JICK - BULLYING AND CYBERBULLYING PREVENTION IN SCHOOLS

Introduction

It is our goal for our schools to be a safe and secure learning environment for all students. It is the intent of the Cape Elizabeth School Board to provide all students with an equitable opportunity 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 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 schools. Bullying and other forms of peer 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.

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' opportunity to learn, the educational mission of the Cape Elizabeth School Department schools, and the operation of the schools.

Prohibited Behavior

The following behaviors are prohibited:

I. Bullying

II. Cyberbullying;

III. Harassment and Sexual Harassment (as defined in board policy ACAA);

IV. Retaliation against those reporting such defined behaviors; and

V. Making knowingly false accusations of bullying behavior.

Any person who engages in any of these prohibited behaviors that constitutes bullying shall be subject to appropriate disciplinary actions.

Bullying and Cyberbullying Defined

“Bullying” and “Cyberbullying” have the same meaning in this policy as in Maine law.

I. “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:

I. 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 the student's property;

OR

II. 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 a school;

OR

III. Is based on a student's actual or perceived race, color, national origin, ancestry, religion, physical or mental disability, gender, 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 that has the effect described in subparagraph (1) or (2) above. (These behaviors might also meet the criteria for harassment as defined in board policy ACAA – Harassment and Sexual Harassment of Students.)

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

I. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;

II. Behavior that is likely to harm someone by damaging or manipulating his/her/their relationships with others, including but not limited to gossip, spreading rumors, and social exclusion;

III. Non-verbal threats and/or intimidations such as use of aggressive, menacing, or disrespectful gestures;

IV. Threats of harm to a student, to his/her/their possessions, or to other individuals, whether transmitted verbally or in writing;

V. Blackmail, extortion, demands for protection money, or involuntary loans or donations;

VI. Blocking access to school property or facilities;

VII. Stealing or hiding books, backpacks, or other possessions;

VIII. Stalking; and

IX. Physical contact or injury to another person or his/her/their property.

II. “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.

Examples of conduct that may constitute cyberbullying include, but are not limited to, the following actions on any electronic medium:

I. 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;

II. 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;

III. Impersonating or representing another student through the use of that other student's electronic device or account to send email, text messages, instant messages (IM), phone calls, or other messages on a social media website;

IV. Sending email, text messages, IM, or leaving voicemail messages that are mean or threatening, or so numerous as to bombard the target's email account, IM account, or cell phone; and

V. Using a camera phone or digital video camera to take and/or send embarrassing or "sexting" photographs of other students.

II. "Retaliation" means an act or gesture against a student for asserting or alleging an act of bullying. "Retaliation" also includes knowingly falsely reporting an act of bullying.

III. "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.

IV. "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

I. This policy applies to any student, school employee, contractor, visitor, or volunteer who engages in conduct that constitutes bullying or retaliation, all of whom have the responsibility to comply with this policy.

II. 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.

Reporting

Refer to the Reporting Form JICK-El

Refer to the Flowchart JICK-E4

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

I. School staff, coaches, and advisors for extracurricular and cocurricular activities are required to report alleged incidents of bullying 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 observed or suspected alleged incidents of bullying to the building principal or school personnel designated by the superintendent.

II. 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.

III. 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.

IV. Acts of reprisal or retaliation against any person who reports an alleged incident of bullying are prohibited. Any student who is determined to have knowingly falsely accused another of bullying shall be subject to disciplinary consequences.

Responding

Refer to the Responding Form JICK-E2

The school principal or a superintendent's designee will:

I. Promptly investigate and respond to allegations of bullying behavior;

II. Keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report alleged and substantiated incidents to the superintendent;

III. 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;

IV. 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;

V. Inform parent(s) or guardian(s) of the students involved the findings of the investigation and actions to be taken;

VI. 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

Refer to the Remediation Form JICK-E3

The school principal or a superintendent's designee will:

I. Identify the specific nature(s) of the incident.

II. Apply disciplinary actions, which may include 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 bullying behavior, 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:

   I. Meeting with the student and the student's parents/guardian;

   II. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;

   III. Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option;

   IV. Counseling;

   V. Anger management;

   VI. Health counseling or intervention;

   VII. Mental health counseling;

   VIII. Participation in skills building and resolution activities, such as social-emotional or cognitive skills building, resolution circles, and restorative conferencing;

   IX. Community service; and

   X. In-school detention or suspension, which may take place during lunchtime, after school, or on weekends.

III. 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 victim, perpetrator, or other involved persons to counseling or other appropriate services.

Appeal

Notification shall be provided to parent(s), guardian(s), and students of the right to appeal a decision of a school principal or a superintendent's designee related to taking or not taking remedial action in accordance with this policy. The appeals procedure must be consistent with other appeals procedures established by the school board and may include an appeal to the superintendent.

Assignment of Responsibility

I. The School Board is responsible for:

   I. Annually providing written versions of this policy and related procedures to students, parent(s) and guardian(s), volunteers, administrators, teachers, and school staff;

   II. Posting this policy and related procedures on the school administrative unit's publicly accessible website; and

   III. Including in student handbooks a section that addresses in detail this policy and related procedures.

II. The superintendent is responsible for:

I. Oversight, implementation, and enforcement of this policy and its procedures;

II. Designating a school principal or other school personnel to administer the policies at the school level;

III. Developing a procedure for publicly identifying the superintendent's designee or designees for administering the policies at the school level;

IV. Ensuring that the prohibition on bullying and retaliation and the attendant consequences apply to any student, school employee, contractor, visitor, or volunteer who engages in conduct that constitutes bullying or retaliation;

V. Ensuring that any contractor, visitor, or volunteer who engages in bullying is barred from school grounds until the superintendent is assured that the person will comply with the policies of the school board;

VI. Ensuring that any organization affiliated with the school that authorizes or engages in bullying or retaliation forfeits permission for that organization to operate on school grounds or receive any other benefit of affiliation with the school;

VII. Providing professional development and staff training in the best practices in prevention of bullying and harassment and implementation of this policy;
[NOTE: The law requires “training and instructional materials related to the policy” be posted on the Maine Department of Education's website. See “Bullying Prevention Resources” on their website for further information]

VIII. Filing the SAU policy that addresses bullying and cyberbullying with the Maine Department of Education; and

IX. Ensuring that substantiated incidents of bullying and cyberbullying are reported to the Maine Department of Education on at least an annual basis.

Legal Reference:

- 20-A M.R.S.A. § 254 (11-A)
- 20-A M.R.S.A. § 1001(15), 6554
- Maine Public Law, Chapter 659

Cross Reference:

- AC - Nondiscrimination, Equal Opportunity and Affirmative Action
- ACAA - Harassment and Sexual Harassment of Students
- ACAA-R - Student Discrimination and Harassment and Title IX Sexual Harassment Complaint Procedure
- ACAD - Hazing
- AD - Educational Philosophy

- ADAA - School System Commitment to Standards for Ethical and Responsible Behavior
- GCI - Professional Staff Development Opportunities
- IJNDB -Student Computer and Internet Use and Internet Safety
- 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
- JRA-R - Student Education Records and Information Administrative Procedure
- KLG - Relations with Law Enforcement Authorities

Adopted:

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