

## **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,” is not acceptable conduct in the **South Portland** School Department and is 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.

### **Definition of Bullying**

“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:
  - 1. 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

2. 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 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**

The South Portland 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 of 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/procedures 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  
 ADF - School District Commitment to Learning Results  
 CHCAA - Student Handbooks  
 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

Adopted: January 14, 2013

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