

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 RSU 9 School 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 cyberbullying (bullying) and other forms of peer mistreatment are detrimental to the school environment as well as student learning, achievement and well-being. Peer mistreatment interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying and other forms of peer mistreatment affect not only students who are targets but also those who participate in and witness such behavior. These behaviors must be addressed to ensure student safety and an inclusive learning environment.

It is not the Board's intent to prohibit students from expressing their ideas, including religious, political and philosophical views, 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' opportunity to learn, the educational mission of the RSU 9 schools, and 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);
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;
- (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;

(3) Is based on a student's actual or perceived characteristics identified in 5 MRSA § 4602 or 4684-A (See Nondiscrimination/Equal Opportunity and Affirmative Action Policy AC) including race or other distinguishing personal characteristics (such as socioeconomic status; age; physical appearance; weight or family status 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 subparagraphs A(1) or A(2) above. (These behaviors might also meet the criteria for harassment as defined in board policy ACAA: Harassment and Sexual Harassment of Students.)

Bullying behavior alleged to be based on race (including traits associated with race involving hair texture, Afro hairstyles and protective hairstyles such as braids, twists and locks); color; ancestry; national origin; sex; sexual orientation; gender identity or expression; religion; physical or mental disability) should be addressed under the procedures set forth in the student Harassment and Sexual Harassment procedure, ACAA-R, rather than under this procedure.

Under Maine law:

“Sexual orientation” means a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.

“Gender identity” means gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual regardless of the individual's assigned sex at birth.

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 property or facilities;
7. Stealing or hiding books, backpacks, 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 a student on a website, an app, in social media, or any other electronic platform;
2. Posting misleading or fake photographs or digital video footage of a student on websites or creating fake websites or social networking profiles in the guise of posing as the targeted student;
3. Impersonating or representing another student through the use of that other student's electronic device or account to send email, text messages, instant messages (IM), phone calls or other messages on a social media website;
4. Sending email, text messages, IM, or leaving voicemail messages that are mean or threatening, or so numerous as to bombard the target's email account, IM account, or cell phone; and
5. Using a camera phone or digital video camera to take and/or send embarrassing or "sexting" photographs of other students.

C. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" also includes reporting that is not made in good faith on 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 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 or 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. Consequences for Policy Violations

Students

The Board retains the right to impose disciplinary consequences for bullying and other conduct that occurs at any time or place that substantially disrupts the instructional program, operations of the schools or welfare of students.

Students who violate this policy may be subject to disciplinary action which may include suspension, expulsion or a series of graduated consequences including alternative discipline or other behavioral interventions.

Any student violating this policy may also be subject to civil or criminal penalties.

School Employees and Others

Administrators, professional staff and all other employees who violate this policy may be subject to disciplinary action up to and including dismissal, and in accordance with any applicable collective bargaining agreements.

Volunteers, contractors and visitors who violate this policy will be barred from school property until the Superintendent is satisfied that the person will comply with Maine's bullying law and this policy.

Any school-affiliated organization that authorizes or engages in bullying or retaliation is subject to forfeiture of Board approval/sanctioning and/or suspension or revocation of its permission to operate on school grounds.

Any person violating this policy may also be subject to civil or criminal penalties.

VI. Reporting *Refer to the Reporting Form – JICK-E1*

Bullying or suspected bullying is reportable in person or in writing to school personnel. Although students, parents and others, as identified above, may make bullying reports anonymously, all persons reporting incidents of bullying are encouraged to identify themselves.

School employees are required to make reports of bullying in writing. All reports will be recorded in writing by school personnel authorized to receive complaints or reports using the school unit's reporting form JICK-E1. The building principal will forward a copy of the report to the Superintendent by the end of the next school day.

No disciplinary action shall be taken against a student solely on the basis of an anonymous report, and in no instance will action be taken against any person or organization affiliated with the school(s) solely on the basis of an anonymous report.

A. School teachers and staff, including coaches and advisors for extracurricular and cocurricular 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, including contractors and service providers, will be encouraged to promptly report observed or suspected alleged incidents of bullying to the building principal or school personnel designated by the superintendent.

B. All school employees are expected to intervene when they see acts of bullying in progress and are required to report incidents of bullying they have witnessed or become aware of to the building principal or other school personnel designated by the superintendent as soon as practicable.

C. School employees who fail to report bullying or who have made a false report of bullying will be subject to disciplinary consequences up to and including termination, in accordance with any applicable collective bargaining agreement.

D. Students who are believed to have been bullied or are aware of incidents of bullying are strongly encouraged to report this behavior to a staff member, school administrator, or other school personnel designated by the superintendent.

E. Parents/guardians and other adults who believe that an incident of bullying has occurred are encouraged to report this behavior to a staff member or school administrator.

F. Acts of reprisal or retaliation against any person who reports an alleged incident of bullying are prohibited.

G. Any student who is determined to have knowingly falsely accused another of bullying shall be subject to disciplinary consequences.

VII. Responding

Refer to the Responding Form – JICK-E2

The determination of whether particular conduct constitutes bullying requires reasonable consideration of the circumstances, which include the frequency of the behavior at issue, the location in which the behavior occurs, the ages and maturity of the students involved, the activity or context in which the conduct occurs, and the nature and severity of the conduct.

The school principal or a superintendent's designee will:

A. Ensure that all reports of bullying behavior and retaliation are investigated and responded to promptly;

B. Keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report alleged and substantiated incidents to the superintendent;

C. Inform parent(s) or guardian(s) of the student(s) who was alleged to have bullied AND of the student(s) who was believed to have been bullied that a report of an alleged incident of bullying has been made;

If bullying has been substantiated, the building principal will provide written notification to:

The parents/guardians of the targeted student, including the measures being taken to ensure the student's safety, and to The parents/guardians of the student found to have engaged in bullying, including the process for appeal.

All communications to parents must respect the confidentiality of student and employee information as provided by federal and Maine law and regulations.

D. Communicate to the parent(s) or guardian(s) of a student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student(s) who was believed to have been bullied and to prevent further acts of bullying;

E. Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken;

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.

If the bullying behavior appears to be a criminal violation, the building principal will notify local law enforcement authorities.

Interim Safety Measures:

The building principal may take such interim measures as he/she deems appropriate to ensure the safety of the targeted student and prevent further bullying and will inform the parents of the targeted student of measures taken.

NOTE: School personnel should be careful to respect the confidentiality of student information when communicating with the parents of a student who has reported being bullied. It should be sufficient to inform the parents of what the school is doing to protect the student from further bullying and to convey that the incident will be investigated and appropriate disciplinary consequences will be applied, without providing details that would be considered a violation of FERPA or an invasion of privacy.

VIII. Remediation *Refer to the Remediation Form – JICK-E3*

If bullying has been substantiated, the building principal or designee as appropriate under the circumstances will determine the appropriate disciplinary consequences, which may include but are not limited to, imposing a series of graduated consequences that include detention, suspension or expulsion; alternative discipline; remediation; and/or other intervention. 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.

Alternative discipline includes, but is 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;
5. Anger management;

6. Health counseling or intervention;
7. Mental health counseling
8. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
9. Community service; and
10. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

In order to remediate any substantiated incident of bullying to counter the negative impact of the bullying and reduce the risk of future bullying incidents, the principal may refer the targeted student/victim, perpetrator or other involved persons to counseling or other appropriate services.

IX. 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. Any appeal of the building principal's decisions in regard to consequences for bullying must be submitted, in writing, within 14 calendar days of the parental notification. The Superintendent will review the investigation report and actions taken and decide whether to sustain or deny the appeal. The Superintendent's decision shall be final.

X. Assignment of Responsibility

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. Developing a procedure for publicly identifying the superintendent's designee or designees for administering the policies at the school level;
4. Providing written versions of this policy and related procedures to students, parent(s) and guardian(s), volunteers, administrators, teachers and school staff;
5. Posting this policy and related procedures on the school administrative unit's publicly accessible website; and
6. Including in student handbooks a section that addresses in detail this policy and related procedures.
7. 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;
8. Ensuring that any contractor, visitor, or volunteer who engages in bullying is barred from school grounds until the superintendent is assured that the person will comply with the policies of the school board;
9. 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;
10. Providing professional development and staff training in the best practices in prevention of bullying and harassment and implementation of this policy;

See "Bullying Prevention Resources" at

<http://www.maine.gov/doe/bullying/resources> / for further information]

11. Filing the SAU policy that addresses bullying and cyberbullying with the Maine Department of Education; and
12. 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 - Nondiscrimination, Equal Opportunity
 ACAA - Harassment and Sexual Harassment of Students
 ACAA-R – Student Discrimination and Harassment Complaint
 Procedure
 ACAD – Hazing
 AD – Educational Philosophy/Mission
 ADAA – School System Commitment to Standards for Ethical and
 Responsible Behavior CHCAA - Student Handbooks
 GCI – Professional Staff Development
 IJNDB – Student Computer and Internet Use and Internet Safety
 JI - Student Rights and Responsibilities
 JIC - Student Code of Conduct
 JICC - Student Conduct on Buses
 JICIA - Weapons, Violence and School Safety
 JICK-E1 RSU9 Initial Report Form
 JICK-E2 Bullying and Cyberbullying Responding Form
 JICK-E3 Bullying and Cyberbullying Remediation Form
 JK - Student Discipline
 JKD - Suspension of Students
 JKE - Expulsion of Students
 JRA-R – Student Education Records and Information Administrative
 Procedures
 KLG - Relations with Law Enforcement Authorities

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