

Students and Staff Bullying and Harassment Policy

Guiding Principle

The International Charter School (ICS) 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 or bullying and/or harassment highlight the importance of responding to bullying and/or harassment behaviors, and to clarify the extent to which the Director of ICS is directed to apply disciplinary actions, as specified in the following ICS Board of Trustees policies and school procedures, Behavior Codebook, and the 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. Sexual Harassment includes obscene letters, notes, written or oral invitations, slurs, degrading remarks, gestures, jokes, graffiti, and spreading rumors, indecent exposure, impeding or blocking movement, leering, display of sexually suggestive objects, pictures or cartoons, being touched, grabbed, pinched, or brushed against in a sexual way.

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 ICS 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 ICS 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 ICS employee conditions a ICS 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).

Cyber bullying 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 cyber bullying, 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, 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 ICS community member directed against another ICS 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, cyber bullying, and/or cyber-harassment is prohibited, whether in the classroom, on school premises, immediately adjacent to school premises, when a ICS 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 cyber bullying or cyber-harassment, that is not initiated at a location defined above is covered by this Policy if the incident results in 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 ICS 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 shall be identified by the director or his/her designee at the beginning of each school year, and such person shall coordinate and timely report investigative findings to the Director.

If a report of cyber bullying and/or cyber-harassment concerning an incident initiated outside the scope (as defined above), such report will be investigated by the Director 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 the school program.

ICS Procedures

The Director shall define “Guidelines and Procedures to Implement the Bullying and Harassment Policy and Dating Violence Policy.”

The Director shall provide age-appropriate guidelines for reporting and investigating incidents of bullying and harassment. Specific person 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 ICS community. The purpose of such 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 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 expulsion, as outlined in the “ICS Behavior Code.”

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 appropriate discipline in the “ICS Behavior.”

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 ICS community will be reported to the Director or other administrator or the designated person 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 ICS community in any form designed to intimidate the victim of, witness to, or those investigating bullying or harassment will be subject to additional consequences, in accordance with appropriate procedures.

Accountability

Annually the Director shall also report to the Board of Trustees prior to the start of each school year on the number of complaints, investigations, verified acts, and trends of dating violence and/or sexual violence.

Help for the Victim and Reporter of Dating Violence and/or Sexual Violence

When a student discloses dating violence and/or sexual violence, her/his designee shall work with the victim, alleged perpetrator, and/or their respective parents, appropriate staff, and possibly a domestic violence advocate to create and implement an individualized safety plan.

Whenever possible, face-to-face contact between the victim and the alleged perpetrator should be avoided. Should a modification be made to an individual safety plan, the change should not adversely impact or affect the victim.

Retaliation or threats of retaliation in any form designed to intimidate the victim of dating violence and/or sexual violence, those who are witnesses, or those investigating an incident of dating violence and/or sexual violence will not be tolerated. In appropriate cases, a referral to law enforcement will be made.

Other Legal Remediation

Any ICS 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 the Attorney General, at (401) 274-4400; filing a civil lawsuit; or pursuing criminal prosecution.

Legal References

R.I.G.L. section 16-2-17 (Right to a safe school)

R.I.G.L. section 16-21-24 (Requirements of school safety plans, school emergency response plans, and school crisis response plans)

R.I.G.L. section 16-21-21 (Student discipline codes)

R.I.G.L. section 16-21-23 (School safety plans – School safety teams and school crisis response teams)

R.I.G.L. section 16-21-26 (Student discipline codes)

R.I.G.L. section 16-21-30 (Dating violence policy)

R.I.G.L. section 16-85 (Lindsay Ann Burke Act)

History

Approved _____