

## **Policy: JICK**

### **BULLYING**

The Board believes that 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 school. 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 ensure student safety and an inclusive learning environment.

#### **Bullying Prohibited**

Bullying, including “cyberbullying,” is not acceptable conduct in MSAD#44 and is prohibited.

The following behaviors are prohibited:

1. Bullying;
2. Cyberbullying;
3. Harassment and Sexual Harassment (as defined by 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 constitute bullying shall be subject to appropriate disciplinary actions.

In adopting this policy, 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 directly interferes with students’ rights at school under applicable laws or with the educational mission, operations, discipline or general welfare of the schools.

#### **Definition of Bullying**

“Bullying” and “cyberbullying” have the same meaning in this policy as in Maine law:

#### **Bullying**

“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:

- A. Has, or a reasonable person would expect it to have, the effect of:
  1. Physically harming a student or damaging a student’s property; or
  2. Placing a student in reasonable fear of emotional, physical harm or

damage to his/her property;

B. Interferes with the rights of a student by:

1. Creating an intimidating or hostile educational environment for the student; or
2. Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by the school; or

C. Is based on:

- a. A student's actual or perceived characteristics identified in 5 MRSA § 4602 or 4684-A (including race; color; ancestry; national origin; sex; sexual orientation; gender identity or expression; religion; physical or mental disability) or other distinguishing personal characteristics (such as socioeconomic status; age; physical appearance; weight; or family status); or
- b. A student's association with a person with one or more of these actual or perceived characteristics or any other distinguishing characteristics; and that has the effect described in subparagraph A. or B. above.

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 behavior.
2. Behavior that is likely to harm someone by damaging or manipulating his or her relationships with other, including but not limited to gossip, spreading rumors, and social exclusion;
3. Non-verbal threats and/or intimidations such as use of aggressive, menacing, disrespectful gestures, or physical posturing;
4. Threats of harm to a student, to his/her possessions, or to the 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 facilities;
7. Stealing or hiding books, backpacks, or other possessions;
8. Stalking;
9. Physical contact or injury to another person or his/her property; and
10. Creating a fake on-line profile.

## **Cyberbullying**

“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 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 e-mail, text messages, instant messages (IM), phone calls or other messages on a social media website;
4. Sending e-mail, text messages, IM, or leaving voice 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.

## **Substantiated**

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.

## **Alternative Discipline**

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.

## **Application of Policy**

This policy applies to bullying that:

- A. Takes place at school or on school grounds, at any school-sponsored or school-related activity or event or while students are being transported to or from school or school-sponsored activities or events; or

- B. 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 the definition of “bullying.”

## **Consequences for Policy Violations**

### **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.

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.

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 excluded or barred from school property until the Superintendent is satisfied that the person will comply with Maine’s bullying law and this policy.

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

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.

### **Staff Training**

MSAD#44 will provide professional development and staff training in bullying prevention and response.

### **Delegation of Responsibility**

The Superintendent will designate the school principal and/or other school personnel to be responsible for implementation/enforcement of this policy and associated procedures on the school level.

The Superintendent/designee will be responsible for developing and implementing procedures in accordance with applicable law to implement this policy.

### **Dissemination of Policy**

This policy, any associated administrative procedures and the names of the person(s) responsible for implementing the policy/procedure at the school level will be provided, in writing to students, parents, school employees and volunteers in handbooks, and on the school unit's website and by such other means (if any) as may be determined by the Superintendent.

Legal Reference: 20-A M.R.S.A. § 1001(15), 6554

Cross Reference: AC - Nondiscrimination, Equal Opportunity  
ACAA-R - Harassment and Sexual Harassment of Students  
ACAD - Hazing

ADF - School District Commitment to Learning Results  
CHCAA - Student Handbooks

JI - Student Rights and Responsibilities  
JIC - Student Code of Conduct  
JICC - Student Conduct on Buses  
JICIA - Weapons, Violence and School Safety

Cross Reference – Continued:

JK - Student Discipline  
JKD - Suspension of Students  
JKE - Expulsion of Students  
KLG - Relations with Law Enforcement Authorities

Adopted: July 8, 2013

Revised: October 16, 2017