

**WINSLOW PUBLIC SCHOOLS  
25 MESSALONSKEE AVENUE  
WATERVILLE, ME 04901  
BULLYING**

The Board believes that bullying, including cyber bullying, 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 “cyber bullying,” is not acceptable conduct in Winslow Public Schools 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 “cyber bullying” 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.

### **Cyber bullying**

"Cyber bullying" 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.

### **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 excluded 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**

Winslow Public Schools will provide professional development and staff training in bullying prevention and response.

## **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/legal guardians, 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.

**ADOPTED:** January 28, 2013

**REAFFIRMATION:** October 24, 2016

**SOURCE:** Board Policy

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**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 terms are defined in Maine law (20-A MRSA § 6554):

**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.

**Cyber bullying**

“Cyber bullying” 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.

For the purpose of this policy, bullying does not mean mere teasing, put-downs, "talking trash," trading of insults, or similar interactions among friends, nor does it include expression of ideas or beliefs so long as such expression is not lewd, profane or does not interfere with students' opportunity to learn, the instructional program or the operations of the schools. This does not preclude teachers or school administrators from setting and enforcing rules for civility, courtesy and/or responsible behavior in the classroom and the school environment.

The determination whether particular conduct constitutes bullying requires reasonable consideration of the circumstances, which include the frequency of the behavior at issue, the location in which the behavior occurs, the ages and maturity of the students involved, the activity or context in which the conduct occurs, and the nature and severity of the conduct.

### **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 (i.e., the making of false allegations or reports of bullying).

### **School Grounds**

"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.

### **Alternative Discipline**

"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.

### **Bullying Reports**

#### **Students and Parents/Legal Guardians**

Students who believe they have been bullied, or who have witnessed or learned about an act of bullying should report this behavior to the building principal/designee.

Parents/legal guardians may report bullying on behalf of their children or when they have witnessed or are aware of the occurrence of bullying.

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.

#### **School Employees**

For the purposes of this procedure, "school employees" includes coaches, advisors for co-curricular or extracurricular activities and volunteers.

All school employees are expected to intervene when they see acts of bullying in progress and are required to report incidents of bullying they have witnessed or become aware of to the building principal/designee as soon as practicable.

School employees who fail to report bullying or who have made a false report of bullying will be subject to disciplinary consequences up to and including termination, in accordance with any applicable collective bargaining agreement.

### **Others**

Contractors, service providers, visitors or community members who have witnessed or become aware of bullying are encouraged to report such incidents to the building principal/designee.

### **Form of Reports**

Complaints or reports of bullying may be made orally or in writing, but all reports will be documented 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/designee in writing. Although students, parents/legal guardian 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 will forward a copy of the report to the Superintendent by the end of the next school day.

### **Interim Measures**

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/legal guardian of the targeted student of measures taken.

### **Investigation**

The principal/designee 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 forwarded to the Superintendent within a reasonable period of time.

### **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.

Alternative discipline includes but is not limited to:

- A. Meeting with the student and the student's parents/legal guardian;
- B. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
- C. Mediation when there is mutual conflict between peers, rather than one-way negative behavior, and when both parties freely choose to meet;

- D. Counseling;
- E. Anger management;
- F. Health counseling or intervention;
- G. Mental health counseling;
- H. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
- I. Community service; and
- J. In-school detention or suspension, which may take place during lunchtime, after school or on weekends.

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 provide written notification to:

- A. The parents/legal guardians of the targeted student, including the measures being taken to ensure the student's safety; and to
- B. The parents/legal guardians 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/legal guardian 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.

October 24, 2016

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Name of complainant/reporter (by law, reports may be anonymous): \_\_\_\_\_

Status of reporter: Student Parent/Legal Guardian School employee/coach/advisor Other \_\_\_\_\_

Contact information for reporter (if reporter is student, contact information for parent/guardian): Phone: \_\_\_\_\_  
Cell phone: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_

Name of alleged target(s): \_\_\_\_\_

Name of alleged bully(ies): \_\_\_\_\_

Relationship between alleged target/bully(ies): \_\_\_\_\_

Time(s) and location(s) of alleged incident(s): \_\_\_\_\_

Names of witnesses: \_\_\_\_\_

Description of incident(s) (attached additional pages if more space is needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree that the information on this form is accurate and true to the best of my knowledge and belief.

\_\_\_\_\_  
Signature of complainant/reporter

Date: \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Position/title: \_\_\_\_\_

Copy to building principal: Date: \_\_\_\_\_

Copy to Superintendent: Date: \_\_\_\_\_

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Date: \_\_\_\_\_

1. Name of person investigating alleged incident(s): \_\_\_\_\_  
Position/title of investigator: \_\_\_\_\_  
Name of complainant/person reporting bullying: \_\_\_\_\_  
Name(s) of alleged target(s): \_\_\_\_\_  
Complainant/reporter is (circle one): Student Parent/Legal Guardian School employee  
Coach/advisor Volunteer Other \_\_\_\_\_  
Name(s) of alleged bully(ies): \_\_\_\_\_  
Name(s) of potential witnesses: \_\_\_\_\_

2. Relationship between alleged target(s)/bully(ies): \_\_\_\_\_

3. Did the alleged incident(s) occur (check one or more):  
\_\_\_\_\_ on school property (including a school bus)  
\_\_\_\_\_ at a school sponsored activity  
\_\_\_\_\_ through use of technology  
\_\_\_\_\_ elsewhere

Time and location(s) of incident(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Is this a first time occurrence or has the same or similar occurred previously?

5. Interview of complainant/reporter's, description of alleged incident(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Interview of alleged bully(ies): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Name(s) of potential witnesses, if any: \_\_\_\_\_

8. Witnesses interviewed and summary of witness information provided:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Further evidence of bullying (videos, photos, email, letters, etc.):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Is the alleged bullying substantiated, i.e., does the alleged conduct meet the definition of bullying as articulated in Board policy? Yes No

11. Nature of harm incurred:  
 Physical harm to student or damage to student's property  
 Student's reasonable fear of physical harm or damage to property  
 Infringement of student's rights at school

12. Conduct resulting in harm (in item 11 above) is on the basis of:

- National origin/ancestry/ethnicity
- Religion
- Physical, mental, emotional or learning disability
- Sexual orientation
- Gender/gender identity/expression
- Age
- Socioeconomic status
- Family status
- Physical appearance
- Weight
- Other distinguishing personal characteristics

12. Summary of investigation/Explanation of findings:

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13. Recommended disposition and/or recommended disciplinary action (including alternative discipline, support for targeted student, other intervention/referral)

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14. Recommendation of report to law enforcement? Yes No

- Potential criminal violation
- Potential civil rights violation

Signature of investigator: \_\_\_\_\_

If investigator is not building principal, copy to principal on [\_\_\_\_\_]

Date

Copy to Superintendent on [\_\_\_\_\_]

Date

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\_\_\_ Notification of law enforcement authorities, if warranted (if any question, principal should consult with Superintendent first)

Date: \_\_\_ Reported to: \_\_\_\_\_

\_\_\_ In school suspension

\_\_\_ Out of school suspension

\_\_\_ Recommendation for expulsion

\_\_\_ Alternative discipline/restorative justice (describe): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**[OPTIONAL: FORM MAY INCLUDE AS A CHECKLIST THE LIST OF ALTERNATIVE DISCIPLINE TECHNIQUES IDENTIFIED IN 20-A MRSA § 6552(2)(A) IN ADDITION TO, OR AS AN ALTERNATIVE TO, LINES PROVIDED FOR DESCRIPTION OF TECHNIQUES TO BE EMPLOYED. EITHER WAY, WE SUGGEST LEAVING SPACE AVAILABLE FOR "OTHER" METHODS.]**

\_\_\_ Other intervention: \_\_\_\_\_

\_\_\_ Support for targeted student: \_\_\_\_\_

\_\_\_ Counseling/referral to services (targeted student), if suitable

\_\_\_ Counseling/referral to services (bully), if suitable

\_\_\_ If bully is school employee or administrator, recommendation for action to be taken by Superintendent (any action must be consistent with collective bargaining agreement or individual contract).

\_\_\_ If bullying by other person (e.g., volunteer, visitor, contractor), action taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_ If bullying by school-affiliated organization, action taken: \_\_\_\_\_

\_\_\_\_\_

WRITTEN NOTIFICATION TO PARENTS/LEGALGUARDIANS OF TARGETED STUDENT, INCLUDING MEASURES BEING TAKEN TO ENSURE STUDENT'S SAFETY:

Date: \_\_\_ By: \_\_\_\_\_ (Attach copy of notification here)

WRITTEN NOTIFICATION TO PARENTS/LEGAL GUARDIAN OF STUDENT FOUND TO HAVE ENGAGED IN BULLYING BEHAVIOR, INCLUDING PROCESS FOR APPEAL:

Date: \_\_\_\_\_ By: \_\_\_\_\_ (Attach copy of notification here)

**[IMPORTANT: ALL NOTIFICATIONS MUST RESPECT CONFIDENTIALITY OF STUDENT AND EMPLOYEE INFORMATION AS PROVIDED BY FEDERAL AND MAINE LAW AND REGULATIONS.]**

Signature of building principal: \_\_\_\_\_ Date: \_\_\_\_\_

Copy sent to Superintendent on [ \_\_\_\_\_ ]  
Date

**DOCUMENTATION OF APPEALS OF PRINCIPAL'S DECISION**

Date appeal submitted: \_\_\_\_\_

**All appeals to the Superintendent must be submitted, in writing, within 14 [OR: \_\_\_\_] calendar days of the building principal's decision, to the Superintendent's Office.**

**ACTIONS TAKEN BY SUPERINTENDENT**

\_\_\_\_ Recommendation to Board for student expulsion

\_\_\_\_ Action taken against employee: (If confidential employment action, in personnel file)

\_\_\_\_ Recommendation to Board for suspension/revocation of sanctioning/approval of school-affiliated organization

\_\_\_\_ Action on appeal of principal's decision: \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

October 24, 2016