

File JICK: Student Protection From Bullying

Harpwell Coastal Academy is committed to providing a safe, orderly and respectful school environment that is conducive to teaching and learning, where every student is entitled to respect from all other members of the school community. Harpswell Coastal Academy also believes that promoting ethical and responsible behavior is an essential component of its mission to develop "critical thinkers and creative contributors to our society." Consequently, Harpswell Coastal Academy seeks to prevent and prohibit harassing and bullying behaviors. At the same time Harpswell Coastal Academy wishes to encourage the free expression of ideas and student engagement in civil debate. Such activities may include the expression of ideas that offend the sensibilities of others. However, Harpswell Coastal Academy does not condone and will take action in response to conduct that interferes with a student's opportunity to learn, the educational mission and operation of the schools, or a safe and respectful school environment. Thus, all District staff have a responsibility to set and enforce rules for civility, courtesy and responsible behavior. This policy applies to bullying that takes place at school, on school grounds, at school-sponsored activities or while being transported to and from school or such activities. It applies also to bullying that occurs at any other time or place that substantially disrupts instruction, school operations or the welfare of students.

Bullying, as defined by this policy, means any physical act or gesture, or any verbal, written or electronically-communicated expression that a responsible person should expect would (1) physically harm a student or damage a student's property, (2) place a student in reasonable fear of physical harm or damage to his/her property, or (3) substantially disrupt the instructional program or the orderly operations of the school. Such behaviors are so severe, persistent or pervasive that they create a hostile, intimidating educational environment for the student who is bullied.

Bullying and harassment are similar behaviors. Harpswell Coastal Academy's harassment policy prohibits behaviors of intimidation, ridicule and hostility based upon an individual's race, gender, color, ancestry or national origin, marital status, age, handicap, sexual orientation, religion or other personal characteristics. (See policy ACAA.) This bullying policy addresses similar behaviors that do not necessarily arise from a discrimination based on these factors.

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

A. Physical contact or injury to another person or his/her property;

- B. Threats of harm to a student, to his/her possessions, or to other individuals, whether transmitted verbally, in writing, or through cyberspace;
- C. Blackmail, extortion, demands for protection money, or involuntary loans or donations;
- D. Non-verbal threats and/or intimidations such as use of aggressive or menacing gestures;
- E. Stalking;
- F. Blocking access to school property or facilities;
- G. Stealing or hiding books, backpacks, or other possessions
- H. Repeated (frequency) or pervasive (intensity) taunting, teasing, name-calling, belittling, mocking, put-downs, or demeaning humor relating to a student's race, color, ethnicity, gender, sexual orientation, ancestry, religion, disability or other personal characteristics (whether perceived or real) that could reasonably be expected to result in disruption of the instructional program or operations of the schools, or that results in a hostile educational environment for the student.

Communication

Notice of what constitutes bullying, discrimination and harassment, the Board's prohibition of these behaviors, reporting procedures and the consequences for students shall be communicated to students, parents and staff through the student code of conduct, and student and staff handbooks. For questions concerning this policy, see BFC-Policy on Policies.

Prevention Education

Each school within Harpswell Coastal Academy will develop a comprehensive school plan that includes:

1. Alignment of the plan with the school vision and mission

2. A school assessment of climate, culture and behavior
3. Staff training and technical assistance
4. Educational curriculum and environmental supports that reflect current best practice recommendations
5. Annual evaluation

Reporting

Any member of the school community (student or staff) who believes he/she is being bullied, discriminated against or harassed should report this concern promptly. Students who observe incidents of bullying are encouraged to report them to school personnel. Parents or guardians whose children report complaints to them of being bullied, harassed or discriminated against at school should contact a school administrator. School staff will report possible incidents to administration. Acts of reprisal or retaliation against any person who reports an incident of bullying or harassment, or discrimination are prohibited and subject to disciplinary action, up to and including expulsion or dismissal.

In cases of alleged discrimination, harassment or sexual harassment or extreme bullying, school administration will promptly inform the Superintendent of schools and the person(s) who is the subject of the complaint that the complaint has been received. The first level of resolution is at the school, where the complaint can be resolved through an agreement of the parties involved. This resolution is subject to the approval of the Superintendent who shall consider whether it is in the best interest of the parties and the school based on the particular circumstances and applicable policies and laws.

The Superintendent may choose to investigate the complaint or assign another investigator in his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the Chair of the School Board, who should consult with legal counsel concerning the handling and investigation of the complaint.

Students who feel that they are being harassed or discriminated against also have the right to report complaints to the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333 (207-624-6050) and/or to the federal office for Civil Rights,

U. S Department of Education, SW McCormack POCH Room 222, Boston, MA
02109-4557 (617-223-9622).

Response and Complaint Procedure

In determining the appropriate response to bullying, harassment and discrimination, administration should consider the ages and maturity of students involved, the types of behaviors and their context, and other relevant circumstances. The response to reported incidents may range from positive behavioral interventions to disciplinary actions up to and including suspension, expulsion and/or reports to law enforcement officials.

For purposes of this procedure:

A. "Complaint" is defined as an allegation that a student has been bullied, discriminated against or harassed or sexually harassed. "Discrimination" or "harassment" means these acts were committed on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin, or disability.

1. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation.
2. If the complaint is against an employee of the school unit, any applicable individual or collective bargaining contract provisions shall be followed.
3. Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.
4. The administrator or designee serving as investigator shall keep a written record of the investigation process.
5. School and District administration may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
6. School administration shall consult with the Superintendent concerning the investigation, conclusions, and any remedial and/or disciplinary actions.
7. The investigation shall be completed within 21 business days of receiving the complaint, if practicable.

B. If the school administrator or designee determines that discrimination or harassment occurred, he/she shall, in consultation with the Superintendent:

1. Determine what remedial action is required, if any;
2. Determine what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; and
3. Inform the student who made the complaint in writing of the results of the investigation and its resolution (in accordance with applicable state and federal privacy laws).

C. If the student's parents/legal guardians are dissatisfied with the resolution, an appeal may be made in writing to the Superintendent within 14 business days after receiving notice of the resolution. The Superintendent shall review the investigation report and may conduct further investigation if deemed appropriate.

D. If the student's parents/legal guardians are dissatisfied with the decision of the Superintendent in cases where continued enrollment in school is in jeopardy as a result of the resolution, an appeal may be submitted in writing within 14 business days after receiving notice of the decision. The Board will consider the appeal in executive session, to the extent permitted by Law, at its next regular meeting or a special meeting. The Superintendent shall submit the investigation report and any other witnesses or documents that he/she believes will be helpful to the Board. The student, his/her parents/legal guardians and his/her representative shall be allowed to be heard. The person(s) against whom the complaint was made shall be invited and allowed to be heard. The Board's decision shall be final.

E. Intervention

Assessment of Needs: Students who are involved in unacceptable behavior, both those doing the behavior and those receiving the actions, will be assessed by school administrators to determine if referral to school counseling is appropriate.

Based on the results of student assessment(s), students will be connected with available school services and programs or referred to community resources. School resources include but are not limited to: Student Assistance Teams; school counseling for youth who are in need; interventions for youth who are in need, such as Restorative Practices.

Legal Reference: Americans with Disabilities Act (28 CFR § 35.07)
Section 504 of the Vocational Rehabilitation Act (34 CFR § 104.7)
Title IX of the Education Amendments of 1972 (20 SC § 1681 et seq.)
Title VI of the Civil Rights Act of 1964 (PL 88-352)
20 USC § 1232g;
34 CFR Part 99
5 MRSA §§ 4571; 4602; 4681 et seq.
20-A MRSA §§ 6001 et seq.
20-A M.R.S.A. § 1001 (15) (H)
P.L. 2005, Ch. 307 § 4-5