5517.01 - POLICY AGAINST BULLYING AND HARASSMENT

Statement Prohibiting Bullying and Harassment

It is the policy of the School Board that all of its students, employees, and volunteers learn and work in an environment that is safe, secure, and free from harassment and bullying of any kind. The Board will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited. This policy shall be interpreted and applied consistently with all applicable State and Federal laws and the Board's collective bargaining agreements. Conduct that constitutes bullying, harassment, or discrimination, as defined herein and in F.S. 1006.147, is prohibited.

Definition of Bullying and Definition of Harassment

"Bullying" includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees and may involve but is not limited to:

A. teasing

B. social exclusion

C. threat

D. intimidation

E. stalking, including cyberstalking as defined herein

F. physical violence

G. theft

H. sexual, religious, or racial harassment

I. public or private humiliation

J. destruction of property

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or employee that:

A. places a student or employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits;

C. has the effect of substantially disrupting the orderly operation of a school.

"Bullying" and **"~~harassment~~Harassment"** also ~~encompasses~~encompass:

A. Retaliation against a student or employee by another student or employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

B. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:

1. incitement or coercion;

2. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system;

3. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

"Cyberbullying" means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

"Cyberstalking" which is defined as engaging in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. (see F.S. 784.048(1)(d))

In addition, "bullying", "cyberstalking", and "harassment" (hereinafter referred to as "bullying" for the purpose of this policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background, or being viewed as different in its education programs or admissions to education programs and, therefore, prohibits bullying of any student or employee by any Board member, Board employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, at a school bus stop, and at training facilities or training programs sponsored by the District. For acts of harassment against Federally identified protected categories, and acts of harassment, including sexual harassment, which do not meet the definition of bullying, refer to Board Policy 1362, Policy 3362, Policy 4362, and Policy 5517.

Description of the Type of Behavior Expected from Each Student and Employee

The Board expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities, and expects students and employees to conduct themselves appropriately with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, including obeying and responding to those who hold lawful authority, as well as for District and community property on the part of students, staff, and community members. Since students

learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment or bullying.

The Board upholds that bullying of any student or employee is prohibited:

A. during any education program or activity conducted by a District school;

B. during any school-related or school-sponsored program or activity;

C. on a school bus or at a school bus stop; or

D. through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the District school system. "Within the scope of the District school system" ~~[RJ1]~~means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity.

E. through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the ~~victim's~~victimized person's[RJ2] ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially[RJ3][SK4] disrupts the education process or orderly operation of a school. This paragraph does not require a school ~~to~~or staff ~~or~~to monitor any non-school-related activity, function, or program.

Student rights shall be as outlined in this policy and in the Code of Student Conduct. To positively reinforce good conduct, self-discipline, good citizenship, and academic success, the Superintendent shall continue and, as needed, expand the District's student recognition programs and publicly congratulate students exhibiting exemplary qualities in these areas.

Consequences for a Student or Employee who Commits an Act of Bullying or Harassment

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct. Consequences and appropriate remedial action for an employee found to have committed an act of bullying or harassment may be disciplined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See State Board of Education Rule F.A.C. 6B-1.006, The Principles of Professional Conduct of the Education Profession in Florida.) Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences for a Student or Employee who is Found to have Wrongfully and Intentionally Accused Another of an Act of Bullying or Harassment

Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct. Consequences and appropriate remedial action for an employee found to have wrongfully and intentionally accused another

as a means of bullying or harassment may be disciplined in accordance with District policies, procedures, and agreements. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials. Accusations made in good faith, even though subsequently determined to be false, shall not be subject to discipline, consequences, or remedial action as called for by this section.

~~Reporting~~ Procedure for Receiving Reports of an Alleged Act of Bullying or Harassment~~,~~ Including, Provisions ~~for Anonymous Reporting~~that Permit a Person to Anonymously Report Such an Act.

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school-based employees are required to report alleged violations of this policy to the principal or the principal's designee. Other employees are required to report alleged violations of this policy to their supervisor. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying may be filed either in-person or anonymously and how this report will be acted upon. The person who was the victim of bullying, anyone who witnessed the act of bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying. An employee, school volunteer, student, parent/legal guardian or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate official and who makes this report in compliance with the procedures set forth in District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Investigation of Whether a Reported Act of Bullying or Harassment is Within the Scope of the District School System and, if not, Referral of such an Act to the Appropriate Jurisdiction

A principal or designee will assign a designee(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.

The trained designee(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District and will act according to the following protocols:

A. If it is within the scope of the District, further investigation will commence in accordance with *Prompt Investigation of a Report of Bullying or Harassment and the Persons Responsible for the Investigation* below.

B. If it is outside scope of the District, and reasonably suspected to be a criminal act, refer to appropriate law enforcement, and inform parents/legal guardians of all students involved.

C. If it is outside scope of the District, and determined not a criminal act, inform parents/legal guardians of all students involved.

Prompt Investigation of a Report of Bullying or Harassment and the Persons Responsible for the Investigation

The investigation of a reported act of bullying or harassment is deemed to be a site-related activity and begins with a report of such an act.

At each school or site in the District, the procedures for investigating bullying and/or harassment include:

A. The principal/site administrator or designee selects a designee(s), employed by the School District, trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (~~harasser~~person who harassed or ~~bully~~bullied) or ~~victim~~the victimized.

B. Each individual (~~victim~~the person who was victimized, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and ~~victim~~the person who was victimized be interviewed together.

C. The investigator shall collect and evaluate the facts including, but not limited to:

1. description of incident including nature of the behavior; context in which the alleged incident occurred, etc.;

2. how often the conduct occurred;

3. whether there were past incidents or past continuing patterns of behavior;

4. the relationship between the parties involved;

5. the characteristics of parties involved (i.e., grade, age, etc.);

6. the identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to bullying or harassment;

7. the number of alleged ~~bullies/harassers~~person(s) who bullied/harassed;

8. the age(s) of the alleged ~~bullies/harassers~~person(s) who bullied/harassed;

9. where the act of bullying and/or harassment occurred; and

10. whether the conduct adversely affected the ~~student victim's~~ education or educational environment of the student who was victimized or the ~~employee victim's~~ work environment~~.~~ of the employee who was victimized.

D. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:

1. recommended remedial steps necessary to stop the bullying and/or harassing behavior;

2. a written final report to the principal/site administrator.

Where the ~~victim~~person who was victimized is a student, according to the severity of the infraction, the principal or designee shall promptly notify the parent/legal guardian of the ~~victim~~student who was

victimized of any actions being taken to protect the ~~victim~~victimized. The frequency of notification will depend on the severity of the bullying incident.

Where the ~~victim~~person who was victimized is not a student, the principal's or designee's report will be made to the ~~employee victim's~~ supervisor of the employee who was victimized and the same process described above will be followed if the alleged bullying or harassment was not alleged to occur at a school, but another District site.

The initial filing of incidents and completion of the investigative procedural steps shall be completed within ten (10) school days, unless circumstances require a longer period, in which case it shall be completed within a reasonable time.

Determination of Disciplinary Sanctions or Consequences and Due Processes for a Person who Commits an Act of Bullying Under this Policy

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the District.

Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension, reassignment, or expulsion as outlined in the Student Code of Conduct.

Consequences and appropriate interventions for a school/District employee found to have committed an act of bullying will be instituted in accordance with Board policy. Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's State issued certificate (Rule F.A.C. 6B-1.006).

Consequences and appropriate intervention for a visitor or volunteer, found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

These same actions will apply to persons, whether they be students, school employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.

If a complaint of bullying or harassment is made by the alleged ~~victim~~person who was victimized during or after the commencement of an investigation into employee or student misconduct, it shall not be a defense to the allegations of employee or student misconduct but may be considered as a mitigating factor under Board policy, if appropriate.

Providing Immediate Notification to the Parents/Legal Guardians of a Victimized Student ~~Victim~~ of Bullying or Harassment and the Parents/Legal Guardians of the Student Perpetrator of an Act of Bullying or Harassment as well as Notification to all Local Agencies Where Criminal Charges may be Pursued Against the Perpetrator

The principal, or designee, shall report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Once the investigation has been completed, appropriate local law enforcement agencies will be notified to determine whether to pursue criminal charges.

Referral of ~~Victims~~the Victimized and Perpetrators of Bullying or Harassment for Counseling

The Superintendent shall establish a procedure to refer ~~victims and perpetrators~~the victimized and the alleged perpetrator of bullying or harassment for counseling, including a protocol for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure shall include:

A. a process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included);

B. a referral process to provide professional assistance or services that include:

1. a process by which school personnel or parent/legal guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services; (Parent or legal guardian involvement is required at this point.)

2. if a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions; (Parent or legal guardian involvement is required at this point.)

3. referral of school personnel to the Employee Assistance Program;

C. a school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:

1. counseling and support to address the needs of the ~~victims~~victimized of bullying or harassment;

2. interventions to address the behavior of the students who ~~bully~~use bullying behaviors and harass others (e.g., empathy training, anger management);

3. intervention which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

Providing Instruction to Students, Parents/Legal Guardians, Teachers, School Administrators, Counseling Staff, and School Volunteers on Identifying, Preventing, and Responding to Bullying or Harassment

The Board seeks to ensure that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.

Training

The School District will conduct training for students, parents, teachers, regional/District staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, and school volunteers on identifying, preventing, and responding to bullying. At the beginning of each school year, the school principal/designee and/or appropriate regional/District administrator shall provide notice of this policy, as well as the process for reporting incidents, investigation, and appeal to students, school staff, parents, or other persons responsible for the welfare of a student through appropriate references in the Student Code of Conduct, the school website, and/or through other reasonable means.

Approved Evidence-Based Programs and Curriculum that are authorized to provide intentional[RJ5] instruction to students, parents/legal guardians[RJ6], teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying or harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventative action based on those observations:

- Olweus Bullying Prevention Program (OBPP) Grades K-12
- Second Step Program (Bullying Prevention) Unit Grades K-5
- Monique Burr Foundations for Children, Inc.'s Child Safety Matters (Bullying Prevention) Grades K-5
- Creating a Safe and Respectful Environment in Our Nation's Classrooms (For teachers) Grades K-12
- Creating a Safe and Respectful Environment on Our Nation's School Buses (For bus drivers) Grades K-12

The below approved websites offer resources to be used in conjunction with the approved Evidence-Based Programs and Curriculum listed above.

- Common Sense Media K-12
  - https://www.commonsensemedia.org/parent-concerns
  - https://www.commonsensemedia.org/educators
- Florida Department of Education
  - http://fldoe.org/schools/safe-healthy-schools/safe-schools/bullying-prevention.stml
- Office of the Attorney General of Florida - Safe Florida
  - http://www.safeflorida.net/
- U.S. Department of Health and Human - Services Stop Bullying
  - http://www.stopbullying.gov/

Decisions to include additional Evidence-Based Instructional Programs or Activities, not previously listed within the policy, will be made on a case-by-case basis to be determined by the Superintendent and/or appropriate school district staff.

Regularly Reporting to ~~a Victim's~~the Parents/Legal Guardians of the Victimized and the Actions Taken to Protect the ~~Victim~~Victimized

According to the level of infraction, parents/legal guardians will be notified of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Incident Reporting Requirements

The procedure for including incidents of bullying in the school's report of data concerning school safety and discipline data is required under F.S. 1006.09(6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions, and referrals. In a separate section, the report must include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding said incident.

The School District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.

Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system as with other infractions from the Code of Student Conduct.

Publication of the Policy, Including Publication in the Code of Student Conduct and in All Employee Handbooks

At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy. The Superintendent shall also make all contractors contracting with the District aware of this policy. This information shall be published in the Code of Student Conduct and all employee handbooks.

Each school principal shall develop an annual process for discussing the School District policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

F.S. 110.1221, 1001.32(2), 1001.41, 1001.42, 1001.43, 1002.20, 1006.13
F.S. 1006.147
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Approved as to form and legality:

School Board Attorney