

Section J: STUDENTS

JICK-R BULLYING AND CYBERBULLYING ADMINISTRATIVE PROCEDURE

This procedure is intended as guidance for school administrators 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, ancestry, national origin, sex, sexual orientation (including gender identity and expression), religion or disability should be addressed under the Student Discrimination/Harassment and Title IX Sexual Harassment Complaint Procedure, ACAA-R.

Definitions

The following terms are defined in Maine Public law, Chapter 659 and 20-A MRSA § 6554:

- 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 or students 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; or
 - 2. Interferes with the rights of a student by:
 - a. Creating an intimidating or hostile educational environment for the student;
 - b. 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
 - 3. Is based on a student's actual or perceived race, color, ancestry, national origin, sexual orientation; gender, religion; physical or mental disability 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.

"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.
- C. "Retaliation means" an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" can also include knowingly false reporting of bullying.

- 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'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 Assistant Director or other school personnel designated by the Director. Any other adult working or volunteering in a school will be encouraged to promptly report observed or suspected alleged incidents of bullying to the Assistant Director or school personnel designated by the Director.

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 incident of bullying are prohibited. Any student who is determined to have knowingly falsely accused another of bullying 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 Assistant Director or school staff will forward a copy of the completed Reporting Form to the Director.

Safety Measures

The Assistant Director or Director'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)

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 Assistant Director or Director's designee will:

- Ensure that all reports of alleged bullying are investigated and responded to promptly and that documentation of the investigation is provided to the Director 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.

Remediation

If it is determined that there is a substantiated incident of bullying, the Assistant Director or Director'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 Director; 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 Assistant Director or Director's designees' decision related to taking or not taking remedial action as identified in the appeals procedure established by the Board.

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

Cross Reference: ACAA-R – Student Discrimination and Harassment Complaint
Procedure
JICIA - Weapons, Violence and School Safety
JICJ – Student Personal Electronic Device Usage
JICK – Bullying and Cyberbullying Prevention in Schools
JK – Student Discipline
JKD – Suspension of Students
JRA – Student Education Records and Information
JRA-R – Student Education Records and Information
Administrative Procedure
Student Code of Conduct

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