation, Bullying, and Dating/Sexual Violence Prevention Task Force**

The principal of each school in this district shall establish a Harassment, Intimidation, Bullying and Dating/Sexual Violence Prevention Task Force. This Task Force should include parents, school staff, and law enforcement



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officers, as well as community members and, if age appropriate, students. The purpose of this Task Force will be to develop policies and programs to educate students and staff about the harm caused by harassment, intimidation, bullying, dating violence, and sexual violence. The program recommendations of the Task Force shall be subject to review by the School Committee before the programs are implemented.

The duties of the Harassment, Intimidation, Bullying, and Dating/Sexual Violence Prevention Task Force may be assigned to the school's student intervention team or to the school improvement team.

#### **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 staff, at all times, will model correct and courteous behavior to each other, to students, and to visitors to the school. Abusive or humiliating language or demeanor, by anyone, will not be accepted. 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 Harassment, Intimidation, Bullying, or Dating/Sexual Violence occurs.

#### **Social Skills Training/Counseling**

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.

#### **Reports to the Superintendent and to the School Committee**

School principals will provide the Superintendent of Schools and the School Committee with a semi-annual report on incidents of harassment, intimidation, bullying, and dating/sexual violence that occurred in the schools under their respective supervision. This report will include a

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statement describing what remedial action has been taken to address of harassment, intimidation, bullying, or dating/sexual violence.

### **OTHER REDRESS**

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.

### **ADOPTION OF POLICY**

The governing bodies of all schools approved for the purpose of §§16-19-1 and 16-19-2 shall adopt this Policy by June 30, 2012.

### **References:**

RI General Laws, §16-21-26; Student discipline codes  
RI General Laws, §16-7.1-2(e); RI Student Investment Initiative  
Accountability for Student Performance (Strategic Planning)  
RI General Laws, §16-21-24; Requirements of school safety plans, school  
emergency response plans, and school crisis response plans.  
RI General Laws, §16-7.1-2 RI Student Investment Initiative Accountability  
for Student Performance  
RI General Laws, §11-42-2, Extortion and blackmail;  
RI General Laws, §11-59-2, Stalking prohibited;  
RI General Laws, §16-38-4, Exclusive clubs  
RI General Laws, §16-53-.1-2; Establishment of school improvement teams.  
RI General Laws, §16-21-30  
RI General Laws, §16-22-24  
RI General Laws, §16-21-34

**History:** Revised 07/10/2008; 05/12/09; 06/12/2012