

Bullying and Cyberbullying Administrative Procedure

This procedure is intended as guidance for the school principal or superintendent’s designee to address an alleged bullying incident. Definitions, as well as steps for reporting, responding to, and remediating allegations of bullying, are provided.

Behavior alleged to be based on a targeted student’s actual or perceived race, color, sex, sexual orientation (including gender identity and expression), religion, ancestry or national origin, or disability should be addressed under the Student Harassment and Sexual Harassment procedure (ACAA).

Definitions

The following terms are defined in Maine Public law, Chapter 659 and 20-A M.R.S.A. §6554:

A. “Bullying” includes, but is not limited to repeated instances of, 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~~ 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:~~

(c) Creating an intimidating or hostile educational environment for the student; or

(d) 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, 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.~~

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

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1. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;
2. Behavior that is ~~intended~~ 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.

“Bullying” includes cyberbullying.

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 ~~online application~~ 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 ~~target~~ targeted student;
3. Impersonating or representing another student through the use of ~~that other student's~~ any electronic device or account to send e-mail, text messages, instant messages (IM), ~~or phone calls~~ or other messages on a social media website;
4. Sending e-mail, text messages, 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 or digital video camera to take and/or send embarrassing or “sexting” photographs of other students.

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C. “Retaliation means” an act or gesture against a student for asserting or alleging an act of bullying. “Retaliation” can also include ~~knowingly-false~~ly reporting an act of bullying when it is not made in good faith.

D. “School grounds” means 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.

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.

Reports of Bullying

Bullying or suspected bullying is reportable in person or in writing (including anonymously) to school personnel using the school unit’s Reporting Form (JICK-E1).

School staff, 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 will be encouraged to promptly report observed or suspected alleged incidents of bullying to the building principal or school personnel designated by the superintendent.

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 or school administrator.

Parents 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.

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-false~~ly accused another of bullying when it was not done in good faith shall be subject to disciplinary consequences.

Reports of alleged bullying may be made anonymously, except by school staff, coaches and advisors, but in no instance will disciplinary action be taken against any person or organization affiliated with the schools solely on the basis of an anonymous report.

The school principal or superintendent’s designee will forward a copy of the completed Reporting Form to the superintendent.

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Safety Measures

The school principal or superintendent's designee will communicate to the parent(s) or guardian(s) of the student(s) who was believed to have been bullied the measures being taken to ensure the safety of the student who was believed to have been bullied and to prevent further acts of bullying.

These measures are documented on the Responding Form (JICK-E2)

[NOTE: School personnel should be careful to respect the confidentiality of student information when communicating with the parent(s) or guardian(s) of a student who was believed to have been bullied. It should be sufficient to inform the parents of what the school is doing to protect the student from further alleged bullying behaviors and to convey that the incident will be investigated and appropriate actions will be taken, without providing details that would be considered a violation of FERPA or an invasion of privacy.]

Responding/Investigation

The school principal or superintendent's designee will:

- Ensure that all reports of alleged bullying are investigated and responded to promptly [OR: within ___ days] and that documentation of the investigation is provided to the superintendent within a reasonable period of time using the Responding Form (JICK-E2).
- 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;
- 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;
- Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken;
- 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.

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Remediation

If it is determined that there is a substantiated incident of bullying, the school principal or superintendent's designee will:

- Determine the specific nature(s) of the incident, alternative discipline actions, and appropriate consequences;
- Complete the Remediation Form (JICK-E3);
- Provide a copy of the Remediation Form to the superintendent; and
- Assure that the substantiated incident of bullying is reported to the Maine Department of Education.

Appeal

The parent(s) or guardian(s) and student must be notified of the right to appeal the school principal's or superintendent's designees' decision related to taking or not taking remedial action as identified in the appeals procedure established by the school board.

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

Policy cmte agendas: 12/8/16; 11/1/16

with 11/1/16 policy cmte. edits

with 10/3/16 J. Shedd edits

Maine Department of Education Model

Administrative Procedures – JICK-R

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JICC - Student Conduct on Buses

JICIA Weapons, Violence and School Safety

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

Adopted: _____