

Policy Against Bullying and Harassment

Statement Prohibiting Bullying and Harassment

It is the policy of the organization that all of its students, employees, and volunteers learn and work in an environment that is safe, secure, and free from harassment and bullying of any kind. The organization will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

Definition of Bullying and Definition of Harassment

Bullying or harassment shall have the meaning set forth in Section 1006.147, Florida Statutes and means intentionally and repetitively inflicting physical hurt or psychological distress on one or more students or employees and may involve but is not limited to:

- Teasing
- Social Exclusion
- Threat
- Intimidation
- Stalking, including cyber stalking as defined herein
- Physical violence
- Theft
- Sexual, religious, racial or gender orientation harassment
- Public humiliation
- Destruction of property

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 employee that:

- Places a student or 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 harassment also encompasses:

- Retaliation against a student or employee by another student or 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.

- Perpetuation of conduct listed in the definition of bullying 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:

- Incitement or coercion

- 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 School

Acting in a manner that has an effect substantially similar to the effect of bullying or harassment

Cyber stalking, which is defined as engaging 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” 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, photoelectronic 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 person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Expected Behavior

The School expects students to conduct themselves as appropriate for 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.

The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members. The School upholds that bullying of any student or employee is prohibited:

During any education program or activity conducted by the School;
During any school-related or school-sponsored program or activity;
On a school bus; or
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 school system.

Consequences for an Act of Bullying or Harassment

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. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or reassignment, as outlined in School’s policies. Consequences and appropriate remedial action for an employee found to have committed an act of bullying or harassment may be disciplined in accordance with school policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator’s state issued certificate. (See

State Board of Education Rule 6B-1.006, FAC, The Principles of Professional Conduct of the Education Profession in Florida.) Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act 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. Accusations made in good faith, even though subsequently determined to be false, shall not be subject to discipline consequences or remedial action as called for by this section.

Consequences for Intentional Misreporting

Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment range from positive behavioral interventions up to and including suspension or reassignment, as outlined in school's policies. Consequences and appropriate remedial action for an employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with school policies, procedures, and agreements. Consequences and appropriate remedial action for a visitor or volunteer, 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.

Reporting an Act of Bullying or Harassment

The Principal or 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 designee. All other members of the School community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the Principal or designee. In order to report incidents of bullying, individuals may meet with either the Principal or designee to make the report. Any report in person should be followed within one day with a written report or a written explanation to the School's office. Should the Principal wish, other forms of reporting may be created. The methods of reporting bullying will be prominently publicized to students, staff, volunteers, and parents/legal guardians, as well as how the report will be acted upon. The victim of bullying, anyone who witnessed the bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying. An employee, school volunteer, student, parent/legal guardian, or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate official and who makes this report in compliance with the procedures set forth in the School policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. 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.

Investigation of Whether a Reported Act is Within the Scope of the School

A Principal (or designee) will initiate an investigation of whether an act of bullying or harassment occurred within the scope of the School's oversight. The trained designee(s) will provide a report on results of investigation with recommendations for the Principal to make a determination if an act of bullying or harassment falls within the scope of the district and will act according to the following protocols:

If it is within the scope of the School, further investigation will commence in accordance with subsection (6.10.8) herein;

If it is outside scope of the School, and determined a criminal act by appropriate law enforcement, refer to appropriate law enforcement for further investigation.

If it is outside scope of the School, and determined not a criminal act, inform parents/legal guardians of all students involved.

Prompt Investigation of a Report of Bullying or Harassment

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.

The Procedures for Investigating allegations of Bullying and/or Harassment, as defined herein include the following:

The Principal (or designee employed by the School) will be assigned to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.

Each individual (victim, alleged perpetrator, and witnesses, as applicable) will be interviewed separately.

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

Description of incident including nature of the behavior and the context in which the alleged incident occurred;

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 of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to bullying or harassment;

The number of alleged bullies/harassers;

The age(s) of the alleged bullies/harassers;

Where the bullying and/or harassment occurred; and

Whether the conduct adversely affected the student's education or educational environment; and

Any other factors or allegations necessary to complete a prompt and thorough investigation.

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

A written final report to the Principal.

A recommendation of whether the bullying or harassing behavior should be referred to appropriate law enforcement agency for further investigation and review.

When the victim is a student, according to the severity of the bullying or harassment, the Principal (or designee) shall promptly notify the parent/legal guardian of the victim via telephone, writing, or personal conference of any actions being taken to protect the victim. The frequency of notification will depend on the severity of the bullying incident.

Determination of Consequences and Due Processes for a Perpetrator:

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the School. The below list encompasses possible responses from the School or Organization in response to a finding that there is a violation of the Policy:

Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension, or reassignment as outlined in the Organization's policies and school district's Code of Conduct.

Consequences and appropriate interventions for an employee found to have committed an act of bullying will be instituted in accordance with school policy. Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's state issued certificate (Rule 6B-1.006 F.A.C.).

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

These same actions will apply to persons, whether they are students, school employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.

If a complaint of bullying or harassment is made by the alleged victim during or after the commencement of an investigation into employee or student misconduct, it shall not be a defense to the allegations of employee or student misconduct but may be considered as a mitigating factor under school policy, if appropriate.

Providing Immediate Notification to the Legal Guardians of a Student Victim

The Principal, or designee, shall by telephone and/or in writing, report the occurrence of any incident of bullying or harassment as defined by this Policy to the parent or legal guardian of all students involved on the same day an investigation determines that an act of bullying or harassment in violation of the Policy has occurred. Notification shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying or harassment violation 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 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 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.”

Referral of Victims and Perpetrators of Bullying or Harassment for Counseling

After an investigation has determined that an act of bullying or harassment has occurred, as defined herein, the School shall discuss with both the victim’s and perpetrator’s parents/legal guardians, if students, options available for counseling. This may include referrals to community agencies or partner agencies the School has relationships with.

The Principal (or designee) shall also refer the perpetrator to the School’s Student Success Team in an attempt to develop strategies to be used within School to prevent the bullying or harassing behavior from continuing. The Principal (or designee) shall decide if a similar recommendation would be prudent for the victim.

Providing Instruction Regarding Bullying and/or Harassment

The Organization will ensure that the School[s] sustain healthy, positive, and safe learning environments for all students. Students, parents/legal guardians, all school staff, and school volunteers shall be offered instruction, at a minimum, on an annual basis on the School’s Policy and Regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.

Publication of the Policy

At the beginning of each school year, the Principal shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of this policy.

The Principal shall ensure the development of an annual process for discussing the policy on bullying and harassment with students in a student assembly or other reasonable format to ensure the Policy is accurately conveyed to all applicable parties