

RSU #63

- a. **NEPN/NSBA Code:** JICK
- b. **Title:** Bullying & Cyberbullying
- c. **Author:** Superintendent/Board of Directors
- d. **Replaces Policy:**
- e. **Date Previously Approved:** 10/26/2015
- f. **Date Approved:** 05/22/2017 RSU #63
- g. **Policy Expiration:** Review as Needed
- h. **Date Reviewed:** 05/01/2017 Superintendent
05/01/2017 Policy Committee
- i. **Responsible for Review:** Superintendent /Policy Committee
- j. **References:** 20-A M.R.S.A. § 1001(15)(H), § 6553, § 6554
- k.

Cross References: Policies: AC-Nondiscrimination, Equal Opportunity
ACAA-Harassment & Sexual Harassment of Students
ACAD-Hazing
ADF-School District Commitment to Learning Results
JI-Student Rights & Responsibilities
JICC-Student Conduct on Buses
JICIA-Weapons, Violence, & School Safety
JK-Student Discipline
JKD-Suspension of Students
JKE-Expulsion of Students
JIC-Student Code of Conduct

l. **Narrative:**

All students have the right to attend public schools that provide physically and mentally safe and secure learning environments. It is the intent of the School Board to provide all students with equitable opportunities 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 of any sort is detrimental to the school environment and student learning, achievement, and well-being. It interferes with the mission of the schools to educate their students and disrupts the operations of the schools. Bullying affects not only students who are targets, but also those who participate and witness such behavior. It is the Board's intention that such behaviors be addressed to ensure student safety and an inclusive 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' opportunities to learn, with the educational mission of RSU #63, and with the operation of the schools.

I. Prohibited Behavior: The following behaviors are prohibited:

- A. Bullying,
- B. Cyberbullying,
- C. Harassment and Sexual Harassment (as defined in Policy ACAA),
- D. Retaliation by action or gesture against those asserting or alleging an act of bullying, and
- E. Making a report of bullying that is not made in good faith.

Any person who engages in any of these prohibited behaviors shall be subject to consequences.

II. Bullying & Cyberbullying Defined

- 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(s) 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.; or
 - 3. Is based on a student's actual or perceived race, color, national origin, ancestry, religion, physical or mental disability, gender (including gender identity and gender expression), 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 has the effect described in subparagraph 1. or 2. above. (These behaviors may also meet the criteria for harassment as defined in Board Policy ACAA: Harassment and Sexual Harassment of Students.)

4. Examples of conduct that may constitute bullying include, but are not limited to:
 - a. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;
 - b. Behavior that is intended to harm someone by damaging or manipulating his or her relationships with others, including but not limited to gossip, spreading rumors, and social exclusion;
 - c. Non-verbal threats and/or intimidations such as use of aggressive, menacing, or disrespectful gestures;
 - d. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally or in writing;
 - e. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
 - f. Blocking access to school property or facilities;
 - g. Stealing or hiding books, backpacks, or other possessions;
 - h. Stalking; and
 - i. Physical conduct or injury to another person or his/her property.
- B. For the purpose of this policy, bullying does not mean mere teasing, put-downs, “talking trash,” trading of insults, or similar interactions among friends, nor does it include expression of ideas or beliefs so long as such expression is not lewd, profane, or interfere with students’ opportunities to learn the instructional program, or the operations of the schools. *This does not preclude teachers or school administrators from setting and enforcing rules for civility, courtesy, and/or responsible behavior in the classroom and school environment.*
- C. The determination 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.
- D. **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 or personal digital assistant.

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

1. Posting slurs or rumors or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually oriented material about a student on a website or other online application;
 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;
 3. Impersonating or representing another student through the use of that other student's electronic device or account to send e-mail, text messages, instant messages (IM), or phone calls;
 4. Sending e-mail, text messages 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.
- E. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. It also includes reporting an act of bullying when it is not made in good faith, meaning the reporting student was reporting something he/she did not believe to be true or accurate.

III. Application of Policy

- A. This policy applies to any student, school employee, contractor, visitor or volunteer, who engages in conduct that constitutes bullying, cyberbullying or retaliation, all of whom have the responsibility of complying with this policy.
1. In the case of an organization affiliated with RSU #63 that authorizes rescission of permission for that organization to operate on school property or receive any other benefit of affiliation with RSU #63.
 2. These penalties shall be in addition to any other civil or criminal penalty to which the violator or organization may be subject.
- 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.

IV. Reporting

Bullying or suspected bullying and cyberbullying or suspected cyberbullying 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 incidents of bullying & cyberbullying 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 an observed or alleged/suspected incident of bullying to the building principal or school personnel designated by the Superintendent.
- B. Students who have been bullied or are aware of incidents of bullying and/or cyberbullying are strongly encouraged to report this behavior to a staff member or school administrator.
- C. Parents and other adults who are aware of incidents of bullying and/or cyberbullying are strongly encouraged to report this behavior to a staff member or school administrator. A reporting form is available on RSU #63's website under Quick Links. Samples are attached to this policy for reference. This form can be completed and submitted anonymously.
- D. Acts of reprisal or retaliation against any person who reports an incident of bullying and/or cyberbullying are prohibited. Any student who is determined to have falsely accused another of these actions shall be subject to disciplinary consequences.

V. Responding

The school principal or a superintendent's designee will:

- A. Promptly investigate and respond to all allegations of bullying and/or cyberbullying behavior;

- B.** Keep written documentation of all allegations of these referenced behaviors and outcomes of the investigations, and report substantiated incidents to the superintendent;
- C.** Apply disciplinary actions, which included but are not limited to, imposing a series of graduated consequences that include alternative discipline. In determining the appropriate response to students who engage in these referenced behaviors, 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/guardians;
 2. Reflective activities, such as requiring the student to write an essay about his/her 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, which can include anger management, health counseling, intervention, and/or mental health counseling;
 5. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles, and restorative conferencing;
 6. Community service;
 7. In-school detention, which may take place during lunchtime, after school, or on weekends; and
 8. Suspension from school on a graduated basis (such as one school day up to a week or more if all else has failed) or expulsion.
- D.** 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 target, perpetrator, or other involved persons to counseling or other appropriate services.
- E.** Communicate to the parent/guardian of a student who has been subjected to any of these referenced behaviors what measures are being taken to ensure the safety of the student and to prevent further acts. If necessary, a safety plan will be developed for the target student to assure a safe and secure environment.

- F. Communicate to the parent/guardian of the student/responsible party who has been doing the referenced nature of behavior the form of discipline being taken, and the consequences if the unacceptable behavior continues, as well as the policy regarding retaliation.
 - G. Communicate with a local or state law enforcement agency if the school principal or the superintendent's designee believes the pursuit of criminal charges or a civil action under Maine's Civil Rights Act may be appropriate.
- VI. Parents/guardians and students have a right to appeal a decision of the school principal or superintendent's designee for taking or not taking disciplinary action in accordance with this policy.
- A. The first level of appeal must be submitted in writing to the superintendent. It must include the nature of the referenced behavior, any action(s) taken or not taken by the school principal or superintendent designee, any subsequent referenced behavior that occurred, the dates and methods used to communicate the on-going problem to the school principal/superintendent designee, and any subsequent action or lack thereof by the school principal/superintendent designee. The parent/guardian will include what action(s) they believe should be taken. The written appeal will be directed to the superintendent, who will schedule a meeting with the various parties after reviewing the appeal and any documentation retained by the school principal/superintendent designee since first being advised of the problem.
 - B. If the parent/guardian is dissatisfied by subsequent actions taken (or not taken) by the superintendent, the parent/guardian may submit an appeal to the Board.
 - C. The full Board will meet with the parents/guardians, involved students, and superintendent in a private meeting in an attempt to resolve the matter. The decision of the Board will be final.

VII. Assignment of Responsibility

- A. The School Board is responsible for:
 - 1. Annually providing written versions of this policy and related procedures to students, parents, volunteers, administrators, teachers, and school staff.
 - 2. Posting this policy and related procedures on RSU #63's website and on publicly accessible sites within the schools.
 - 3. Including a section in student handbooks that addresses in detail this policy and related procedures.
- B. The Superintendent is responsible for:

1. Oversight, implementation, and enforcement of this policy;
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. Developing procedures to implement the requirements for reporting and responding to referenced behaviors under Sections IV and V of this policy or delegating that responsibility to principals or designees;
5. Ensuring any contractor, visitor, or volunteer who engages in referenced behaviors is barred from school grounds until the superintendent is assured that the person will comply with the policies of the Board;
6. Ensuring that any organization affiliated with the school that authorizes or engages in referenced behaviors or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school;
7. Providing professional development and staff training in the best practices in prevention of referenced behaviors and harassment and implementation of this policy; and
8. Filing RSU #63's policies to address bullying & cyberbullying with the state Department of Education.

RSU 63 Bullying and Cyberbullying Reporting Form - JICK-E1

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

Upon completion of this form, or when providing a verbal report, submit to principal or school counselor.

Today's Date: _____

Date the alleged incident of bullying being reported: _____

Person(s) reporting the alleged incident(s) of bullying (this is optional as reports can be made anonymously, except when reported by staff, coaches and advisors):

Name: _____

Relationship to Student: _____

Contact information of person reporting (optional):

home or work phone: (____) _____ Cell phone: (____) _____

email: _____

home address: _____

Person(s) completing this form (if different than person listed above and not anonymously reporting): _____

Details

Name /Grade of student(s) who is believed to have been bullied:

Name /Grade of the student(s) or adult(s) who is alleged to have bullied:

What is happening? Please provide a description of incident(s) as well as date(s), time(s), and location(s) and any supporting documentation:

(use additional pages, if needed)

Were there any witnesses? yes no

If so, please provide names of witnesses to be contacted during the investigation:

I agree that the information on this form is accurate and true to the best of my knowledge and belief.

Signature of person reporting (optional) Date: _____

Does either student have a 504 plan? _____

Does either student have an IEP? _____

If yes to either of the above questions, please refer to the student's 504 plan or IEP and consult with the Director of Special Services.

Received By: _____ Date: _____
Signature of Principal

Received By: _____ Date: _____
Signature of Counselor

(If Applicable)
Received By: _____ Date: _____
Signature of Director of Special Services

Outcome of Investigation:

Actions Taken:

As Determined By: _____ Date: _____ and
Signature of Principal

As Determined By: _____ Date: _____
Signature of Counselor **

****If bullying/harassment is determined to have taken place, complete RSU 63 Bullying and Cyberbullying Remediation Form (JICK - E3) and submit copy to superintendent.**

RSU 63 Bullying and Cyberbullying Remediation Form (JICK -E3)

The intent of remediating a substantiated incident of bullying is to counter the negative impact of bullying and to reduce the risk of future bullying incidents.

This remediation is in reference to the alleged incident of bullying reported on:

Name of student who was found to have bullied (do not report name of student or any personally identifying information to the Maine Department of Education):

Delineate the specific nature(s) of the incident:

- Cyberbullying
- Electronic expression
- Physical act or gesture
- Retaliation
- Verbal/Oral
- Written

Alternative discipline imposed for this student (actions taken):

- Meeting with the student and the student's parent(s) or guardian(s)
- Reflective activities, such as requiring the student to write an essay about their misbehavior
- Counseling
- Participation in skills building and resolution activities, such as social emotional cognitive skills building, resolution circles and restorative conferencing
- Community service

Please describe:

The student received/will receive the following discipline actions (consequences):

- Detention
- Weekend Detention
- In-school suspension
- Out-of-school suspension
- Expulsion/Recommended for expulsion

Additional details of disciplinary actions taken: _____

Was the student referred to law enforcement? yes no

Outcome(s): _____

[DOCUMENTATION OF ALL REMEDIATION ACTIONS MUST RESPECT CONFIDENTIALITY OF STUDENT INFORMATION AS PROVIDED BY FEDERAL AND MAINE LAW AND REGULATIONS]

Signature of principal Date: _____

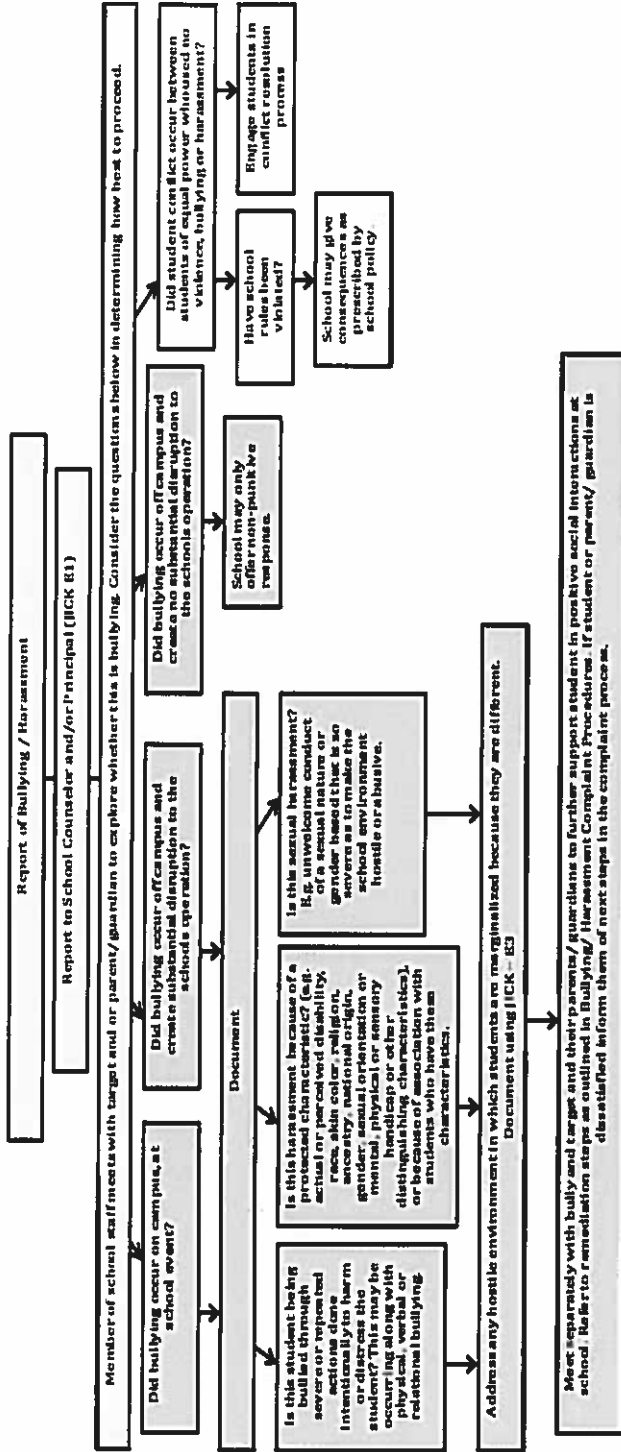
Copy to Superintendent on: _____
Date

Copy received: _____ Date: _____
Signature of Superintendent

This substantiated incident of bullying was reported to the Maine Department of Education *without personally identifying information*

on: _____ **initialed by:** _____

RSU 63 Responding to Bullying or Harassment Guideline JICK-E4



* Each incident will be evaluated on a case-by-case basis.

RSU 63 Bullying and Cyberbullying Responding Form – JICK E2

To be completed by the school principal or superintendent's designee promptly from the time that the Report Form is received.

Date the alleged incident of bullying was reported: _____

Name of school principal or superintendent's designee investigating the report of alleged incident(s) of bullying: _____

Position/title: _____

Details:

Person(s) reporting the alleged incident(s) of bullying (if indicated, but required if school staff, coaches or advisors): _____

Person who completed the Reporting Form (if indicated): _____

The person(s) reporting the alleged incident of bullying is: student parent
grandparent guardian school staff coach advisor other _____

Name of the student(s) or adult(s) who was believed to have been bullied:

Was the behavior related to the targeted student's actual or perceived (as indicated in the description of the alleged incident on the Reporting Form):

____ Race/color

____ Sex

____ Sexual orientation (including gender identity and gender expression)

____ Religion

____ National origin/ancestry

____ Disability

If so;

- Refer to Policy ACAA: Harassment and Sexual Harassment of Students,
- Include the RSU 63's Affirmative Action Officer in this investigation, and
- If the behavior includes threats, violence, and/or property damage, it may be enforceable under the Maine Civil Rights Act and should be referred to local law enforcement.

Does the student have a 504 plan? yes no

Does the student have an IEP? yes no

If yes to either above questions, please refer to student's 504 plan or IEP.

Is the student in the referral process for either? yes no

If the student receives Special Education services, when was the Director of Special Education or 504 Coordinator made aware of this situation? date: _____

Name of the student(s) or adult(s) who is alleged to have bullied: _____

The reported alleged incident(s) occurred:

_____ on school grounds

_____ on the school bus

_____ at a school sponsored activity

_____ through the use of technology – at home at school

_____ elsewhere – (be specific) _____

Date(s): _____

Time(s)/time(s) of day: _____

Additional details known: _____

Have there been prior reports of alleged incidents of bullying or substantiated incident(s) of bullying involving the student(s) and/or adult(s)? yes no

If yes, please include details and outcomes:

Evidence of allegation(s) of bullying provided to the school or in the school's possession used in this investigation:

_____ school video cameras

_____ school bus camera

_____ cell phone video

_____ electronic photos

_____ printed photos

_____ email(s)

_____ letters

_____ phone conversation notes

_____ written statements

_____ hospital reports

_____ police reports

_____ other (specify) _____

Communication:

When did you contact the parent(s) or guardian(s) of the student(s) who was believed to have been bullied?

Date of communication(s): _____

Details of communication: _____

The school principal or superintendent's designee met with the student(s) who was believed to have been bullied on: _____

Details of communication: _____

When did you contact the parent(s) or guardian(s) of the student(s) who was alleged to have bullied?

Date of communication(s): _____

Details of communication: _____

The school principal or superintendent's designee met with the student(s) alleged to have bullied on: _____

Details of communication: _____

Did the person(s) reporting the alleged incident identify any witnesses? yes no

Name(s) of witness: _____

Did the school identify any witnesses? yes no

Name(s) of witness: _____

If yes, the school principal or superintendent's designee met with the witness(es) on:

_____ Details of communication: _____

Safety Measures:

Local or state law enforcement will be contacted for potential:

_____ criminal charges

_____ civil action under the Maine Civil Rights Act

_____ N/A

What measures are being taken throughout the investigation to ensure the safety of the student who was believed to have been bullied? _____

Attach safety measures (ie. Student Support & Safety Plan) to this Responding Form.

When was there communication with the parent(s) or guardian(s) of the student(s) who was believed to have been bullied about these safety measures?

Date of communication(s): _____

Details of communication: _____
