BULLYING PROHIBITED

RISD prohibits the bullying, which includes cyberbullying, of any student, prohibits retaliation against any person who in good faith reports bullying or otherwise is involved in an investigation of a complaint of bullying or harassment, and establishes procedures for responding to reports of bullying. This document is designed to provide guidance to District administrators who implement the Board’s policy and to persons who report complaints of bullying and harassment.

Campus principals are expected to implement and monitor school-wide, classroom, and individual practices that teach and support positive student behaviors and to provide appropriate consequences for students who engage in bullying type behaviors.

All staff members will participate in the process of implementing practices for consistently teaching respectful behavior, preventing and stopping bullying on their respective campuses, and encouraging the prompt reporting of such behavior. In addition, principals will train their staff on how to respond to complaints of bullying from parents, students, or third parties.

Questions concerning these guidelines may be directed to the campus principal or the Director of Student Assistance Programs (469-593-0800).

DEFINITION OF “BULLYING”

Texas law defines bullying as a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct [which occurs in situations over which the school has jurisdiction] and (i) has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property; (ii) is sufficiently severe, persistent or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; (iii) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or (iv) infringes on the rights of the victim at school; and includes cyberbullying.

Cyberbullying is bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Note: RISD’s policies apply to
• bullying that occurs on or is delivered to school property or to the site of a school-sponsored/related activity on or off school property;
• bullying that occurs on a publicly or privately owned school bus or vehicle being used for student transportation to/from school or a school-sponsored/related activity; and
• cyberbullying that occurs on school property or outside of a school sponsored/related activity if the cyberbullying (i) interferes with a student’s educational opportunities, or (ii) substantially disrupts the orderly operation of a classroom, school, or school-sponsored/related activity.

Not all offensive conduct between students rises to the level of bullying. Conduct that may not constitute bullying as defined above still may violate expected standards of conduct and may subject the actor to disciplinary measures.

REPORTING ALLEGED BULLYING

RISD takes all reports of bullying and harassment seriously and will conduct an appropriate investigation to address any such reports and will take appropriate actions designed to stop any current incidents of bullying and prevent future incidents.

Student training and campus procedures should emphasize the importance of promptly reporting alleged bullying and harassment to an appropriate adult. Any student who believes that he or she has been bullied or suspects that another student has been bullied should immediately report the conduct to the principal, counselor, or teacher.

Any District employee who receives a report of, witnesses, learns of, or suspects an incident of bullying involving students anywhere on campus, at an off campus school-related activity, or in a District vehicle shall immediately report the information to the principal. The report may be made orally or in writing. A report also may be made anonymously. The principal shall ensure an oral report is reduced to writing.

Any staff member who witnesses an incident of suspected bullying or other inappropriate behavior
should take appropriate steps to stop the inappropriate behavior in addition to reporting the incident.

**NOTIFICATION TO PARENT/GUARDIAN**

The parent/guardian of the alleged victim of an incident of bullying must be notified on or before the third business day after the date the incident is reported.

The parent/guardian of the alleged bully must be notified within a reasonable amount of time after the alleged incident.

*Note:* These timelines reflect the maximum period for providing parental notification in compliance with the Education Code. In most cases, notification of the parents of both students should occur on the same or next school day of the incident.

**INVESTIGATING REPORTS OF BULLYING**

An appropriate District official will conduct an investigation of a report of suspected bullying. The scope and nature of the investigation shall rest within the discretion of the official based on the nature of the allegations.

The District will, to the greatest extent possible, maintain the privacy of the complainant, persons against whom a complaint is filed, and witnesses or other persons who provide information in an investigation. Limited disclosure of information may be necessary to conduct a thorough investigation.

The campus should promptly notify the Director of Student Assistance Programs (X30800) upon receipt of an allegation of bullying. The Director will assist the campus through the investigation.

**Classroom Investigations.** These guidelines are not intended to replace the normal classroom management procedures each classroom teacher employs to manage and maintain student behavior. When a teacher observes or otherwise becomes aware of alleged bullying behavior during class time, the teacher should do the following:

1. Separate the alleged victim from the alleged bully.
2. Speak separately with each of the students involved to give them the opportunity to present their stories about what occurred.
3. Speak with any witnesses or bystanders who may have been present or involved to determine what they observed, heard, or know. Encourage them to speak up directly on behalf of the alleged victim if they should witness further incidents or to get help from school personnel.
4. If the teacher believes the conduct meets the definition of bullying (which includes cyberbullying), he/she shall immediately refer the matter to the principal. Otherwise, the teacher should administer logical and appropriate consequences at the classroom level. A teacher who has any question whether alleged conduct constitutes bullying should immediately contact the principal.
5. In accordance with customary campus practices and expectations, contact the parents of the students involved and explain what happened and what was done in response to the incident.
6. The classroom teacher should record the incident in the student’s discipline notebook, folder, or other classroom document where classroom discipline information is maintained, and/or otherwise follow campus procedures for reporting student disciplinary concerns (*e.g.*, office referral, principal referral, etc.).

**Campus Administrator Investigative Procedures.**

1. The principal or other campus administrator who receives a report of bullying should first take any appropriate steps to immediately protect the student from the alleged situation or any retaliation. Remind the complainant that the District takes all complaints of bullying seriously and does not tolerate bullying, harassment, retaliation, or discrimination.
2. Determine the specific allegation of bullying – *What is the specific conduct the complainant alleges against the accused student(s)?* Talk to the alleged victim separately to determine, who, what, where, and when the complained of conduct allegedly occurred. Keep an open mind as you gather information. Avoid reaching conclusions before you have all of the evidence.
3. Interview and obtain a written statement from the alleged victim when possible. If the alleged victim is unable or unwilling to provide a written statement the investigator should carefully document all allegations of bullying behavior. The *Bullying/Harassment/Retaliation: Report Investigation Documentation Form* (the
Investigation Form) also should be completed which also requires the investigator to describe the alleged bullying.

4. Consider and investigate the specific allegations in the complaint and take such steps that you, as the investigator, determine are reasonably necessary to thoroughly and carefully investigate the complaint. Investigation steps may include (without limitation):

   • Interview the accused student (present all allegations and allow him/her to respond; remind student of prohibition against retaliation)
   • Interview student witnesses
   • Interview employees who may have relevant knowledge
   • Obtain written statements from persons interviewed on an age appropriate basis
   • Review pertinent documents (e.g., communications between students, written, oral, and/or electronic, etc.)
   • If the allegations involve electronic communications, attempt to obtain hard copies of the evidence (texts, emails, photos, screen shots, etc.)
   • Evaluate consistencies and inconsistencies in the statements and other evidence
   • If property damage is alleged, inspect damaged property (take photographs of damage if appropriate)
   • If physical injury is alleged, review medical records if available. Ensure student is referred to the nurse for examination and further referral, as appropriate
   • Gather tangible evidence, if any
   • Inspect the scene of the alleged incident if relevant
   • Determine whether any alleged incidents were recorded by school video surveillance. If so, document the date/time/camera number and ensure captured image is retained

5. Witnesses should be interviewed separately. Remind witnesses that no person who provides information in an investigation will be subject to any retaliation for his or her participation and to notify the investigator immediately if any retaliation occurs. Further remind the witnesses that the investigation is confidential and to respect the privacy of his/her fellow students by not discussing the matter with other students.

6. After completing all investigatory activities the investigator believes are reasonably necessary to fairly and thoroughly address the allegations, the investigator should analyze all information obtained and make a determination whether the alleged conduct meets the definition of bullying (FFI) or harassment or other prohibited conduct (FFH).

7. Determine appropriate school disciplinary consequences for the accused student. Refer to Student Code of Conduct. School consequences may be appropriate even if bullying did not occur if the conduct violated other school rules.

8. A student who is the victim of bullying based on the investigation and who used reasonable self-defense in response to the bullying may not be subject to disciplinary action.

9. If the accused student is a student with a disability and bullying is found, any disciplinary consequences must comply with the student’s IEP or § 504 Plan and applicable procedural safeguards.

10. Depending on the alleged conduct, referrals to law enforcement or CPS may be appropriate. If illegal conduct is suspected or alleged, immediate referrals to outside agencies may be appropriate.

11. Identify any other corrective action or interventions that may be necessary and appropriate to address the current situation and eliminate future bullying incidents. Refer to the sample strategies and interventions included below.

12. The parent/guardian of the alleged victim and alleged bully should be notified of the outcome of the investigation.

13. Keep notes and dates of interviews and other investigatory activities. Investigation should be documented via the Investigation Form.

14. Keep the original forms and investigatory materials and bullying documentation on campus and send copies to the appropriate Executive Director for your campus.

Note: Suspected bullying also may include the elements of discrimination, prohibited harassment, sexual harassment, dating violence, and/or retaliation. Officials investigating allegations of inappropriate interactions should refer to Policy FFI Student Welfare Freedom from Bullying, and Policy FFH Student Welfare Freedom from Discrimination.
SAMPLE INTERVENTIONS, STRATEGIES, AND CORRECTIVE ACTION TO ADDRESS INCIDENTS OF BULLYING

- Conference separately with alleged victim and alleged bully and include parents of each as appropriate
- Monitor situation closely, particularly if specific allegation cannot be corroborated
- Meet periodically with alleged victim
- Meet periodically with alleged bully
- Refer complainant, accused student, and witnesses to campus counselor
- Administer disciplinary consequences as outlined in the Student Code of Conduct
- Administer consequences as outlined in any applicable extra-curricular code of conduct
- Loss or limitation of technology privileges at school and limited access to District-provided electronic devices if cyberbullying occurred
- Work with counselor to develop appropriate strategies to minimize interactions between involved students
- Issue administrative directives to students concerning expected conduct
- Refer matter to District police or outside law enforcement agency or Child Protective Services as appropriate
- Change schedule/class for alleged bully
- Change schedule/class for alleged victim
- Change school rules
- Provide additional training to the involved students, class, grade level, and/or entire school
- Provide additional staff training
- Transfer alleged bully or alleged victim to another campus (FDB Legal) (Refer to Transfer section below)

TRANSFER OF STUDENTS INVOLVED IN BULLYING

RISD desires to retain students in their neighborhood schools where possible. However, either a student who has been found to have been subjected to bullying or a student found to have engaged in bullying may transfer to another campus under appropriate circumstances. This transfer option has significant implications, including disruption in the educational process, and may only be considered after a variety of interventions and disciplinary consequences have been applied unsuccessfully.

Transportation. RISD does not provide transportation to a student transferred because of bullying unless such transportation is otherwise required by law.

Transfer of Students Who Engage in Bullying. The campus principal may recommend to the appropriate Executive Director or Assistant Superintendent that a student found to have engaged in bullying be transferred to another campus under the following circumstances:

- The campus administrator’s thorough investigations concluded that the student engaged in bullying as defined herein on at least two separate occasions during the last 12 months. A single, egregious instance of bullying (particularly involving multiple students or significant disruption of the school) also may support a recommendation to transfer.
- Campus strategies and interventions, including appropriate discipline under the Student Code of Conduct, have been documented but have been unsuccessful to eliminate the bullying.
- Campus administrator(s) have communicated with the student's parent/guardian on more than two occasions to address the student’s inappropriate conduct.
- Note: Campus administrator must provide documentation of all strategies and interventions, discipline, campus investigations, and parent contacts along with the request for administrative transfer.

The appropriate Executive Director and/or Assistant Superintendent will make the final decision concerning a request to transfer, including the school to which the student may transfer. At the time a student is transferred under this section, a Student Support Plan shall be developed to outline appropriate positive behavioral supports for the student and to identify further disciplinary steps to consider if the bullying behavior persists.
Students Who Are Subjected to Bullying. The parent/legal guardian of a student found to have been subjected to bullying may request that the student be transferred to another campus. A request under this section will only be considered under the following circumstances:

- The campus administrator’s thorough investigation concluded that the student was subjected to bullying as defined herein on at least one occasion.
- After a reasonable period of time, the campus-based strategies and interventions have not been effective to stop the bullying conduct as evidenced by campus documentation.

- A parent/guardian who seeks a transfer under this section must complete an Intradistrict Transfer Request Form. The form is available at the campus or on the website at www.risd.org under the Student Services page.

The appropriate Executive Director and/or Assistant Superintendent will make the final decision concerning a request to transfer, including the school to which a student may transfer.

Special Circumstances. Notwithstanding the foregoing, some incidents of bullying may be so severe or pervasive that immediate transfer or other interventions may be appropriate.
**BULLYING COMPLAINT PROCESS**

**Report of bullying received**
*(complaint form, e-mail, call, conference, letter, student/teacher/parent report, direct observation, anonymous report, etc.)*

**Take immediate steps to ensure student is safe from the alleged bullying**

**Investigate allegations in a timely manner** *(usually within 10 school days)*

**Notify parent of alleged victim no later than three business days after report of incident and notify parent of alleged bully within a reasonable time after the incident**

**Determine whether bullying occurred. Bullying is:**

a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct [which occurs in situations over which the school has jurisdiction]

**AND**

(i) has the effect or will have the effect of physically harming a student, damaging a student’s property, or placing a student in reasonable fear of harm to the student’s person or of damage to the student’s property; (ii) is sufficiently severe, persistent or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; (iii) materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or (iv) infringes on the rights of the victim at school.

Bullying includes **cyberbullying** which is bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

**Not bullying:** apply consequences as appropriate and notify parent of findings.

**Behavior is bullying:** Apply consequences, implement corrective actions and notify parents of findings.