

Clay County School Board Policy

§1.12 ANTI-BULLYING AND HARASSMENT

A. Statement prohibiting bullying and harassment

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It is the policy of the School Board of Clay County, Florida (hereinafter "Board" or "School Board") that all of its students, visitors, and school District employees, including, the School Board, 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.

B. Definitions

1. Bullying means ~~systematically and chronically~~ inflicting physical hurt or psychological distress on one or more student, visitor, or school District employee, including the School Board 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. Including, but not limited to Clay County School Board Meetings. It is further defined as unwanted ~~and repeated~~ written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture 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 and/or participation, ~~is carried~~

26 ~~out repeatedly. and~~ **Bullying is often characterized by an imbalance of power;** Bullying may
27 involve, but is not limited to one or more of the following unacceptable behavior(s):

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29 a. unwanted teasing

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31 b. threatening

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33 c. intimidating

**NOTE: There are no definitions here.
Suggest Board defined terms inserted
here to reduce possible confusion**

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35 d. stalking

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37 e. cyber stalking

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39 f. cyber bullying

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41 g. physical violence

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43 h. theft

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45 i. sexual, religious, or racial harassment

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47 j. destruction of school or personal property

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49 k. social exclusion, including incitement and/or coercion

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51 l. rumor or spreading of falsehoods

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53 2. Harassment means any threatening, insulting, or dehumanizing gesture, using technology,

54 computer software, or written, verbal or physical conduct directed against a student, visitor,

55 and/or a school District employee, including the School Board, that:

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57 a. places a student, visitor, and/or a school District employees, including the School

58 Board, in reasonable fear of harm to his or her person or damage to his or her property;

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60 b. has the effect of substantially interfering with a student's educational or employee's

61 work performance, or either's and/or visitor's opportunities or benefits;

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63 c. has the effect of substantially negatively impacting a student's or employee's or

64 visitor's emotion or mental well-being; or

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66 d. has the effect of substantially disrupting the orderly operation of a school.

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70 3. Cyber-stalking, as defined in Florida Statute 784.048(d), means to engage in a course of
71 conduct to communicate, or to cause to be communicated, words, images, or language by or
72 through the use of electronic mail or electronic communication directed at or about a specific
73 person, causing substantial emotional distress to that person and serving no legitimate
74 purpose.

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76 4. Cyber-bullying is defined as the willful and repeated harassment and intimidation of a person
77 through the use of digital technologies, including but not limited to email, blogs, social websites
78 (e.g., MySpace, Facebook YouTube), chat rooms, and instant messaging.

79

80 5. Bullying, Cyber-bullying, and/or Harassment also encompass:

81
82 a. Retaliation against a student, visitor, and school District employee, including the
83 School Board, by another student, visitor, or school District employee, including the
84 School Board for asserting or alleging an act of bullying, harassment, or discrimination.

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86 b. Retaliation also includes reporting a baseless act of bullying, harassment, spreading
87 rumors and or falsehoods, or discrimination that is not made in good faith.

88
89 c. Perpetuation of conduct listed in the definition of bullying, harassment, and/or
90 discrimination by an individual or group with intent to demean, dehumanize, embarrass,
91 or cause emotional or physical harm to a student, visitor, or school District employee,
92 including the School Board by:

93
94 1) incitement or coercion;

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

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100 3) acting in a manner that has an effect substantially similar to the effect of bullying,
101 harassment, or discrimination.

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103 6. Bullying, Cyber-bullying, Harassment, and Discrimination (hereinafter referring to as bullying,
104 as defined in Section B for the purpose of this policy) also encompass, but are not limited to,
105 unwanted harm towards a student, visitor, or school District employee, including the School
106 Board in regard to their real or perceived sex, race, color, religion, national origin, age, disability
107 (physical, mental, or educational), marital status, socioeconomic background, ancestry,
108 ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual
109 orientation, or social/family background or being viewed as different in their education

110 programs or admissions to education programs and therefore prohibits bullying of any student,
111 visitor, or school District employee, including the School Board by any Board member, District
112 employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the
113 school or outside the school at school-sponsored events, on school buses, and at training
114 facilities or training programs sponsored by the District. Including, but not limited to Clay
115 County School Board Meetings.

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119 7. Accused Bully is defined as any District employee, consultant, contractor, agent, visitor,
120 volunteer, student, or other person in the school or outside the school at school-sponsored
121 events, on school buses, and at training facilities or training programs sponsored by the District,
122 including, but not limited to Clay County School Board Meetings, who is reported to have
123 committed an act of bullying, whether formally or informally, verbally or in writing.

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125 8. Bullying Complainant is defined as any District employee, consultant, contractor, agent,
126 visitor, volunteer, student, or other person who formally or informally makes a report of
127 bullying, orally or in writing.

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129 **C. Expectations**

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131 The School Board expects students, visitors, or school District employees, including the School
132 Board to conduct themselves in keeping with their levels of development, maturity, and
133 demonstrated capabilities with a proper regard for the rights and welfare of other students,
134 visitors and school staff, the educational purpose underlying all school activities, and the care of
135 school facilities and equipment.

136
137 1. The School Board prohibits the bullying of any students, visitors, and/or school District
138 employees, including the School Board, as follows:

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140 a. During any educational program or activity including, but not limited to, public
141 meetings conducted by the School Board.

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143 b. During any school-related or school-sponsored program or activity or on a School
144 Board school bus.

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146 c. Through the use of any electronic device or data while on school grounds or on a
147 School Board school bus, computer software that is accessed through a computer,
148 computer system, or computer network of the School Board. The physical location or
149 time of access of a computer related incident cannot be raised as a defense in any
150 disciplinary action initiated under this section.

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152 d. Through threats using the above to be carried out on school grounds. This includes
153 threats made outside of school hours which are intended to be carried out during any
154 school-related or school-sponsored program or activity or on a School Board school bus.

155
156 e. While the School Board does not assume any liability for incidents that occur at a bus
157 stop or en route to and from school, a student or witness may file a complaint following
158 the same procedures for bullying against a student and the school will investigate
159 and/or provide assistance and intervention as the principal/designee deems
160 appropriate, which may include the use of the School Resource Officer. The
161 Superintendent, and/or principal/designee shall document all reports and interventions.

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2. 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,

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good citizenship, and academic success as seen in the required school plan to address positive school culture and behavior (a/k/a Discipline Plan).

3. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct.

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

D. Training for students, parents, teachers, area/District Administrators and staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, contractors and school volunteers on identifying, preventing, and responding to bullying will be conducted.

At the beginning of each school year the school principal/designee and or ~~appropriate area/District administrator~~ the Superintendent shall provide awareness 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 pupil through appropriate references in the Student Code of Conduct, Employee Handbooks, the school District website and or the school website, and/or through other reasonable means.

E. Disciplinary sanctions (consequences) and due process for a person who commits an act of bullying under this policy.

1. 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

195 the determination of disciplinary sanctions appropriate to the perpetrator’s position with the
196 District.

197
198 a. Consequences and appropriate interventions for students who commit acts of
199 bullying may range from positive behavioral interventions up to, but not limited to,
200 suspension or expulsion, as outlined in the Student Code of Conduct and this policy.

201
202 b. Consequences and appropriate interventions for a school/District employee found to
203 have committed an act of bullying will be instituted in accordance with District policies,
204 procedure, and union contracts and agreements. Additionally, egregious acts of bullying
205 by certified educators may result in a sanction against an educator’s state-issued
206 certificate (Rule 6B-1.006 F.A.C.).

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

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213 d. These same actions will apply to persons, whether they are students, school
214 employees, visitors, volunteers, or independent contractors, who

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218 are found to have made wrongful and intentional accusations of another as a means of
219 bullying.

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221 **F. Report an act of bullying**

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

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227 2. All District faculty and staff are required and must report, in writing, any allegations of
228 bullying or violations of this policy to the Superintendent/principal/designee or appropriate
229 District administrator. Failure to report will result in action(s) or discipline consistent with the
230 collective bargaining agreement provisions, up to and including termination of employment.

231
232 3. Any other members of the school community who have credible information that an act of
233 bullying has taken place may file a report of bullying, whether a victim or witness.

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235 4. Any student (and/or the parent on that complainant's behalf if the complainant is a minor)
236 who believes he/she is a victim of bullying (or any individual, including any student who has
237 knowledge of any incident(s) involving bullying of students) is strongly encouraged to report the
238 incident(s) in writing to a school official. Complaints should be filed as soon as possible after the
239 alleged incident and noted appropriately, but must be filed within sixty (60) school days after
240 the alleged incident (i.e., within sixty (60) school days of the last act of alleged bullying). Failure
241 on the part of the complainant to initiate and/or follow up on the complaint within this period
242 may result in the complaint being deemed abandoned.

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244 5. The principal of each school in the District shall establish and prominently publicize to
245 students, staff, volunteers, and parents how a report of bullying may be filed and how this
246 report will be acted upon.

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248 6. A school District employee, school volunteer, contractor, student, parent, or other person
249 who promptly reports in good faith an action of bullying to the appropriate school official, and
250 who makes this report in compliance with the procedures set forth in this District policy, is

251 immune from a cause of action for damages arising out of the reporting itself or any failure to
252 remedy the reported incident. Submission of a good faith complaint or report of bullying will
253 not affect the complainant or reporter's future employment, grades, learning or working
254 environment, or work assignments with the School Board.

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256 7. ~~Administrators~~ Superintendent/principal/designee(s) shall document in writing and/or via
257 the specified data system all complaints regarding bullying, as with all infractions of the Code of
258 Student Conduct, to ensure that problems are appropriately addressed in a timely manner,
259 whether the report is made verbally or in writing.

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262 8. Anonymous reports may be delivered to the school administration's front office or to the
263 office of the Deputy Superintendent. Formal disciplinary action may not be based solely on the
264 basis of an anonymous report.

265 **G. Bullying Complaints and Resolution**

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267 1. The investigation of a reported act of bullying of a ~~student, school-based employee, or other~~
268 ~~persons providing service to the school is~~ student, visitor, or school district employee, including
269 the School Board deemed to be a school-District related activity and begins with a report of
270 such an act.

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272 2. The Superintendent/principal/designee shall document all complaints in writing and/or
273 through the appropriate data system to ensure that problems are addressed in a timely
274 manner. Although this policy encourages students to use the formal written complaint process,
275 school officials "should investigate all complaints and reports of harassment, whether or not

276 the complaint is in writing,” as stated by the Office for Civil Rights in Protecting Students from
277 Harassment and Hate Crime: A Guide for Schools, Part II (1999).

278
279 3. If the complaint is about the principal or a District staff member’s direct supervisor, then the
280 Assistant Superintendent/designee or appropriate District administrator shall be asked to
281 address the complaint.

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283 4. Informal Resolution: where the administrator, along with the complainant and the
284 accused/student may agree to informally resolve the complaint. The incident and the resolution
285 must be documented on the appropriate data system. If a mutual resolution has not been
286 achieved, a formal written appeal must be filed within five (5) work days after the informal
287 meeting and submitted to the principal or appropriate District supervisor.

288
289 5. Formal Resolution: the complainant/student/employee or parent(s) on behalf of the student
290 may file a written complaint with the principal/designee or appropriate District administrator
291 by utilizing the Clay County Public Schools Bullying Complaint Report Form. **Said form is NOT**
292 **available on the School District’s website,** at each school’s front office, or District/department
293 site. According to the level of infraction, parents will be promptly notified of any actions being
294 taken to protect the victim via telephone or personal conference; the frequency of notification
295 will depend on the seriousness of the bullying incident.

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297 6. The resolution, all interviews and interventions that take place and the corresponding dates
298 shall be documented in writing and/or noted in the District specified data system

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300 **H. Investigation requirements for reported acts of bullying under this policy**

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304 1. The procedures for investigating school-based bullying may include the principal/designee
305 and/or the utilization of other designated personnel in the case of student-to-student bullying.

306 The Superintendent and each school principal or designee and other designated District
307 personnel shall be trained in investigative procedures and interventions as outlined in this
308 policy. For incidents at the District level, the appropriate administrator will be responsible for
309 the investigation as outlined in his policy.

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311 2. The investigator may not be the accused or the alleged victim.

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313 3. The Superintendent/principal/designee or appropriate District administrator shall begin a
314 thorough investigation and interviews with the complainant(s), accused, and witnesses within
315 two (2) school days of receiving a notification of complaint. (The Florida Department of
316 Education requires that school administrators/designees provide immediate notification to the
317 parents of both the victim and the alleged perpetrator of an act of bullying or harassment.)

318

319 4. During the investigation, the principal/designee or appropriate District administrator may
320 take any action necessary to protect the complainant, other students, or employees consistent
321 with the requirements of applicable regulations, statutes and collective bargaining agreements.

322

323 a. In general, student complainants will continue attendance at the same school and
324 pursue their studies as directed while the investigation is conducted and the complaint
325 is pending resolution. Any legal order of a court will prevail.

326

327 b. When necessary to carry out the investigation or for other good reasons, and
328 consistent with federal and state privacy laws, the Superintendent/principal/designee or
329 appropriate District administrator also may discuss the complaint with any school

330 District employee, the parent of the complainant or accused, if one or both is a minor
331 (or has given consent or is an adult who has been determined to be incompetent or
332 unable to give informed consent due to disability), and/or child protective agencies
333 responsible for investigating child abuse.

334
335 c. During the investigation where an employee is the accused, the
336 Superintendent/principal/designee or the appropriate District administrator may
337 recommend to the Assistant Superintendent of Human Resources/designee any action
338 necessary to protect the complainant or other students or employees consistent with
339 the requirements of applicable statutes, State Board of Education Rules, School Board
340 policies, and collective bargaining agreements.

341
342 5. Within ten (10) school days of the filing of the complaint, there shall be a written decision by
343 the Superintendent/principal/designee or appropriate District administrator regarding the
344 completion of the investigation. The Superintendent/principal/designee shall make a decision
345 about the validity of the allegations in the complaint and about any corrective action, if
346 applicable, consistent with the Code of Conduct.

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350 6. The Superintendent/principal/designee or appropriate District administrator will inform all
351 relevant parties in writing of the decision and the right to appeal. A copy of the decision will be
352 sent to the originating school and be noted in all relevant data tracking systems, including but
353 not limited to SESIR and the Statewide Report on School Safety and Discipline Data system.

354
355 7. If the accused is an employee, discipline may be taken consistent with any applicable
356 collective bargaining agreement provisions to resolve a complaint of bullying. The

357 supervisor/designee (e.g., principal/designee for school-based employees) of the employee
358 shall discuss the determination and any recommended corrective action with the appropriate
359 Director for school-based actions or the appropriate District supervisor for District actions, and
360 the Assistant Superintendent of Human Resources.

361
362 8. No retaliation of any kind is permitted in connection with an individual's having made a
363 bullying complaint; and if it occurs, it shall be deemed an additional act of bullying as stated in
364 this policy.

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366 **I. Referral for Intervention**

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368 1. Referral of a student for consideration of appropriate services is made through the school
369 problem-solving process by school personnel or parent to the principal/designee. Parent
370 notification is required. When such a report of formal discipline or formal complaint is made,
371 the principal/designee shall refer the student(s) to the collaborative problem-solving team for
372 determination of need for counseling support and interventions.

373
374 2. Referral of school or District personnel to the Employee Assistance Program (EAP) for
375 consideration of appropriate services will be made by the administrator.

376
377 3. School-based intervention and assistance will be determined by the collaborative problem-
378 solving team and may include, but is not limited to:

379 a. counseling and support to address the needs of the victims of bullying

380
381 b. counseling interventions to address the behavior of the students who bully (e.g.,
382 empathy training, anger management)

383
384 c. intervention which includes assistance and support provided to parents

385
386 d. analysis and evaluation of school culture with resulting recommendations

387
388 4. Self-referral for informal consultation: District staff, visitors, students or parents may request
389 informal consultation with school staff (e.g., school social worker, school counselor, school
390 psychologist, etc.) to determine the severity of concern
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394 and appropriate steps to address the concern of bullying (the involved students' parents may
395 be included) orally or in writing to the principal/designee.

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

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400 **J. Incident reporting requirements**

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

408

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

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

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417 **K. Process for referral for external investigation**

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419 1. If the act is outside the scope of the District and determined a criminal act, referral to
420 appropriate law enforcement shall be made immediately, the parent will be notified, and the
421 referral documented by the principal/designee in the specified data system.

422

423 2. While the District does not assume any liability for incidents that must be referred for
424 external investigation, it encourages the provision of assistance and intervention as the
425 principal/designee deems appropriate, including the use of the School Resource Officer and
426 other interventions.

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428 **L. Appeals process**

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430 1. Appeal procedure for bullying by a student will follow the steps outlined in the Code of
431 Student Conduct.

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433 2. Appeal procedure for an accused/employee/visitor:

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435 a. If the accused/employee/visitor wishes to appeal the action taken in resolution of the
436 complaint, such appeal shall be filed either in accordance with School Board policy or
437 pursuant to the relevant collective bargaining agreement.

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439 b. In reaching a decision about the complaint, the following should be taken into
440 account:

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444 1) School Board policy, Employee Disciplinary Guidelines; and

445
446 2) Case law, state and federal laws and regulations, and the School Board's policies
447 prohibiting bullying and discrimination, including this policy.

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449 **M. Confidentiality**

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451 1. To the greatest extent possible, all complaints will be treated as confidential and in
452 accordance with School Board policy, ~~F.S.~~ FLORIDA STATUTES §1002.22(3)(d), the Family
453 Educational Rights and Privacy Act ("FERPA"), the Health Insurance Portability and
454 Accountability Act ("HIPAA"), and any other applicable law, including ~~F.S.~~ FLORIDA STATUTES
455 §119.07(1), 1012.31(3)(a), or 1012.796(1)(c).

456
457 2. Limited disclosure may be necessary to complete a thorough investigation as described
458 above. The District's obligation to investigate and take corrective action may supersede an
459 individual's right to privacy.

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461 3. The complainant's identify shall be protected, but absolute confidentiality cannot be
462 guaranteed. The identity of the victim of the reported act shall be protected to the extent
463 possible.

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469 **N. Retaliation Prohibited**

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471 1. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in
472 connection with filing a complaint or assisting with an investigation under this policy.

473
474 **2. Retaliatory or intimidating conduct against any individual who has made a bullying**
475 **complaint or any individual who has testified, assisted, or participated in any manner in an**
476 **investigation is specifically prohibited, and as detailed in this policy shall be treated as**
477 **another incidence of bullying.**

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479 **O. Additional Referral**

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481 In all cases, the District reserves the right to refer the results of its own investigation to the
482 State Attorney for the Fourth Judicial Circuit of Florida, and or any appropriate law enforcement
483 agency for possible criminal charges, whether or not the District takes any other action.

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485 **P. Constitutional Safeguard**

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487 This policy does not imply to prohibit expressive activity protected by the First Amendment of
488 the United States Constitution or Article I, Section 4, of the Florida Constitution.

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490 **Q. Preclusion**

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494 This policy should not be interpreted as to prevent a victim or accused from seeking redress
495 under any other available law, either civil or criminal.

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499 **R. Severability**

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501 If a provision of this policy is or becomes illegal, invalid, or unenforceable in any jurisdiction,

502 that shall not affect the validity or enforceability in that jurisdiction of any other provision of

503 this policy. (~~F.S.~~ FLORIDA STATUTES 1006.147) (Adopted: 11/18/08 Revised: _____)

DRAFT