

**MAINE SCHOOL OF SCIENCE AND MATHEMATICS  
(MSSM)**

**BULLYING AND CYBERBULLYING**

**I. Introduction**

All students have the right to attend public schools that are safe and secure learning environments. It is the intent of the Maine School of Science and Mathematics (MSSM) Board of Trustees 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 is detrimental to the School environment and student learning, achievement, and well-being. It interferes with the mission of MSSM to educate our students and disrupts the operation of the School. Bullying affects not only students who are targets, but also those who participate 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 MSSM, and the operation of the School.

**II. Prohibited Behavior**

The following behaviors are prohibited:

1. Bullying;
2. Cyber bullying;
3. Harassment and sexual harassment (as defined in policy ACAA);
4. Retaliation against those reporting such defined behaviors; and
5. Knowing and false accusations of bullying behavior.

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

**III. Bullying and Cyber Bullying Defined**

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:

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- (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;
  
- (2) Interferes with the rights of a student by:
  - (a) Creating an intimidating or hostile educational or residential environment for the student; or,
  - (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, 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 policy ACA: Harassment and Sexual Harassment of Students.)

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

1. Repeated or pervasive taunting, name-calling, belittling, mocking, put-downs, or demeaning humor;
2. Behavior that is intended to harm someone by damaging or manipulating his or her relationships with others, including but not limited to gossip, spreading rumors, and social exclusion;
3. Non-verbal threats and/or intimidations such as use of aggressive, menacing, or disrespectful gestures;
4. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally or in writing;
5. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
6. Blocking access to School property or facilities;
7. Stealing or hiding books, backpacks, or other possessions;
8. Stalking; and
9. Physical contact or injury to another person or his/her property.

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- B. “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.

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

1. Posting slurs or rumors or displaying any defamatory, inaccurate, disparaging, violent, abusive, profane, or sexually oriented material about a student on a website or other online application;
2. 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 target;
3. Impersonating or representing another student through use of that other student’s electronic device or account to send e-mail, text messages, instant messages (IMs), or phone calls;
4. Sending e-mail, text messages, IMs, or leaving voice mail messages that are mean or threatening, or so numerous as to bombard the target’s e-mail account, IM account, or cell phone; and
5. Using a camera phone or digital video camera to take and/or send embarrassing or “sexting” photographs of other students.

- C. “Retaliation” means an act or gesture against a student for asserting or alleging an act of bullying. “Retaliation” also includes reporting an act of bullying when it is not made in good faith.

- D. “Substantiated” means that the outcomes of the investigation on the Responding Form provide clear evidence to prove that bullying or cyberbullying, as defined in policy, did occur.

- 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.

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**IV. Application of Policy**

- A. 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.
- B. This policy applies to bullying that:
  - 1. Takes place at School or on School grounds, meaning: dormitories, 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 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.

**V. Reporting**

- A. Bullying or suspected bullying is reportable in-person or in writing (including anonymously) to School personnel.
- B. School staff, coaches, and advisors for extracurricular and co-curricular activities are required to report incidents of bullying to the Executive Director or other School personnel designated by the Executive Director.
- C. Students who have been bullied or are aware of incidents of bullying are strongly encouraged to report this behavior to a staff member or School administrator.
- D. Parents and other adults who are aware of incidents of bullying are encouraged to report this behavior to a staff member or School administrator.

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

**VI. Responding**

The Executive Director or designee will:

- A. Promptly investigate and respond to allegations of bullying behavior;
- B. Keep written documentation of all allegations of bullying behavior and outcomes of the investigations, and report substantiated incidents to the Executive Director;
- C. Apply disciplinary actions, which may include but are not limited to, imposing a series of graduated consequences and 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. Disciplinary action includes, but is not limited to:
  - 1. Meeting with the student and the student's parents;
  - 2. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
  - 3. Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option;
  - 4. Counseling;
  - 5. Anger management;
  - 6. Health counseling or intervention;
  - 7. Mental health counseling;
  - 8. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
  - 9. Community service;
  - 10. Restriction;
  - 11. Suspension;
  - 12. Dismissal; and
  - 13. Expulsion.
- D. 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

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referring the victim, perpetrator, or other involved persons to counseling or other appropriate services;

- E. Communicate to the parent of a student who has been bullied the measures being taken to ensure the safety of the student who has been bullied and to prevent further acts of bullying;
- F. Communicate with a local or state law enforcement agency if the Executive Director or designee believes that the pursuit of criminal charges or a civil action under the Maine Civil Rights Act may be appropriate; and
- G. Notify parents, guardians, and students of the right to appeal a decision of the Executive Director or designee related to taking or not taking disciplinary 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 Executive Director.

**VII. Remediation**

The Executive Director or designee will:

- A. Identify the specific nature(s) of the incident.
- B. 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:
  - 1. Meeting with the student and the student's parents/guardian;
  - 2. Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
  - 3. Mediation, but only when there is mutual conflict between peers, rather than one-way negative behavior, and both parties voluntarily choose this option;
  - 4. Counseling;
  - 5. Anger management;
  - 6. Health counseling or intervention;
  - 7. Mental health counseling;
  - 8. Participation in skills building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
  - 9. Community service; and

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

C. 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.

**VIII. Appeal**

An appeal against the resolution of the complaint can be made to the Executive Director by a student who has reached the age of majority, or the parents/legal guardians of a student, consequent upon prejudicial procedural errors or discovery of new evidence. The Executive Director shall review the investigation report and may conduct further investigation if deemed appropriate. The Executive Director's decision shall be final. Should the complaint be against the Executive Director, the appeal shall be filed with the chair of the Board of Trustees.

**IX. Assignment of Responsibility**

The Board of Trustees is responsible for:

- A. Annually providing written versions of this policy and related procedures to students, parents, volunteers, administrators, teachers, and school staff.
- B. Posting this policy and related procedures on MSSM's publicly accessible website.
- C. Including in student handbooks a section that addresses in detail this policy and related procedures.

The Executive Director is responsible for:

- A. Oversight, implementation, and enforcement of this policy.
- B. Designating School personnel to administer the policies;
- C. Developing a procedure for publicly identifying the Executive Director's designee or designees for administering policies;

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- D. Developing procedures to implement the requirements for reporting and responding to bullying under sections V and VI of this policy or delegating that responsibility to designees.
- E. Ensuring that any contractor, visitor, or volunteer who engages in bullying is barred from School grounds until the Executive Director is assured that the person will comply with the policies of the School board; and
- F. 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;
- G. Providing professional development and staff training in the best practices in prevention of bullying and harassment and implementation of this policy;
- H. Filing the School policies to address bullying and cyberbullying with the Department of Education.

Cross Reference: ACAA

Implemented: July 3, 2019

1<sup>st</sup> Reading: September 28, 2019

2<sup>nd</sup> Reading: