

Bullying and Cyberbullying Prevention in Schools

I. Introduction

It is our goal for our schools to be a safe and secure learning environment for all students. It is the intent of the M.S.A.D. No. 75 Board to provide all students with an equitable opportunity to learn. To that end, the Board has a significant interest in providing a safe, orderly, and respectful school environment that is conducive to teaching and learning.

Bullying and other forms of mistreatment are detrimental to the school environment as well as student learning, achievement and well-being. Mistreatment interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying and other forms of mistreatment affect not only students who are targets but also those who participate in and witness such behavior. These behaviors must be addressed to insure student safety and an inclusive learning environment.

It is not the Board's intent to prohibit students from expressing their ideas, including ideas that may offend the sensibilities of others, or from engaging in civil debate. However, the Board does not condone and will take action in response to conduct that interferes with students' well-being, the educational mission of the M.S.A.D. No. 75 schools, or the operation of the schools.

II. Prohibited Behavior

The following behaviors are prohibited:

1. Bullying;
2. Cyberbullying;
3. Harassment and Sexual Harassment (as defined in Board Policy ACAA Student Protection from Harassment and Sexual Harassment);
4. Retaliation against those reporting such defined behaviors; and
5. Making knowingly false accusations of bullying behavior.

Any person who engages in any of these prohibited behaviors that constitutes bullying shall be subject to appropriate disciplinary actions.

III. Bullying and Cyberbullying Defined

“Bullying” and “Cyberbullying” have the same meaning in this policy as in Maine Law.

- A. “Bullying” includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:
 - (1) Has, or a reasonable person would expect it to have, the effect of:

- (a) Physically harming a student or damaging a student's property; or
- (b) Placing a student in reasonable fear of physical harm or damage to the student's property;

OR

- (2) Interferes with the rights of a student by:
 - (a) Creating an intimidating or hostile educational environment for the student; or
 - (b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school;

OR

- (3) Is based on a student's actual or perceived race, color, national origin, ancestry, religion, physical or mental disability, gender (included identity of expression), sex, sexual orientation, or any other distinguishing characteristic, or is based on a student's association with a person with one or more of these actual or perceived characteristics, and that has the effect described in subparagraph (1) or (2) above. (These behaviors might also meet the criteria for harassment as defined in Board Policy ACAA Student Protection from Harassment and Sexual Harassment.)

Examples of conduct that may constitute bullying include, but are not limited to:

1. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;
 2. Behavior that is likely to harm someone by damaging or manipulating his or her relationships with others, including but not limited to gossip, spreading rumors, and social exclusion;
 3. Non-verbal threats and/or intimidations such as use of aggressive, menacing, or disrespectful gestures;
 4. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally or in writing;
 5. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
 6. Blocking access to school properties or facilities;
 7. Stealing or hiding books, backpacks, electronic devices, or other possessions;
 8. Stalking; and
 9. Physical contact or injury to another person or his/her property.
- B.** "Cyberbullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted by the use of any electronic device, including, but not limited to, a computer, telephone, cellular telephone, text messaging device and personal digital assistant.

Examples of conduct that may constitute cyberbullying include, but are not limited to the following actions on any electronic medium:

1. Posting slurs or rumors or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually-oriented material about an individual on a website, an app, in social media, or any other electronic platform;
 2. Posting misleading, altered, or fake image(s) or digital video footage on websites or creating fake websites or social networking profiles in the guise of posting as the targeted individual;
 3. Impersonating or representing another individual through the use of that other individual's electronic device or account to send e-mail, text messages, instant messages (IM), phone calls or other messages on a social media website;
 4. Sending e-mail, text messages, "sexting," IM, or leaving voice mail messages that are mean or threatening, or so numerous as to bombard the target's e-mail account, IM account, or cell phone; and
 5. Using a camera phone, digital video camera, or other electronic device to take and/or send unauthorized or sexually explicit photographs.
- C. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" also includes knowingly falsely reporting an act of bullying.
- D. "Substantiated" means that the outcomes of the investigation on the Responding Form (JICK-E2) provide clear evidence to prove that bullying or cyberbullying, as defined in policy, did occur.
- E. "Alternative discipline" means disciplinary action other than suspension or expulsion from school that is designed to correct and address the root causes of a student's specific misbehavior while retaining the student in class or school, or restorative school practices (see VII B below) to repair the harm done to relationships and persons from the student's misbehavior.

IV. Application of Policy

- A. This policy applies to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation, all of whom have the responsibility to comply with this policy.
- B. This policy applies to bullying that:
1. Takes place at school or on school grounds, meaning: a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training. "School grounds" also includes school-related transportation vehicles.

2. Takes place while students are being transported to or from schools or school-sponsored events;
3. Takes place at any school-sponsored event, activity, function, program, instruction or training; or
4. Takes place elsewhere (such as through the use of technology), but only if the bullying also infringes on the rights of the student at school as set forth in this policy's definition of bullying.

V. REPORTING

Refer to the Reporting Form – JICK-R1.

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel.

- A. School staff, coaches and advisors for extracurricular and co-curricular activities are required to report alleged incidents of bullying to the school principal or other school personnel designated by the Superintendent. Any other adult working or volunteering in a school will be strongly encouraged to promptly report observed or suspected alleged incidents of bullying to the building principal or school personnel designated by the Superintendent.
- B. Students who are believed to have been bullied or are aware of incidents of bullying are strongly encouraged to promptly report this behavior to a parent, staff member or school administrator.
- C. Parents and other adults who believe that an incident of bullying has occurred are strongly encouraged to promptly report this behavior to a staff member or school administrator.
- D. Acts of reprisal or retaliation against any person who reports an alleged incident of bullying are prohibited. Any student who is determined to have knowingly falsely accused another of bullying shall be subject to disciplinary consequences.

VI. Responding

Refer to the Responding Form – JICK-E2.

After receipt of a report of alleged bullying, the school principal or a Superintendent's designee will:

- A. Inform parent(s)/guardian(s) of involved students that an initial investigation into a peer conflict will occur;

- B. Based on the initial investigation, and within 20 school days, investigate and respond to potential bullying behavior;
- C. Keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report alleged and substantiated incidents to the Superintendent;
- D. Communicate to the parent(s)/guardian(s) of a student(s) who are believed to have been bullied, as well as the measures being taken to ensure the immediate and long-term safety of the student(s) involved, and to prevent any additional acts of bullying;
- E. Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken which are applicable to their child;
- F. Communicate with local or state law enforcement agency if it's believed that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act may be appropriate.

VII. Remediation

Refer to the Remediation Form – JICK-E3.

The school principal or a Superintendent's designee will:

- A. Identify the specific nature(s) of the incident.
- B. Apply disciplinary actions, which may include but are limited to, imposing a series of graduated consequences that include alternative discipline. In determining the appropriate response to students who engage in bullying behavior, school administrators should consider the type of behaviors, the frequency and/or pattern of behaviors, and other relevant circumstances. Responses may include, but are not limited to:
 1. Meeting with the student and the student's parents/guardian;
 2. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
 3. Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option;
 4. Counseling (anger management, mental health, health, etc.)
 5. Participation in skills building, resolution circles and restorative conferencing;
 6. Youth Court or other restorative community programming;
 7. Community service;
 8. Safety assessment; and
 9. In-school detention or suspension, which may take place during lunchtime, after school.
- C. Remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, which may include referring the victim, perpetrator or other involved persons to counseling or other appropriate services.

VIII. Appeal

Notification shall be provided to parent(s), guardian(s) and students of the right to appeal a decision of a school principal or a Superintendent's designee related to taking or not taking remedial action in accordance with this policy. The appeals procedure must be consistent with other appeals procedures established by the School Board and may include an appeal to the Superintendent.

IX. Assignment of Responsibility

A. The School Board is responsible for:

1. Annually providing written versions of this policy and related procedures to students, parent(s) and guardian(s), volunteers, administrators, teachers and school staff;
2. Posting this policy and related procedures on the School District's publicly-accessible website; and
3. Including in student handbooks a section that addresses in detail this policy and related procedures.

B. The Superintendent is responsible for:

1. Oversight, implementation, and enforcement of this policy and its procedures;
2. Designating a school principal or other school personnel to administer the policies at the school level;
3. The Superintendent's designee or designees for administering this policy at the school level is identified in each school handbook.
4. Ensuring that the prohibition on bullying and retaliation and the attendant consequences apply to any student, school employee, contractor, visitor or volunteer who engages in conduct that constitutes bullying or retaliation;
5. Ensuring that any organization affiliated with the school that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school;
6. Providing professional development and staff training in the best practices in prevention of bullying and harassment and implementation of this policy;
7. Filing the District policy that addresses bullying and cyberbullying with the Maine Department of Education; and

8. Ensuring that substantiated incidents of bullying and cyberbullying are reported to the Maine Department of Education on at least an annual basis.

Legal Reference: *20-A M.R.S.A. § 254 (11-A)*
 20-A M.R.S.A. § 1001 (15), 6554
 Maine Public Law, Chapter 659

Cross Reference: *AC – Affirmative Action*
 ACAA – Student Protection from Harassment and Sexual Harassment
 AD – Educational Philosophy/Mission
 IJNDB – Student Computer and Internet Use
 IJNDB-R – Student Computer and Internet Use Rules
 JK – Student Discipline
 JKD – Suspension of Students
 JKE – Expulsion of Students

FIRST READING: **May 10, 2018**

SECOND READING: **June 14, 2018**

ADOPTION: **June 14, 2018**

/bb/policyJICK2018