

## **BULLYING**

The Board believes that bullying, including cyberbullying, is detrimental to student well-being and to student learning and achievement. 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 in and witness such behavior.

### **Bullying Prohibited**

Bullying, including “cyberbullying,” harassment and sexual harassment are not acceptable conduct in the Eastport School Department and are prohibited.

Retaliation for the reporting of incidents of such behavior is also prohibited.

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.

### **Definitions**

“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 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.

### **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.

### **Retaliation**

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.

### **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 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**

Eastport School Department will provide professional development and staff training in bullying prevention and response.

### **Delegation of Responsibility**

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

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.

A student or his/her parent/guardian who is dissatisfied with a decision of the Superintendent or designee related to the taking or not taking of disciplinary action in the course of implementing this policy may appeal, in writing, to the Superintendent within 14 calendar days of notice of the decision.

The Superintendent's decision shall be final.

### **Dissemination of Policy**

The Superintendent will be responsible for providing this policy, any associated administrative procedures and the names of the person(s) responsible for implementing

the policy/procedure at the school level in writing to students, parents, school employees and volunteers in handbooks, 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  
AD – Educational Philosophy/Mission  
ADAA – School System Commitment to Standards for Ethical and Responsible Behavior  
ADF - School District Commitment to Learning Results  
CHCAA - Student Handbooks  
GCI – Professional Staff Development  
IJNDB-R - 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  
JK - Student Discipline  
JKD - Suspension of Students  
JKE - Expulsion of Students  
KLG - Relations with Law Enforcement Authorities

### **Eastport School Committee**

First Reading 01/18/17

Adopted 02/15/17

## **BULLYING – ADMINISTRATIVE PROCEDURE**

This procedure is intended as guidance for school administrators in carrying out their responsibilities when bullying is alleged to have occurred. It provides important definitions as well as steps for reporting, investigating and responding to allegations of bullying.

Bullying behavior alleged to be based on race, color, ancestry, national origin, sex, sexual orientation, religion or disability should be addressed under the procedures set forth in the Student Harassment and Sexual Harassment procedure, ACAA-R, rather than under this procedure.

### **Bullying Reports**

#### **Students and Parents/Guardians**

Students who believe they have been bullied, or who have witnessed or learned about an act of bullying should report this behavior to the building principal.

Parents/guardians may report bullying on behalf of their children or when they have witnessed or are aware of the occurrence of bullying.

Reports of bullying may be made anonymously, but no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Any student who has been determined to have made a false report of bullying will be subject to disciplinary consequences.

#### **School Employees**

For the purposes of this procedure, “school employees” includes coaches, advisors for cocurricular or extracurricular activities and volunteers.

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 as soon as practicable.

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.

#### **Others**

Contractors, service providers, visitors or community members who have witnessed or become aware of bullying are encouraged to report such incidents to the building principal.

## Form of Reports

Complaints or reports of bullying may be made orally or in writing, but all reports will be documented by school personnel authorized to receive complaints or reports, using the school unit's reporting form (JICK-E1).

School employees are required to make reports of bullying to the principal in writing. Although students, parents and others, as identified above, may make bullying reports anonymously, all persons reporting incidents of bullying are encouraged to identify themselves.

Bullying reports may be made anonymously, but in no instance will action be taken against any person or organization affiliated with the schools solely on the basis of an anonymous report.

The building principal will forward a copy of the report to the Superintendent by the end of the next school day.

## 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.]**

## Investigation

The principal will ensure that all reports of bullying and retaliation are investigated promptly and that documentation of the investigation, including the substance of the complaint or report and the outcome of the investigation is prepared and forwarded to the Superintendent within a reasonable period of time.

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.

## Response to Bullying by Students

If bullying has been substantiated, the building principal or designee as appropriate under the circumstances will determine the appropriate disciplinary consequences, which may include detention, suspension or expulsion; alternative discipline; remediation; and/or other intervention.

Alternative discipline includes but is not limited to:

- A. Meeting with the student and the student's parents;
- B. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- C. Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;
- D. Counseling;
- E. Anger management;
- F. Health counseling or intervention;
- G. Mental health counseling;
- H. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
- I. Community service; and
- J. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

**[NOTE: Items A-J are listed as examples of alternative discipline in 20-A § 6554(2)(A).]**

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 of other appropriate services.

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

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

- A. The parents/guardians of the targeted student, including the measures being taken to ensure the student's safety; and to

- B. 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.

## **Appeals**

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.

Cross Reference: ACAA-R – Student Harassment and Sexual Harassment Procedure  
JICK – Bullying  
JRA-R – Student Education Records and Student Information

## **Eastport School Committee**

First Reading            01/18/17

Adopted                    02/15/17



**EASTPORT SCHOOL DEPARTMENT BULLYING REPORT FORM**

Date the alleged bullying incident(s) is reported: \_\_\_\_\_

Name of complainant/reporter (by law, reports may be anonymous): \_\_\_\_\_

Status of reporter: Student Parent School employee/coach/advisor Other \_\_\_\_\_

Contact information for reporter (if reporter is student, contact information for parent/guardian):

Phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_

Name of alleged target(s): \_\_\_\_\_

Name of alleged bully(ies): \_\_\_\_\_

Relationship between alleged target/bully(ies): \_\_\_\_\_

Date(s), time(s) and location(s) of alleged incident(s): \_\_\_\_\_

Names of witnesses: \_\_\_\_\_

Description of incident(s), including any supporting documentation (use additional pages if more space is needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Signature of complainant/reporter Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_  
Position/title: \_\_\_\_\_

Copy to building principal: Date: \_\_\_\_\_

Copy to Superintendent: Date: \_\_\_\_\_

**EASTPORT SCHOOL DEPARTMENT  
BULLYING INVESTIGATION AND RESPONSE FORM**

Date the alleged incident of bullying was reported: \_\_\_\_\_

Name of person investigating alleged incident(s): \_\_\_\_\_

Position/title of investigator: \_\_\_\_\_

Name of person reporting bullying incident(s): \_\_\_\_\_

Person reporting is (circle one) Student Parent School employee  
Coach/advisor Volunteer Other \_\_\_\_\_

Name(s) of alleged target: \_\_\_\_\_

Name(s) of alleged bully (bullies): \_\_\_\_\_

Name(s) of potential witnesses: \_\_\_\_\_

Where did the alleged incident(s) occur (check one or more):

- \_\_\_\_\_ on school property
- \_\_\_\_\_ on school bus
- \_\_\_\_\_ at a school sponsored activity
- \_\_\_\_\_ through use of technology \_\_\_\_\_ at school \_\_\_\_\_ off-campus
- \_\_\_\_\_ elsewhere (be specific)

Time and location(s) of incident(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does targeted student have an IEP? \_\_\_\_\_ Yes \_\_\_\_\_ No (If yes, refer to plan.)

Does targeted student have a 504 plan? \_\_\_\_\_ Yes \_\_\_\_\_ No (If yes, refer to plan.)

Is the targeted student in the referral process for either? \_\_\_\_\_ Yes \_\_\_\_\_ No  
(If yes, specify) \_\_\_\_\_

If the targeted student receives special services, when were Special Services Director and/or  
504 Coordinator notified of the incident:

Person notified: \_\_\_\_\_ Date: \_\_\_\_\_

Does alleged bully have an IEP? \_\_\_\_\_ Yes \_\_\_\_\_ No (If yes, refer to plan.)

Does alleged bully have a 504 plan? \_\_\_\_\_ Yes \_\_\_\_\_ No (If yes, refer to plan.)

Is the alleged bully in the referral process for either? \_\_\_\_ Yes \_\_\_\_ No  
(If yes, specify) \_\_\_\_\_

If the alleged bully receives special services, when were Special Services Director and/or 504 Coordinator notified of the incident:

Person notified: \_\_\_\_\_ Date: \_\_\_\_\_

Do school unit's records show prior reports of alleged or substantiated incidents of bullying involving the alleged target or alleged bully? If so, describe incident and outcome(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Meeting/interview of student who believes he/she has been bullied, description of alleged incident(s) (dates and details):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Communications with parents(s) of student who believes he/she has been bullied date(s) and details): \_\_\_\_\_

\_\_\_\_\_

Meeting/interview of alleged bully (bullies) (dates and details):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Communications with parent(s) of alleged bully (bullies) (dates and details):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Meeting/interview of persons identified as witnesses (dates and summary of information provided): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Further evidence of bullying examined (videos, photos, email, letters, etc.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Measures taken pending conclusion of the investigation to ensure the safety of the student who believes he/she has been bullied: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Safety measures communicated to parents) of student who believes he/she has been bullied (date and details): \_\_\_\_\_

**Is the alleged bullying substantiated**, i.e., does the alleged conduct meet the definition of bullying as articulated in Board policy? \_\_\_ Yes \_\_\_ No

Nature of harm incurred:

- \_\_\_ Physical harm to student or damage to student's property
- \_\_\_ Student's reasonable fear of physical harm or damage to property
- \_\_\_ Hostile educational environment
- \_\_\_ Infringement of student's rights at school

Conduct resulting in harm (in item above) is on the basis of:

- \_\_\_ National origin/ancestry/ethnicity
- \_\_\_ Religion
- \_\_\_ Physical, mental, emotional or learning disability
- \_\_\_ Sex
- \_\_\_ Sexual orientation
- \_\_\_ Gender/gender identity/expression
- \_\_\_ Age
- \_\_\_ Socioeconomic status
- \_\_\_ Family status
- \_\_\_ Physical appearance
- \_\_\_ Weight
- \_\_\_ Other distinguishing personal characteristics
- \_\_\_ Other (explain) \_\_\_\_\_

Summary of investigation/Explanation of findings:

\_\_\_\_\_

Recommended disposition:

- Disciplinary action - alternative discipline: \_\_\_\_\_
- Disciplinary action – suspension (in-school, out-of-school) \_\_\_\_\_
- Expulsion (recommended for expulsion) \_\_\_\_\_

Recommendations for support services:

- Counseling/referral to services (targeted student) \_\_\_\_\_
- Counseling/referral to services (bully) \_\_\_\_\_

Recommendation to report to law enforcement? \_\_\_ Yes \_\_\_ No

- \_\_\_ Potential criminal violation
- \_\_\_ Potential civil rights violation

Recommendations in other substantiated bullying situations:

If bully is school employee or administrator, recommendation for action to be taken by Superintendent (any action must be consistent with collective bargaining agreement or individual contract): \_\_\_\_\_

\_\_\_\_\_

If bullying is by another adult person associated with the school (e.g., volunteer, visitor, or contractor): \_\_\_\_\_

\_\_\_\_\_

If bullying involves a school-affiliated organization: \_\_\_\_\_

\_\_\_\_\_

Signature of investigator: \_\_\_\_\_

If investigator is not building principal, copy to principal on [date]

Copy to Superintendent on [date]

## ACTIONS TAKEN BY PRINCIPAL

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

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

Alternative discipline imposed for this student (if applicable):

- 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 the student's misbehavior
- Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option
- Counseling
- Anger management
- Health counseling or intervention
- Mental health counseling
- Participation in skills building and resolution activities, such as social/emotional/ cognitive skills building, resolution circles and restorative conferencing
- Community service

Referral to law enforcement?     Yes     No

Written notice has been provided to parent(s)/guardian(s) of the student who has been found to have engaged in bullying, including the process for appeal.

Notification sent by principal: [Date]

Copy to Superintendent: [Date]

## APPEAL OF PRINCIPAL'S DECISION

Date appeal submitted: \_\_\_\_\_

All appeals to the Superintendent must be submitted, in writing, to the Central Office within 14 calendar days of the building principal's decision. The Superintendent's decision shall be final.

Superintendent's decision: \_\_\_\_\_  
\_\_\_\_\_

Date parent(s)/guardian(s) notified of Superintendent's decision: \_\_\_\_\_

**ACTIONS TAKEN BY THE SUPERINTENDENT**

\_\_\_ Recommendation to Board for student expulsion

\_\_\_ Action on student/parent appeal of principal's decision

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\_\_\_ Action taken against employee: (If confidential employment action, in personnel file)

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\_\_\_ Recommendation to Board for suspension/revocation of sanctioning/approval of school-affiliated organization

\_\_\_ Other: \_\_\_\_\_

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**Eastport School Committee**

First Reading      01/18/17

Adopted            02/15/17

**BULLYING: SUMMARY OF DISCIPLINARY AND REMEDIAL ACTIONS**

This page is for use when a **substantiated** incident of bullying is entered into the Report of Substantiated Incident of Bullying in the Maine Department of Education’s NEO data reporting system. It is aligned with the NEO data categories.

This documentation is in reference to the alleged incident of bullying reported on:  
[Date of incident]

Name of student who was found to have bullied \_\_\_\_\_ **(name is for tracking in school unit files only; 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 the student's misbehavior
- \_\_\_\_\_ Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option
- \_\_\_\_\_ Counseling
- \_\_\_\_\_ Anger management
- \_\_\_\_\_ Health counseling or intervention
- \_\_\_\_\_ Mental health counseling
- \_\_\_\_\_ Participation in skills building and resolution activities, such as social/emotional/ cognitive skills building, resolution circles and restorative conferencing
- \_\_\_\_\_ Community service

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

- \_\_\_\_\_ Alternative Discipline
- \_\_\_\_\_ Detention
- \_\_\_\_\_ Weekend Detention
- \_\_\_\_\_ In-school suspension
- \_\_\_\_\_ Out-of-school suspension
- \_\_\_\_\_ Expulsion/Recommended for expulsion

The following serves as a record that a report of substantiated bullying has been submitted to the Maine Department of Education.



Date: \_\_\_\_\_

\_\_\_\_\_  
Signature and position of person completing this form

Data reported to Maine DOE (NEO) on [Date] by \_\_\_\_\_  
Signature, Position of Reporter

Copy to building principal on [Date]

Copy to Superintendent on [Date]

**Eastport School Committee**

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