

## 1.12 BULLYING AND HARASSMENT

### A. Statement Prohibiting Bullying and Harassment

It is the policy of the School Board of Clay County, Florida (hereinafter “Board” or “School Board”), that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind. The School Board will not tolerate bullying and harassment of any type.

Conduct that constitutes bullying and harassment, as defined herein, is prohibited and framed by the following:

1. During any educational program or activity conducted by the School Board.
2. During any school-related or school-sponsored program or activity.
3. Through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the school district meaning 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; or
4. Through the use of any electronic device or data at 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 the District or school, if the bullying substantially interferes with or limits the student(s) being bullied and their ability to participate in or benefit from the services, activities, or opportunities offered by the District or school or substantially disrupts the education process or orderly operation of school.
5. When in route to school aboard a school bus or at a school bus stop.

### B. Definitions

1. **Bullying** includes “cyberbullying” and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees, including unwanted, purposeful, and repeated written, verbal, nonverbal, electronic, or physical behavior, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual’s school performance or participation; and is often characterized by an imbalance of power. Bullying may involve, but is not limited to:
  - a. teasing (unwanted/taunting);
  - b. threats;

- c. intimidation;
- d. stalking, including cyberstalking as defined herein;
- e. physical violence;
- f. theft;
- g. sexual, religious, or racial harassment;
- h. destruction of school or personal property;
- i. social exclusion;
- j. rumor or spreading of falsehoods;
- k. extortion;
- l. public or private humiliation.

2. **Cyberbullying** means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer or 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 known 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, (such as but not limited to blogs, social websites, chat rooms) if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
3. **Cyberstalking**, as defined in Florida Statute 784.048(d), means to engage 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 or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
4. **Harassment** means any threatening, insulting, or dehumanizing gesture, using technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:
  - a. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
  - b. has the effect of substantially interfering with a student's educational or employee's work performance, or either's opportunities or benefits;
  - c. has the effect of substantially negatively impacting a student's or employee's emotion or mental well-being; or
  - d. has the effect of substantially disrupting the orderly operation of a school.

5. **Bullying, Cyberbullying, and Harassment** also encompasses:

- a. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
- b. Perpetuation of conduct listed in the definition of bullying, harassment, or discrimination 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; or
  3. acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.
- c. 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, socioeconomic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in their education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District.

**C. Expectations**

1. The School Board expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities and 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.
2. The school district 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, 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 bullying or harassment.

3. Student rights shall be explained as outlined in this policy and in the Code of Student Conduct.
4. Proper prevention and intervention steps shall be taken based on the level of severity of the infraction as outlined in this policy and in the Code of Student Conduct.

#### **D. Consequences**

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 individual's position with the District (i.e., student, faculty, staff, administrator, volunteer, parent, and other).

1. Consequences and appropriate interventions for students who commit acts of bullying may include but not be limited to a formal apology to the student(s) who was bullied and to the school community at large, referral to the school counselor or other district mental health staff to participate in counseling related to development of positive social relationships and healthy choices, or forfeiture of recess or other privileges for a specified period of time. The Code of Student Conduct will outline options available to school administration when applying consequences to bullying and harassment.
2. Consequences and appropriate interventions for a District employee found to have committed an act of bullying will be instituted in accordance with District policies, procedure, and union contracts and agreements. Egregious acts of bullying by certified educators may result in a sanction against that educator's state-issued certificate (Rule 6B-1.006 F.A.C.).
3. 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.

#### **F. Reporting Allegations of Bullying Behavior**

1. At each school, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as with all infractions from the Code of

Student Conduct. Principals will be immediately notified when a bullying allegation is made anonymously to the District's Bullying Hotline.

2. All District faculty and staff are required to report any allegations of bullying or violations of this policy to the principal/designee or appropriate District administrator.
3. 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 through the Bullying Hotline, in writing to the school administrator, or in person to the principal or principal's designee. Written and oral reports shall be considered official reports, whether in person or anonymously. Formal disciplinary action may not be based solely on the basis of an anonymous report.
4. The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon, and will include the posting of the District's Bullying Hotline phone number.
5. A school District employee, school volunteer, contractor, student, parent, or other person who promptly reports in good faith an action of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this 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 will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments with the School Board.
6. Administrators/principal/designee(s) shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally, in writing, or through the Bullying Hotline.
7. The procedure for including incidents of bullying in the school's report of 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.
  - a. The School Board will utilize Florida' School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.

- b. 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.

## **G. Investigation**

1. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act.
2. The procedures for investigating school-based bullying may include the principal/designee or the utilization of other designated personnel (hereinafter "investigator"). The investigator shall be trained in investigative procedures and interventions as outlined in this policy. The investigator may not be the accused or the alleged person who was bullied. For incidents at the District level, the appropriate administrator as assigned or designated by the Superintendent will be responsible for the investigation as outlined in this policy.
3. The investigator shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. Although this policy encourages students to use the formal written complaint process, school officials will investigate all complaints and reports of bullying and harassment, whether or not the complaint is in writing.
4. The investigator shall begin a prompt and thorough investigation and interviews with the complainant(s), student(s) accused of bullying, and witnesses. (The Florida Department of Education requires that the school administrator/designee provide notification of the report of incident within 24 hours to the parents of both the student(s) that has been bullied and to the parents of the student accused of bullying behavior.) The investigator shall collect and evaluate the facts including, but not limited to, the following:
  - a. Description of the behavior, the nature of the behavior (repeated or potential to be repeated), the context in which the incident occurred (intent), and the relationship between the person(s) who was bullied and the person(s) accused of bullying behavior (power imbalance);
  - b. Characteristics of the parties involved (e.g., grade, age, etc.);
  - c. Location(s) of the alleged incident(s), including social media;
  - d. Whether the conduct adversely affected the educational progress or educational environment of the individual that was bullied;

- e. Communication between school and home in which the parents/legal guardians of all parties involved were contacted, including date, time, and method.
5. During the investigation, the investigator may take any action necessary to protect the complainant, other students, and employees consistent with the requirements of applicable regulations, statutes and collective bargaining agreements.
  - a. In general, student complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail where appropriate.
  - b. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the investigator also may discuss the complaint with any school District employee, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
  - c. During the investigation where an employee is the accused, the investigator may recommend to the Assistant Superintendent of Human Resources/designee any action necessary to protect the complainant or other students or employees consistent with the requirements of applicable statutes, State Board of Education Rules, School Board policies, and collective bargaining agreements.
6. Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the policy, there shall be a written decision by the principal/designee or appropriate District administrator regarding the completion of the investigation. The decision shall include:
  - a. A recommendation of remedial steps necessary to stop the bullying or harassing behavior;
  - b. A written final report to the principal and collaborative problem solving team and will be noted in all relevant data tracking systems, including but not limited to SESIR and the Statewide Report on School Safety and Discipline Data system;
  - c. A copy of the report will be provided to the alleged offender, complainant, and parent;

- d. Information regarding eligibility for the Hope Scholarship will be provided at conclusion of investigation or within 15 days of report.
7. If the accused is an employee, discipline may be taken consistent with any applicable collective bargaining agreement provisions to resolve a complaint of bullying. The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the appropriate Director for school-based actions or the appropriate District supervisor for District actions, and the Assistant Superintendent of Human Resources.
8. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint; and if it occurs, it shall be deemed an additional act of bullying as stated in this policy.

#### **H. Referral**

1. Referral of a student for consideration of appropriate services is made through the school problem-solving process by school personnel or parent to the principal/designee. Parent notification is required. When such a report of formal discipline or formal complaint is made, the principal/designee shall refer the student(s) to the collaborative problem-solving team for determination of need for counseling support and interventions.
2. Referral of school or district personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.
3. School-based intervention and assistance will be determined by the collaborative problem-solving team and may include, but is not limited to:
  - a. counseling and support to address the needs of the victims of bullying
  - b. counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management)
  - c. intervention which includes assistance and support provided to parents
  - d. analysis and evaluation of school culture with resulting recommendations
4. Self-referral for informal consultation: District staff, students or parents may request informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) orally or in writing to the principal/designee.



5. Any incident, investigation and consequence shall be recorded in the appropriate discipline file.

## **I. Training and Instruction**

1. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be provided training and instruction, at least annually, on the District's policy and administrative procedures regarding bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools.
2. Instruction regarding bullying, harassment, and the District's violence prevention and school safety efforts shall be integrated into District curriculum at the appropriate grade levels.
3. The training and instruction shall include recognizing behaviors that lead to bullying and harassment and taking appropriate preventative action based on those observations. The programs of training and instruction authorized by the District shall include, but not be limited to:
  - a. School-wide PBIS (Positive Behavioral Interventions & Supports) systems (e.g., Foundations, CHAMPS, Restorative Practices, etc.);
  - b. Child Safety Matters;
  - c. Sandy Hook Promise;
  - d. Second Step;
  - e. Bullying Prevention Month programs and activities;
  - f. "Be the Change" - Challenge Day;
  - g. Pacer's National Bullying Prevention Center
4. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success as seen in the required school plan to address positive school culture and behavior.

## **J. Confidentiality**

1. To the greatest extent possible, all complaints will be treated as confidential and in accordance with School Board policy, F.S. §1002.22(3)(d), the Family Educational Rights and Privacy Act ("FERPA"), the Health Insurance Portability and Accountability Act ("HIPAA"), and any other applicable law, including F.S. §119.07(1), 1012.31(3)(a), and 1012.796(1)(c).
2. Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigate and take corrective action may supersede an individual's right to privacy.
3. The complainant's identify shall be protected, but absolute confidentiality cannot be guaranteed. The identity of the victim of the reported act shall be protected to the extent possible.

#### **K. Policy Updates and Review**

This policy has been developed and reviewed in consultation with District students, parent/legal guardians, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies as prescribed in F.S. 1006.147 and in conformity with the Florida Department of Education (FLDOE) Revised Model Policy (July 2016).

Pursuant to State law, District students, parent/legal guardians, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies shall be involved in the review of this policy. This review process shall be conducted not less than every three (3) years thereafter.

#### **L. Immunity**

A District employee, school volunteer, student, parent/legal guardian, or other person who promptly reports in good faith an action of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this 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 with the School Board. Such immunity from liability shall not apply to any school employee, school volunteer, student, parent/legal guardian, or other person determined to have made an intentionally false report about bullying, harassment, or intimidation.