

Book	BPS Policy Manual
Section	5000 Students
Title	BULLYING AND HARASSMENT
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## 5517.01 - BULLYING AND HARASSMENT

### A. Generally

1. The School Board is committed to providing an educational setting and workplace that is safe, secure, and free from bullying and harassment for all students and employees.
2. The Board will not tolerate unlawful bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited:
  - a. during any education program or activity conducted by the District;
  - b. during any school-related or school-sponsored program or activity or on a school bus of the District, or at a District school bus stop;
  - c. 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; or at a District school bus stop;
  - d. 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 the District or school, if the bullying substantially interferes with or limits the victim's 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 a school.
3. 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).
4. 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.
5. The Superintendent shall develop a comprehensive plan intended to prevent bullying and harassment and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying and harassment as they may occur on school grounds, at school-sponsored events, and through school computer networks. Implementation of the plan by each principal will be ongoing throughout the school year and will be integrated with the school curriculum, the bullying and prevention program, District disciplinary policies, and violence prevention efforts.

## B. Definitions

For purposes of this policy, the following definitions shall apply:

1. "Bullying" includes "cyberbullying" and means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any 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; and may involve:
  - a. teasing;
  - b. threats;
  - c. intimidation;
  - d. stalking;
  - e. cyberstalking;
  - f. physical violence;
  - g. theft;
  - h. sexual, religious, or racial harassment;
  - i. public or private humiliation; or
  - j. destruction of property; and
  - k. social exclusion.
2. "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 (1) person or the posting of material on an electronic medium that may be accessed by one (1) or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
3. "Cyberstalking" 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.
4. "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:
  - a. places a student or school 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; or
  - c. has the effect of substantially disrupting the orderly operation of a school.
5. "Bullying" and "harassment" also encompass:
- a. Retaliation against a student or school employee by another student or school 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 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:
    - i. incitement or coercion;
    - ii. 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
    - iii. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
6. "Harassment" also means electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) and the behavior both causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).
7. "Sexual Cyberharassment". Pursuant to Florida law, "sexual cyberharassment" means to publish a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person to an Internet website without the depicted person's consent, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Sexual cyberharassment may be a form of sexual harassment.
8. "Within the scope of the District" 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.

### C. **Expected Behavior**

1. The District expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities 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. Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high quality education in a uniform, safe, secure, efficient, and high quality system of education.
3. The standards for student behavior shall be set cooperatively through interaction among students, parents/legal guardians, staff, and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of such an atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. School administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

4. Students 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.
5. The District shall provide for appropriate recognition and positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

#### **D. Consequences**

1. Consequences and appropriate remedial action for students who commit acts of bullying or harassment or found to have wrongfully and intentionally accused another as a means 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.
2. Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall include discipline in accordance with District policies, administrative procedures, and the collective bargaining agreement. Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (See the Principles of Professional Conduct of the Education Profession in Florida F.A.C. 6A-10.081)
3. Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or harassment or 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.

#### **E. Procedures for Reporting**

1. The Board designates the principal as the person responsible for receiving all alleged acts of bullying. Any student or student's parent/legal guardian who believes s/he has been or is the victim of bullying or harassment should immediately report the situation to the school principal. Complaints against the principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board Chair.
2. All school employees are required to report alleged violations of this policy and alleged acts of bullying and harassment to the principal or as described above. The alleged violations and acts must be reported by school employees to the principal within twenty-four (24) hours.
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 to the principal or as described above.
4. 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.
5. Any reports received that indicate sexual or gender-based harassment should immediately be forwarded to a trained Title IX Coordinator (either a school-based Title IX Coordinator or the District Title IX Coordinator) for evaluation of whether such harassment falls under the scope of Title IX according to the definitions and procedures in Policy 2266 - Nondiscrimination on The Basis of Sex in Education Programs and Activities.
6. The principal shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians the procedure for reporting bullying and how such a report will be acted upon. A victim of bullying and/or harassment who witnessed the act, and anyone who has credible information that an act of bullying and/or harassment has taken place may file a report.

## F. Procedures for 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. All reports of sexual or gender-based harassment shall first be screened by a trained Title IX Coordinator (either a school-based or district-level Title IX Coordinator) for Title IX violations. Any sexual or gender-based harassment claims that could meet the federal Title IX definitions must be processed through the Title IX grievance procedures in Policy 2266. All other complaints about bullying and/or harassment that may violate this policy shall be promptly investigated under this policy by an individual, designated by the principal, who is trained in investigative procedures. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately and shall be confidential. The investigator may not be the accused perpetrator or victim. At no time shall the accused perpetrator and victim be interviewed together. The investigator shall collect and evaluate the facts including, but not limited to, the following:
  - a. a description of the incident, the nature of the behavior, and the context in which the incident occurred, etc.;
  - b. how often the conduct occurred;
  - c. whether there were past incidents or past continuing patterns of behavior;
  - d. the relationship between the parties involved;
  - e. the characteristics of the parties involved;
  - f. the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying or harassment;
  - g. the number of alleged bullies/harassers;
  - h. the age of the alleged bully/harasser;
  - i. where the bullying and/or harassment occurred;
  - j. whether there have been other incidents in the school involving the same or other students;
  - k. whether the conduct adversely affected the student's education or educational environment;
  - l. the date, time, and method in which the parents/legal guardians of all parties involved were contacted.
2. In accordance with State law, District staff may monitor as part of any bullying or harassment investigation any nonschool-related activity, function, or program.
3. If, during an investigation of reported acts of bullying and/or harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively "protected classes"), the principal or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.
4. Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the policy, the designated individual who has conducted

the investigation shall make a determination based on all the facts and surrounding circumstances and shall include:

- a. a recommendation of remedial steps necessary to stop the bullying and/or harassing behavior; and
  - b. a written final report to the principal.
5. A maximum of fifteen (15) school days should be the limit for the completion of the investigative procedural steps and submission of the incident report. While fifteen (15) school days is the expectation for completion of the investigative procedural steps, more time may be needed based on the nature of the investigation and the circumstances affecting that investigation. The investigator shall document in his/her report the reasons for needing additional time beyond fifteen (15) school days. The highest level of confidentiality possible shall be provided regarding the submission of a complaint or a report of bullying and/or harassment and for the investigative procedures that are employed.
  6. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated pursuant to this policy.

#### **G. Appeals**

The appeals process for bullying and/or harassment cases investigated under this policy are outlined in Policy 2260.01 - Anti-Harassment and Non-Discrimination Appeal Procedures, under Student Appeal Procedures, Steps 1-3.

#### **H. Scope**

The investigator will provide a report on the results of the investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of District authority. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. If the action is within the scope of the District, District procedures for investigating bullying and/or harassment shall be followed. If the action is outside the scope of the District, and believed to be a criminal act, the action shall be referred to the appropriate law enforcement agency. If the action is outside the scope of the District and believed not a criminal act, the principal shall inform parent/legal guardians of all minor parties.

#### **I. Parent/Legal Guardian Notification**

1. The principal shall report the occurrence of an incident of bullying as defined by District policy to the parents/legal guardians of all students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone or by personal conference and in writing by first class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice shall advise the individuals involved of their respective due process rights including the right to appeal any resulting determination or action to the State Board of Education.
2. If the bullying incident results in the perpetrator being charged with a crime, the principal shall inform by first-class mail or by telephone the parent/legal guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (No Child Left Behind (NCLB), Title IX, Part E, Subpart 2, Section 9532) that states in pertinent part, as follows:,  
  
"...a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary

school within the local educational agency, including a public charter school.”

3. Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

**J. Counseling Referral**

1. The District shall provide a referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure will include:
  - a. a process by which the teacher or parent/legal guardian may request informal consultation with school staff (e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern;
  - b. a referral process to provide professional assistance or services that may include a process by which school personnel or parents/legal guardians 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/legal guardians involvement is required at this point); or
  - c. if a formal discipline report or formal complaint is made, the principal must refer the student(s) to the school intervention team for determination of counseling support and interventions (parents/legal guardians are required at this point).
    - i. a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:
    - ii. counseling and support to address the needs of the victim(s) of bullying or harassment;
    - iii. interventions to address the behavior of students who bully and harass others (e.g., empathy training, anger management, etc.);
    - iv. interventions which include assistance and support for parents/legal guardians, as may be deemed necessary or appropriate.

**K. Data Report**

1. The District will utilize Florida’s School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying (including cyberbullying) and/or harassment incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, the District shall include each alleged incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.
2. The District will provide bullying incident, discipline, and referral data to the Florida Department of Education (FLDOE) in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents, as well as any bullying-related incidents that have as a basis sex, race, or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.

**L. 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. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools. 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. 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. Creating a Safe and Respectful Environment in the Nation's Classrooms;
- b. Creating a Safe and Respectful Environment on the Nation's School Buses;
- c. [www.stopbullying.gov](http://www.stopbullying.gov)
- d. School-Based Bullying Prevention – OJJDP Model Programs Guide - OJJDP Model Programs Guide;
- e. National Center on Safe Supportive Learning Environment;
- f. The ABCs of Bullying: Addressing, Blocking, and Curbing School Aggression;
- g. National Registry of Evidence-based Programs and Practices: Anti-bullying curriculum for K-12 students;
- h. Monique Burr Foundation: Prevention Education Programs

**M. Victim's Parent/Legal Guardians Reporting**

The principal shall report the occurrence of an incident of bullying as defined herein to the parent/legal guardian of students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). According to the level of infraction, the victim's parent/legal guardian will be notified by telephone and/or in writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident.

**N. Policy Publication**

1. The District shall provide notice to students and staff of this policy in the Code of Student Conduct, employee handbooks, and via the District's official website. The Superintendent will also provide such notification to all District contractors.
2. Each principal shall implement a process for discussing, at least annually, the District policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages will be displayed, as appropriate, at each school and at District facilities.

**O. Immunity**

1. A school employee, school volunteer, students, parent/legal guardian, or other person who promptly reports in good faith an act of bullying or harassment to the appropriate school 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.
2. 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. 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 harassment, intimidation, and/or bullying.

**P. Privacy/Confidentiality**

1. The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. **All records generated under this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.**
2. Nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

**Q. Retaliation /False Charges**

Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry under this policy is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. Suspected retaliation should be reported in the same manner as aggressive behavior and/or bullying.

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Florida Department of Education Revised Model Policy (July 2016)

No Child Left Behind (NCLB), Title IX, Part E, Subpart 2, Section 9532