

## Brevard County (Florida) Bylaws & Policies

### **5517.01 – BULLYING AND/OR HARASSMENT**

The Board is committed to providing a safe, secure, positive, productive, and nurturing educational environment that is free from bullying and/or harassment of any kind for all of its students, employees and volunteers. The Board encourages the promotion of positive interpersonal relations between members of the school community. All school members are expected to conform to reasonable standards of socially acceptable behavior, respect the person, property, and rights of others, obey constituted authority and respond to those who hold that authority. Bullying and/or harassment toward a student, employee, volunteer, or visitor whether by other students, employees, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal, and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions, which causes or threatens to cause bodily harm or personal degradation. This policy applies to all activities in the District, including activities on school property or while en route to or from school-sponsored activities and those occurring off school property if the student or employee or volunteer is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee or volunteer is engaged in school business. Bullying and/or harassment will not be tolerated and disciplinary action will be taken. In addition to school consequences, criminal charges may also be filed. This policy shall be interpreted and applied consistently with all applicable state and federal laws. Conduct that constitutes bullying and/or harassment, as defined herein, are prohibited in all educational environments.

**Bullying** means systematically and chronically inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create and intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

- Unwanted Teasing
- Social exclusion
- Threat
- Intimidation
- Stalking
- Physical violence
- Theft
- Sexual, religious, or racial/ethnic harassment
- Public humiliation
- Destruction of property

**Bullying** can be further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interferes with the individual's school performance or participation; is often characterized by an imbalance of power.

**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 school employee that:

- Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property.
- Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits.
- Has the effect of substantially disrupting the orderly operation of a school.

**Bullying** and/or **harassment** also encompasses:

1. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying and/or harassment. Reporting an act of bullying and/or harassment that is not made in good faith is considered retaliation.
2. Perpetuation of conduct listed in the definition of bullying and/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:
  - a) Incitement or coercion
  - b) Assessing 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
  - c) Acting in a manner that has an effect substantially similar to the effect of bullying and/or harassment

**Cyberstalking**, as defined in s. 784.048(1)(d), F.S., 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 a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

**Cyberbullying** is defined as a situation when a child, tween, or teen is repeatedly harassed, humiliated, threatened, and intimidated, or otherwise targeted by another child, tween, or teen through the use of digital technologies, including but not limited to, instant and text messaging, email, blogs, social websites (e.g. MySpace, Facebook), and chat rooms, therefore, affecting the student's learning environment.

### **Expected Behavior from Students and School Employees**

The Brevard County School District expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrate capabilities with a proper regard for authority, the rights and welfare of other students, and school staff, respecting the educational purposes underlying all school activities while providing proper care of school facilities, school buses, and equipment.

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 and/or harassment.

The school district upholds that bullying and/or harassment of any student or school employee is prohibited:

- a) During any education program or activity conducted by Brevard County School District.
- b) During any school-related or school-sponsored program or activity on Brevard County School District school bus and/or bus stop.
- c) Through the use of data or computer software that is accessed through computer, computer system, or computer network of Brevard County School District.
- d) Through off-campus events that can significantly affect the learning environment at school.

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.

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

Proper disciplinary sanctions 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.

### **Incident Reporting and Immunity**

At each school, the principal or principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All 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 the principal's designee.

The principal of each school in the district shall establish and prominently publicize to students, staff, volunteers, and parent/legal guardians, how a report of bullying and/or harassment may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying and/or harassment, anyone who witnessed the bullying and/or harassment, and anyone who has credible information that an act of bullying and/or harassment has taken place are encouraged to file a report of bullying and/or harassment.

A school employee, school volunteer or visitor, student, parent/legal guardian or other person who promptly reports in good faith an act of bullying and/or harassment to the appropriate school official, and who makes this report in compliance with the procedure set forth in this district policy is immune from a cause of action for damages arising out of the reporting itself of bullying and/or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within Brevard County School District.

Any written or oral reporting of an act of bullying and/or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

### **Determination of Scope of Investigation**

When a report of bullying and/or harassment has taken place, the principal or the principal's designee will promptly initiate a preliminary investigation to determine whether there is probable cause to believe an act of bullying and/or harassment has occurred and falls within the scope of the school district's Student Code of Conduct.

- If it is within scope of the district's Student Code of Conduct, move to Procedures for Prompt Investigation Act of Bullying and/or Harassment.
- If it is outside the scope of the district, and determined a criminal act, refer to appropriate law enforcement immediately, notify parent or legal guardian, and document the referral.
- If it is outside scope of district, and determined not a criminal act, inform parents/legal guardians of all students involved.
- While the District does not assume any liability for incidents that must be referred for external investigation, it encourages the provisions of assistance and intervention as the principal or the principal's designee deems appropriate, including the use of School Resource Officer and other personnel.

### **Procedures for Prompt Investigation**

The investigation of a reported act of bullying and/or harassment of a student, school-based employee, or other persons providing service to the school is deemed to be a school-related activity and begins with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying and/or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.

The principal or the principal's designee shall document all complaints in writing to ensure that problems are addressed in a timely manner. If the complaint is about the principal, then the Superintendent or designee shall be asked to address the complaint.

At each school district, the Procedures for Investigating Bullying and/or Harassment include:

- Documented interviews of the victim, alleged perpetrator(s), and witnesses are conducted privately, separately, and are confidential. At no time will the alleged perpetrator and victim be interviewed together. It is recommended that the victim be interviewed first.
- The investigator shall collect and evaluate the facts including, but not limited to:
  - Description of incident(s) including nature of the behavior (physical hurt or psychological distress), context in which the alleged incident(s) occurred, etc.;
  - How often the conduct occurred;
  - Whether there were past incidents or past continuing patterns of behavior;
  - The relationship between the parties involved;
  - The characteristics of parties involved (i.e., grade, age, etc.);
  - The identity and number of individuals who participated in bullying and/or harassing behavior;
  - Where the alleged incident(s) occurred;
  - Whether the conduct adversely affected the student's education or educational environment;

- Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
- The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
- 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:
  - Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
  - A written final report to the principal and Superintendent.
- The maximum of 15 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.

### **Parent Notification**

The principal, or the principal's designee, shall notify via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying and/or harassment as defined by this policy to the parent or legal guardian of all students involved as soon as possible on the same day the investigation of the incident has been initiated. Notification must be consistent with the student privacy rights under the applicable provision of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator(s), all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

### **Consequences**

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. Consequences and appropriate remedial actions will apply to persons, whether they be student, school employees, or visitors/volunteers, who are found to have wrongfully and intentionally accused another of an act of bullying and/or harassment. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated.

**Student** consequences and appropriate remedial actions for a committed act of bullying and/or harassment are outlined in the Student Code of Conduct.

**School employee** consequences and appropriate remedial action for a committed act of bullying and/or harassment will be instituted in accordance with district policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in the reporting to the State Board of Education where a subsequent sanction against an educator's state issued certificate may occur (*State Board of Education Rule 6-B-1.006, FAC., The Principles of Professional Conduct of the Education Profession in Florida.*)

Visitor or volunteer consequences and appropriate remedial action for a committed act of bullying and/or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act including, if applicable, reports to appropriate law enforcement officials.

## **Referral for Counseling**

School personnel or parent may request informal consultation with school staff (specialty staff, e.g. school counselor, school social worker, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern.

If a formal discipline report or formal complaint is made, the principal or the principal's designee must have a procedure in place to determine the consideration of appropriate services for students involved. Parent or legal guardian notification is required at this point. Counseling may be provided by school or district personnel. A referral may be made to Student Services for determination of counseling, assistance, and interventions.

Referral of school or area/district personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.

Intervention and assistance includes:

- Counseling and support to address the needs of the victims of bullying or harassment.
- Counseling/interventions to address behavior of the students who bully and/or harass others.
- Counseling/interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

## **Data Collection/Reporting**

The procedure for including incidents of bullying and/or harassment 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/or harassment and the resulting consequences, including discipline, interventions, and referrals. In a separate section, the report must include each reported incident of bullying and/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 as an incident code as well as bullying-related element code. The SESIR definition of bullying/harassment is unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting or dehumanizing gesture, by an adult or student 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.

If a bullying and/or harassment incident occurs then it will be reported in SESIR with the bullying/harassment code. If the bullying and/or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code AND the related element code entitled bullying-related code. Those incidents are:

- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Major Fighting
- Homicide

- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Vandalism
- Weapons Possession
- Other Major (Other major incidents that do not fit within the other definitions)

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

The district will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the department.

### **Actions to Protect Victim**

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

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.

The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed. The identity of the victim of the reported act shall be protected to the reasonable extent possible.

Retaliation is prohibited and includes, but is not limited to, any form of intimidation, reprisal, or harassment in response to filing a complaint or assisting with an investigation under this policy. Retaliatory or intimidating conduct against any individual who has made a bullying complaint or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited and as detailed in this policy, shall be treated as another incidence of bullying.

### **Providing Instruction/Training**

The district ensures 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 and/or harassment. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses, all non-teaching staff, parents/legal guardians, and students.

Students, parents/legal guardians, teachers, school administrators, counseling staff, bus drivers, non-teaching staff and school volunteers shall be given annual instruction at a minimum on the district's Policy and Regulations prohibiting bullying and/or harassment. The instruction shall include methods of preventing bullying and/or harassment, as well as how to effectively identify, prevent, and respond to bullying and/or harassment in schools.

### **Publicizing the Policy**

The Brevard County School District shall provide notice to students, parents/legal guardians, and staff of this policy through appropriate references in the Student Code of Conduct and employee handbooks, and/or through other reasonable means.

Each school principal shall develop and document an annual process for discussing the school district policy on bullying and harassment with students.

F.S. 110.1221, 1002.20, 1006.07 (2), 1006.09(6), 1006.13, 1006.147

Adopted 2/28/06