

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.

Definitions

The following two terms are defined in Maine law (20-A MRSA § 6554), and please refer to RSU #23 School Department policy JICK Bullying and Cyberbullying:

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.

Bullying Reports

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.

Form of Reports

Complaints or reports of bullying may be made orally or in writing, but 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).

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 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.

School personnel shall respect the confidentiality of student information when communicating with the parents of a student who has reported being bullied. School personnel will inform the parents of what the school is doing to protect the student from further bullying and 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 retained at the school. The Superintendent will be notified of any bullying incidents that result in suspension from school.

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 (see RSU #23 School Department policy JICK Bullying and Cyberbullying).

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 document and communicate to:

- A. The parent of the student who has been bullied, the measures being taken to ensure the safety of the student and to prevent future acts of bullying, and
- B. The parent 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.

Dissemination of Policy

Notice of what constitutes bullying, the Board's prohibition against bullying, and the consequences for students who bully shall be communicated to students, parents and staff through the Student Code of Conduct and the School Handbook.

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

Adopted: 1/8/14