

## **EAST MILLINOCKET SCHOOL BOARD POLICY**

### **BULLYING**

#### **Priority Statements**

East Millinocket School Board is committed to providing all students with a safe learning environment that is free from bullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

East Millinocket School Board expects that all members of the school community will treat each other in a civil manner and with respect for differences.

The East Millinocket School Board understands that members of certain student groups, including but not limited to race, color, religion, ancestry, national origin, sex, socioeconomic status, academic status, gender identity or expression, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics, may be more vulnerable to becoming targets of bullying, harassment, or teasing. The school or district will take specific steps to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

The East Millinocket School Board will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, curricula, instructional programs (including but not limited to Second Step Program), staff development, extracurricular activities, and parent or guardian involvement.

This Bullying Policy is a comprehensive approach to addressing bullying and cyberbullying. The East Millinocket School Board is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Policy for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The principal is responsible for the implementation and oversight of the Policy.

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, including "cyberbullying," harassment and sexual harassment are not acceptable conduct in the East Millinocket School Department and are prohibited.

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

Bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.

“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;
- 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”;  
or

**Consequences for Policy Violations****First Offense:**Disciplinary Action:

1. Principal meets with parents/guardians and student
2. Principal will notify the superintendent
3. Principle will notify the police if necessary
4. The student will attend three mentoring sessions in 30 days with a designated member of the staff
5. Parents and students report the follow up plan to the principal for monitoring to help prevent recurrence.

Consequences:

1. In school/out of school suspension for 1-5 school days; no bus privileges
2. No school related activities for 10 school days
3. Principal will consider a hearing with the school board.

Note: If student refuses to meet with his/her designated faculty member for mentoring, the principal may increase suspension time and/or send student for a hearing with the school board. Students who take part in extra and co-curricular activities will not be allowed to resume until they have begun to meet this requirement. If a student does not complete the three sessions in thirty days, they will be removed from school related activities until the requirement is met.

**Second Offense:**Disciplinary Action:

1. Principal meets with parents/guardians and student
2. Principal will notify the superintendent
3. Principle will notify the police if necessary
4. The student and parents/guardians will attend an evaluation for counseling with an outside agency
5. Parents and/or student will provide documentation proving they have attended counseling evaluation and are following recommendations set forth at that time
6. Parents/student will sign a consent form allowing the school to communicate with said counselor about the situation that led to the referral
7. Parents and students report the follow up plan to the principal for monitoring to help prevent recurrence.

Consequences:

1. In school/out of school suspension for 1-10 school days; no bus privileges
2. No school related activities for up to 25 school days
3. Principal will consider a hearing with the school board.

Note: If student refuses to meet with his/her counselor, the principal may increase suspension time and/or send student for a hearing with the school board. Students who take part in extra and co-curricular activities will not be allowed to resume until they have begun to meet this requirement.

**Third Offense:**

Out of school suspension until school board hearing for possible expulsion.

**Co/Extra-Curricular Activities**

The East Millinocket School Board favors adopting a bullying policy for those students involved in co/extra-curricular activities. Its purpose is three fold (1) to provide for the health and safety of all co/extra-curricular students: (2) to undermine peer pressure to bully by providing a legitimate reason for students to refuse to bully; and (3) to encourage co/extra-curricular students that do bully to stop.

Each student wishing to participate in any co/extra-curricular activity and the student's custodial parent or guardian shall agree in writing to the provisions of this policy .

Each student wishing to participate in any co/extra-curricular activity is subject to the policy for each year in which the student is involved in co/extra-curricular activities beginning each year from the first day that the student signs up for a Co/extra-curricular activity. Co/extra-curricular students are subject to that policy 24 hours a day, seven days a week for the school year.

Because participation in athletics and other co- curricular activities is a privilege and not a right, students are expected to abide by these regulations.

The following measures will be enforced in addition to the procedures outlined above:

First Violation

A. Seasonal Activities

Participants will lose participation for 10 school days. Students will be eligible for tryouts for the following season and must follow teams' attendance requirements. Students will participate in practices, but are not allowed to attend games as a team member. They will not suit up but, will sit on the bench for home games. The students are not allowed to accompany the team to an away game. Principal shall notify the student's parents of removal from activity.

B. Yearly Activities

Participants will lose participation for 10 school days. Band and Chorus participants will lose participation in activities that take place outside of scheduled Band or Chorus classes held at the school. Principal shall notify the student's parents of removal from activity.

Note: Students will not be permitted to regain full involvement in school activities until they have met with and been mentored by a designated member of the staff.

Second Violation

All participants would be ineligible to participate in any co/extra-curricular activity for up to 25 school days. Principal will notify the student's parents of removal from activity.

#### Third Violation

All participants would be ineligible to participate in any co/extra-curricular activity for the rest of the school year. Principal will notify the student's parents of removal from activity.

#### Due Process

1. It shall be the Principal's responsibility in the respective schools for the fair enforcement and administration of this policy. The Principal may take whatever steps deemed necessary to investigate reported violations. Principal shall notify parents and may seek assistance from the Superintendent. Whether or not the Principal seeks assistance from the Superintendent, the Principal shall keep the Superintendent informed of (1) any reported violations (2) the progress on any investigations and (3) the results – including any punishment – of any investigations.
2. The Superintendent shall be responsible for supervising the Principals in the completion of their responsibilities. The Superintendent is responsible for insuring continuity and compliance with all School Board policies and regulations relating to bullying (involvement of DHS, law enforcement, media, etc.....).
3. All staff/coaches/advisors/volunteers shall report any violations of this policy to the principal and superintendent immediately utilizing the Bullying Report Form NEPN/NSBA Code: JICK-E1.
4. When investigating a report of bullying, the principal will use the Department Bullying Investigation Form NEPN/NSBA Code: JICK-E2. If it is determined that a bullying incident has taken place, the principal will use the Documentation of Disciplinary and Remedial Actions Taken Form NEPN/NSBA Code: JICK-E3.
5. 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.
6. The Superintendent's decision shall be final.

#### **Students**

The Board is aware that students with disabilities are more likely to be the target of bullying. Bullying prevention strategies specific to the needs of that student and a plan for developing skills and proficiencies to help the student avoid and respond to bullying will be stated in the IEP to ensure the safety of the student.

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.

Regarding behaviors or situations not deemed bullying, but still requiring some action, please refer to existing policies JIC-Student Code of Conduct, JK-Student Discipline, JKD-Suspension of Students, and JKE-Expulsion of Students.

### **School Employees and Others**

Board members, 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**

**East Millinocket School Department** will provide professional development and staff training in bullying prevention and response annually.

Training will also be provided for members of the staff chosen to mentor students who have violated the bullying policy.

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

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