



## Arkansas Division of Youth Services

# ANTI-BULLYING POLICY

### I. Policy

This policy is written in accordance with legislation passed by the Arkansas General Assembly, Act 189 of 2019; A.C.A. § 6-17-711 and A.C.A. § 6-18-514.

### II. Purpose

The Division of Youth Services (DYS) and its contract providers will follow state and federal laws, rules, and regulations as applicable to students in DYS residential facilities. As a system of education, DYS shall follow all applicable rules and regulations set forth by the Arkansas Department of Education (ADE).

### III. Application

The Division of Youth Services is committed to providing students and staff at its residential facilities, whether operated by DYS or its contracted providers, with a safe environment free from discrimination and harassment. A school principal or school staff who receives a report or complaint of bullying shall promptly report it to the Investigation Section at DYS and staff will investigate the complaint or report and make a record of the investigation and any action taken as a result of the investigation.

### IV. Definitions

**Bullying** means the intentional harassment, intimidation, humiliation, ridicule, defamation, threat, or incitement of violence by a student against another student or DYS/Provider school employee by a written, verbal, electronic, or physical act, that may address an attribute of the other student or staff member. These acts may disrupt or cause harm or damage to the person's property and/or substantial interference within the school, education environment, or DYS facility operation.

**Electronic Bullying (Cyberbullying)** means a communication or image transmitted by means of an electronic device, including without limitation, a telephone, wireless telephone or other wireless communication device, computer, or pager that results in the substantial disruption of the orderly operation of the school, education environment, or DYS facility operation. Any form of communication sent by an electronic act that is to harass, intimidate, humiliate, ridicule, defame, threaten, or incite violence shall be considered cyberbullying.

Electronic acts of bullying are prohibited whether the electronic act originated on school property or with school equipment if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school and has a high likelihood of succeeding in that purpose.

**Harassment** means a pattern of unwelcome verbal or physical conduct relating to another person's statutorily protected status that causes, or reasonably should be expected to cause, substantial interference with the other's performance in the school environment.

V. Procedures

- (a) Residential program staff shall actively encourage students to report any behavior they consider to be bullying, harassing, or cyberbullying, whether directed at themselves or another student. Students shall be advised that reports of bullying or harassment can be made verbally or in writing, personally or anonymously, to any division provider, including but not limited to any of the following:

1. Teacher
2. Principal
3. Counselor, or
4. Residential Unit Staff.

A DYS incident report shall be filed in the JJIS outlining the alleged incident.

- (b) Facility staff shall conduct an investigation as soon as reasonably possible, but no later than five (5) business days from the date of the written report of the alleged incident.

- (c) Upon completion of an investigation, DYS or contract providers may:

1. Provide intervention services;
2. Establish training programs to reduce bullying;
3. Impose discipline on any of the parties involved in the incident;
4. Recommend counseling for any of the parties involved in the incident; or
5. Take or recommend other appropriate action.

- (d) A record of investigation shall be entered into the JJIS outlining the alleged incident that:

1. Includes a detailed description of the alleged incident;
2. Includes a detailed summary statement from all material witnesses; and
3. Addresses the services offered to the youth involved.

- (e) The person or persons reporting the behavior considered to be bullying shall not be subject to retaliation or reprisal in any form.

- (f) Teachers, staff members, or other employees who have witnessed bullying or have received a report that a student has been victim of behavior considered to be bullying shall make a written report of the behavior to the principal or facility director.

- (g) If at any time a staff member believes a student is at imminent risk of serious physical, psychological, or emotional harm as a result of bullying, immediate action shall be taken in accordance with facility procedures to protect the student. NOTE: This rule does not require any division or provider staff to complete an investigation before taking protective action.
- (h) A report shall be made to a parent or legal guardian of any student believed to be the victim of an incident or credible report or complaint of bullying. The report must be completed within five (5) business days after the incident and entered into the JJIS. The report shall state the following:
1. That a credible report or complaint exists;
  2. Whether the report was found to be true; and
  3. Whether action was taken;
  4. Information regarding the reporting of another incident of bullying.
- (i) A report shall be made to the parent or legal guardian of the youth who is determined to have be the perpetrator of bullying. The report shall also be entered into the JJIS. The report shall:
1. Be made within five (5) business days after the completion of the investigation;
  2. State the consequences of continued bullying.
- (j) Notice of what constitutes bullying, DYS's prohibition against bullying, and the consequences for students who bully shall be provided for all parents, students, school volunteers, providers, and DYS staff, and will be conspicuously posted in the following locations:
1. Classroom
  2. Cafeteria
  3. Restroom
  4. Gymnasium
  5. Auditorium, and
  6. Transportation vehicles.
- (k) DYS and/or provider staff found to be in violation of this policy will be subject to disciplinary action.