BULLYING AND HARASSMENT 5.321*

The Board is committed to providing a safe, positive, productive, and nurturing educational environment for all of its students. The Board encourages the promotion of positive interpersonal relations between members of the school community. Aggressive behavior, bullying, harassment, and similar acts toward a student, whether by other students, staff, or third parties is strictly prohibited and will not be tolerated. This prohibition includes physical, verbal (oral or written), electronically transmitted (cyber or high-tech), and psychological abuse. The Board will not tolerate any gestures, comments, threats, or actions, which cause or threaten 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 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 is engaged in school business. This policy also applies to activities that take place off-campus if the activities cause emotional distress to an individual that substantially disrupts or interferes with the operation of a school or an individual student's ability to receive an education. The Board expects students to conduct themselves in an appropriate manner for their respective 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.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, 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.

(1) The following definitions are provided for GUIDANCE ONLY. If a student or other individual believes there has been aggressive behavior by a student or adult that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, regardless of whether it fits a particular definition, it should be reported to administration to determine the appropriate of action.

(a) "Aggressive Behavior" is defined as inappropriate conduct, whether a single isolated incident or repeated incidents that are serious enough to negatively impact a student's or employee's educational, physical, or emotional well-being. This type of behavior is a form of intimidation and harassment. It includes, but is not limited to, behaviors such as stalking, bullying/cyberbullying, intimidating, menacing, coercion, name-calling, teasing, taunting, making threats, and hazing. Aggressive behavior can occur off-campus and individuals committing such aggressive behavior may be disciplined as provided in this policy.

(b) "Bullying" is defined as willfully and repeatedly exercising power or control over another by systematically and chronically inflicting physical hurt or psychological distress on one or more students or school employees. (i.e., repeated oppression, physical or psychological, of a less powerful individual by a more powerful individual or group). Bullying can be physical, verbal (oral or written), electronically transmitted (cyber or high-tech), psychological (e.g., emotional abuse), through attacks on the property of another, or a combination of any of these. Some examples of bullying are:

1. Physical - hitting, kicking, spitting, pushing, pulling, taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
2. Verbal (oral or written) - taunting, malicious teasing, insulting, name calling, sexual, religious, or racial harassment, making threats.
3. Electronically transmitted (cyber or high-tech) - as defined below.
4. Psychological - spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation, dehumanizing gestures or public humiliation.

(c) "Relational Aggression" is behavior that is intended to harm someone by damaging or manipulating his or her relationships with others. Relational Aggression is not always obvious and can include physical, verbal (malicious gossip, putdowns, insults, spreading rumors, lies, telling secrets, name calling and threats to withdraw friendships), or covert (body language, eye rolling, social exclusion, ignoring) aggression.

(d) "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 the person and serving no legitimate purpose.

(e) "Cyberbullying" is the use of information and communication technologies such as e-mail, cell phone, pager, text messages, instant messaging (IM), personal web sites, and online personal pooling web sites, whether on or off school campus, to support deliberate, repeated, and hostile behavior by an individual or group, that is intended to threaten or harm others, or which causes emotional distress to an individual to substantially disrupt or interfere with the operation of a school or an individual student's ability to receive an education. The Board recognizes that cyberbullying can be particularly devastating to young people because:

1. cyberbullies more easily hide behind the anonymity that the Internet provides;
2. cyberbullies spread their hurtful messages to a very wide audience with remarkable speed;
3. cyberbullies do not have to own their own action, as it is usually very difficult to identify cyberbullies because of screen names, so they do not fear being punished for their actions; and
4. the reflection time that once existed between the planning of a prank - or a serious stunt - and its commission is all but been erased when it comes to cyberbullying activity.

Cyberbullying includes, but is not limited to the following: posting slurs or rumors or other disparaging remarks about a student on a web site or on a web blog; sending e-mail or instant messages that are mean or threatening, or so numerous as to drive up the victim's cell phone bill; using a camera phone to take and send embarrassing photographs of students; posting misleading or fake photographs of students on web sites. The physical location or time access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated.

(f) "Harassment" for purposes of this policy, includes, but is not limited to, any threatening, insulting, or dehumanizing act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written, computer generated or physical nature directed against a student or school employee that:

1. Demeans a person;
2. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

3. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
4. Has the effect of substantially disrupting the orderly operation of a school.

(g) "Hazing" shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, team, or organization that causes or creates a substantial risk of causing mental or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

(h) "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact, or inflict serious physical injury.

(i) "Menacing" includes, but is not limited to, any act intended to place a school employee, student, or third party in fear of imminent serious physical injury.

(j) "Harassment, intimidation, or bullying" means any act that substantially interferes with a student's educational benefits, opportunities, or performance, that takes place on or off school grounds, at any school sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:

1. Physically harming a student or damaging a student's property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
3. Creating a hostile educational environment; or
4. Substantially disrupting or interfering with the operation of a school or an individual student's ability to receive an education.

(k) "Staff" includes all School Board employees.

(l) "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

(2) The Board upholds that aggressive behavior, bullying, harassment, and similar acts, of any student or school employee is prohibited during any education program or activity conducted by the Franklin County School District, during any school-related or school-sponsored program or activity, on a school bus, through the use of data or computer software that is accessed through a computer, computer system, or computer network of the Franklin County School District, or during off-campus activities if the off-campus activities cause emotional distress to an individual that substantially disrupts or interferes with the operation of a school or an individual student's ability to receive an education.
(3) Procedures for reporting bullying, harassment, or similar acts covered by this policy including provisions that permit a person to anonymously report such an act are as follows:

(a) Any student who believes s/he has been or is the victim of bullying, harassment, or aggressive behavior should immediately report the situation to the principal, assistant principal, or the Superintendent. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official.

(b) Every student is encouraged, and every staff member is required, to report any situation that they believe to be bullying, harassment or aggressive behavior directed toward a student. Reports by students may be made anonymously by calling Speak Out Hotline @ 1.800.226.7733 or by directing their report to those identified above.

(c) A school employee, school volunteer, student, or parent who promptly reports in good faith an act of bullying, harassment, or similar act to the appropriate school official designated in this policy and who makes this report in compliance with the procedures set forth in this policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

(d) Any written or oral reporting of an act of bullying, harassment, or similar act 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.

(4) The prompt investigation of a report of bullying, harassment, or similar act is deemed to be a school-related activity and begins with a report of such an act.

Procedures for investigation include, but are not limited to the following:

(a) The principal or designee selects a designee(s), employed by the district, trained in investigative procedures to initiate the investigation (not to include the accused perpetrator or victim).
(b) Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witness) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.

(c) The investigator shall collect and evaluate the facts including, but not limited to:

1. Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
2. How often the conduct occurred;
3. Whether there were past incidents or past continuing patterns of behavior;
4. The relationship between the parties involved;
5. The characteristics of parties involved (i.e., grade, age, etc.);
6. The identity and number of individuals who participated in bullying or harassing behavior;
7. Where the alleged incident(s) occurred;
8. Whether the conduct adversely affected the student's education or educational environment;
9. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
10. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.

(d) Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

(e) The investigator shall ensure that all investigative procedural steps are completed within ten (10) school days from the initial filing of the complaint or report of bullying, harassment, or similar act.

(f) The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying, harassment, or similar act, and the investigative procedures that follow.

(g) A principal or designee will assign a designee(s) that is trained· in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the school district.

(h)The trained designee(s) will provide a report on results of the investigation with recommendations for the principal to make a determination if an act of bullying, harassment, or similar act, falls within the scope of the district.

1. If the alleged act is within the scope of the district, the principal will institute the district's Procedures for Investigating Bullying and/or Harassment.

2. If it the alleged act is outside the scope of the district, and determined to be a criminal act, the principal will refer the matter to the appropriate law enforcement authorities.

3. If the alleged act is outside the scope of the district, and determined not to be a criminal act, the principal will inform the parents/legal guardians of all students involved.

(5) The consequences for a student, employee, visitor, volunteer or contractor of the Franklin County School District who commits an act of bullying, harassment, or similar act shall be determined as follows:

(a) All complaints about bullying, harassment, and aggressive behavior that may violate this policy shall be promptly investigated by the principal or designee. If the investigation, based on all of the facts and surrounding circumstances, finds an instance of bullying, harassment, and aggressive behavior has occurred: on school property; off school property if the bullying, harassment, and aggressive behavior substantially disrupts or interferes with the operation of a school or an individual student's ability to receive an education or if the student or employee is at any school sponsored, school-approved or school-related activity or function, or where an employee is engaged in school business; or while en route to or from a school-sponsored activity; it will result in prompt and appropriate remedial and/or disciplinary action in accordance with Board policy. This may include up to expulsion for students, up to discharge for employees, up to exclusion for parents, guests, volunteers, and contractors. Individuals may also be referred to appropriate law enforcement officials.

(b) Consequences and appropriate remedial action for students, school employees, visitors, volunteers and contractors found to have wrongfully and intentionally accused another as a means of bullying or harassment will result in prompt and appropriate remedial and/or disciplinary action in accordance with Board policy. This may include up to expulsion for students, up to discharge for employees, up to exclusion for parents, guests, volunteers, and contractors. Individuals may also be referred to appropriate law enforcement officials.
(c) If a student's out of school speech or behavior results in a substantial disruption of an individual student's learning environment or substantially disrupts or interferes with the operation of a school, the student may be subject to discipline as provided above.

(d) Retaliation against any person, who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of aggressive behavior is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as aggressive behavior. Making intentionally false reports about bullying, harassment, and aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

(6) Immediate notification to parents/legal guardians of the aggressor and the victim, the Superintendent, and local agencies where criminal charges may be pursued against the perpetrator shall be provided in accordance with the following:

(a) The Principal or designee shall immediately notify by telephone, personal conference, and/or in writing, the parents/legal guardians of each student who has experienced aggressive behavior, bullying, harassment, or similar act as well as the parents/legal guardians of the perpetrator(s) of an act of bullying, harassment, or similar act on the same day an investigation of the incident(s) has been initiated. Notification shall also be given to all local agencies where criminal charges may be pursued against the perpetrator. Notification must be consistent with the student privacy rights under the applicable provisions of Florida Statutes or the Family Educational Rights and Privacy Act of 1974 (FERPA).

(b) If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states ..... a student 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."
(c) Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, the Superintendent shall be notified along with all appropriate local law enforcement agencies. The notification shall be by telephone and/or in writing.

(7) The Franklin County School District's referral procedure for victims and perpetrators of aggressive behavior, bullying, or harassment will consist of the following:

(a) Referral to the school counselors for intervention and prevention support;

(b) Informal consultation with parent/legal guardian with school staff (initiated by either the parent or the school staff) to determine the severity of concern and appropriate steps to address the concern; and

(c) Referral to a school intervention team (or equivalent).

(8) Incidents of bullying or harassment will be included in the school's report of data concerning school safety and discipline data required under §1006.09(6), F.S.

The report must include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report must also include, in a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.

(a) The Superintendent is directed to 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 as a related element code. If a bullying and/or harassment incident occurs then it will be reported in SESIR with the bullying/harassment code. If the bullying/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:

1. Arson
2. Battery
3. Breaking and Entering
4. Disruption on Campus
5. Major Fighting
6. Homicide
7. Kidnapping
8. Larceny/Theft
9. Robbery
10. Sexual Battery
11. Sexual Harassment
12. Sexual Offenses
13. Threat/Intimidation
14. Vandalism
15. Weapons Possession
16. Other Major (Other major incidents that do not fit within the other definitions)

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

(c) 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.

(9) This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and place during the school day and is protected by State and Federal law).

(10) The School District will respect the privacy of the complainant, the individual(s) against who 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.

(11) Notice of this policy will be circulated annually to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the Student Code of Conduct and in all employee handbooks.

(12) In support of this policy, the Board promotes preventative educational measures to create greater awareness of aggressive behavior, including bullying. The Superintendent or designee shall provide appropriate training to all members of the School District community (Students, Parents, Teachers, School Administrators, Counseling Staff, School Volunteers) related to the implementation of this policy and its' accompanying administrative procedures. All training regarding the Board's policy and administrative procedures and aggressive behavior and bullying in general will be age and content appropriate. Evidence based violence prevention curriculum has been adopted by the district and is included in a comprehensive educational program.

(13) The Superintendent or designee is directed to develop administrative procedures to implement· this policy. Procedures shall include reporting and investigative procedures, to include a procedure for reporting to the target's parent/guardian that an incident occurred and to regularly report to a target's parent/guardian the actions taken to protect the target, as needed.

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

a) The school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students.

b) Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

STATUTORY AUTHORITY: **1001.41, 1001.42, F.S.**

LAW(S) IMPLEMENTED: **1001.43, 1003.04, 1003.31, 1003.32,**

1006.07, 1006.08, 1006.09,

1006.10, 1006.147, F.S.

20 USC 1232g

HISTORY: **ADOPTED: 01/08/2009**

REVISION DATE(S): 09/19/2013

FORMERLY: NEW