

V. Students

C. Disciplinary Policies

1. Code of Student Conduct

a. Bullying/Cyberbullying

I. Prohibition Against Bullying/Cyberbullying

The Narragansett School System does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to all sponsored programs and activities.

The School Committee prohibits harassment, bullying, hazing, or any other victimization of students by other students or by staff, based on any of the following actual or perceived traits or characteristics such as: age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

Bullying/Cyberbullying is prohibited in the public schools of Narragansett, RI. (Rhode Island General Law 16.21.26) The prevention of bullying/cyberbullying is part of the Narragansett School System's strategic plan and each school's safety plan. (RIGL 16-7.1-2(e) and 16.21.24). Students will refrain from using personal communication devices or district property to harass or stalk another.

II. Definition of Bullying/Cyberbullying

- A. 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:
1. Causes physical or emotional harm to the student or damage to the student's property;
 2. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
 3. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
 4. Infringes on the rights of the student to participate in school activities; or
 5. Materially and substantially disrupts the education process or the orderly operation of a school.

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: age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

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).

B. 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:

1. The creation of a web page or blog in which the creator assumes the identity of another person;
2. The knowing impersonation of another person as the author of posted content or messages; or
3. 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 the definition of bullying.

(II A 1-5 above)

C. AT SCHOOL means:

1. on school premises,
2. at any school-sponsored activity or event whether or not it is held on school premises,
3. on a school-transportation vehicle,
4. at an official school bus stop,
5. using property or equipment provided by the school, or
6. acts which create a material and substantial disruption of the education process or the orderly operation of the school.

This policy is in effect while students or employees are on property within the jurisdiction of the School Committee; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or school district.

III. Bullying/Cyberbullying Prevention

Each Narragansett school will proactively support a positive school culture, which promotes tolerance and acceptance of individual differences. 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 will not be accepted. An effort will be made to ensure that each student is well known by at least one staff person so that the student will have someone to turn to at school if a bullying/cyberbullying 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 students will be encouraged to participate. [R.I.G.L. 16-38-4. Exclusive clubs].

The school health program and school counseling services will include appropriate social skills training to help students at all grade levels avoid isolation and to help them interact in a healthy manner. At the start of each school year and at least one additional time during each school year, the principal of each building shall ensure that students and employees and volunteers who may

have significant contact with pupils are given instruction in this policy and its corresponding procedures. This instruction shall include methods of discouraging and preventing bullying/cyberbullying, along with instruction in how to file a complaint against bullying/cyberbullying, and the disciplinary action that may be taken against those who commit acts of bullying/cyberbullying.

IV. Reporting Bullying/Cyberbullying

The school principal, assistant principal, or director 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 for prompt and equitable resolution of complaints alleging bullying including discrimination or discriminatory harassment – in violation of Section 504 of the Rehabilitation Act, 34 C.F.R. § 104; Title IX of the Education Amendments of 1972, 34 C.F.R. § 106; Title II of the Americans with Disabilities Act, 28 C.F.R. § 35.107. See also Title IV of the Civil Rights Act of 1964, 34 C.F.R. § 100 and CHAPTER 42-87 Civil Rights of People With Disabilities 42-87-1.

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

Responsibility of Victim: The victim of bullying, has a responsibility to file a report of bullying. The victim of bullying, however, shall not be subject to discipline for failing to report the 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.

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

Responsibility of Students: Students who observe an act of bullying or who have reasonable grounds to believe that bullying is taking place must report the bullying to school authorities. Failure to do so may result in disciplinary action. Student reports of bullying 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.

V. Investigation of Bullying/Cyberbullying

The principal of each school in the Narragansett School System shall establish a protocol for investigating incidences of bullying/cyberbullying for prompt and equitable resolution of complaints alleging bullying/cyberbullying including discrimination or discriminatory harassment in violation of Section 504 of the Rehabilitation Act, 34 C.F.R. § 104; Title IX of the Education Amendments of 1972, 34 C.F.R. § 106; Title II of the Americans with Disabilities Act, 28 C.F.R. § 35.107. See also Title IV of the Civil Rights Act of 1964, 34 C.F.R. § 100 and CHAPTER 42-87 Civil Rights of People with Disabilities 42-87-1.

The principal, or his or her designee, shall investigate all allegations of bullying/cyberbullying. If the allegation is found to be credible, appropriate remedial steps will be taken and/or appropriate disciplinary sanctions imposed. The parents of both the bully/cyberbully and the victim will be apprised of actions taken.

Investigation: The school principal, assistant principal, or director shall promptly investigate all allegations of bullying, harassment, or intimidation. Investigations shall include the opportunity for the parties to present witnesses and additional evidence. 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, guidance counselor and other appropriate school personnel to determine what effect, if any, 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.

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

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

VI. Responses to Bullying/Cyberbullying

A. Initial Response: The Narragansett School System implements progressive discipline and the discipline history of each student is reviewed when the principal, assistant principal or director, exercises his/her discretion when determining consequences. In determining the appropriate response to students who commit one or more acts of bullying/cyberbullying, the school administrator will consider the following factors: the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence will be determined.

B. Social Services/Counseling: 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.

C. Consequences for Students who Bully/Cyberbully: Consequences for students who bully/cyberbully include both education and counseling to remedy the situation and disciplinary sanctions that may range from behavioral interventions up to and including suspension.

These may include but are not limited to the following:

1. Admonitions and warnings.
2. Parent/Guardian notification and meetings
3. In-school counseling and clinical observation.
4. Loss of the opportunity to participate in extracurricular activities.
5. Loss of the opportunity to participate in school social activities.
6. Loss of the opportunity to participate in graduation/promotion exercises.
7. Loss of school bus transportation.
8. Assignment of community service.
9. Detention; in school suspension or loss of student privileges
10. Short term suspension (10 or fewer days of suspension) or long-term school suspension (for more than 10 days).
11. Personal restitution.
12. Police notification.

VII. Police Notification

Immediate notification of the local law enforcement agency will be made when circumstances warrant the pursuit of criminal charges against the perpetrator. When the bullying/cyberbullying involves conduct that violates the criminal law the police shall be notified. Criminal offenses must be of a kind that would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury (RIGL 11-52-4.2)

VIII. Prohibition Against Retaliation

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

IX. Prohibition Against False Reports/Accusations of Bullying/Cyberbullying

False Reports: False reports concerning bullying/cyberbullying will be subject to appropriate school discipline, including short or long-term suspension from school. A school employee, school volunteer or student who knowingly makes a false report or accusation of bullying or retaliation shall be disciplined in accordance with school policies and applicable codes of conduct.

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 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.

X. Mediation

The principal of any school in Narragansett may establish a Mediation Board to resolve complaints of bullying/cyberbullying in circumstances where mediation may provide an appropriate remedy. The Mediation Board may, when appropriate, include students. No student who is the victim of bullying/cyberbullying shall be required to participate in mediation or to accept any apology tendered by the bullying/cyberbullying student. The decision

of a victim of bullying/cyberbullying not to participate in a mediation program shall not diminish the obligation of the school to impose discipline against the student who has committed an act of bullying/cyberbullying.

XI. 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. Violations of this policy by students including violations of this policy by students to engage in bullying/cyberbullying will be subject to disciplinary action.

XII. Additional Measures

Principals will provide the Superintendent of Schools with a report on incidents with police involvement regarding bullying/cyberbullying which have taken place in the schools under their respective supervision. That report will be made to the Superintendent as soon as the police are involved, and will include a statement describing what remedial actions have been taken to address bullying/cyberbullying. All bullying/cyberbullying incidents will be provided to the Superintendent in bi-annual reports in January and June. The Superintendent will share the information with the School Committee. In addition, the school improvement team [R.I.G.L. 16-53.1-2] of each school in the district shall determine the need for additional policies and programs to educate students and staff about the harm caused by bullying/cyberbullying based on annual these reports.

XIII. 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.

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Narragansett School System

Narragansett, Rhode Island
