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BULLYING AND HARASSMENT

POLICY:

The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of supports for all students, staff, families, and community agencies that will improve relations within each school. It is designed to ensure that every school has staff that have been trained and are supported in their school's efforts to provide awareness, intervention training, and instructional strategies on prevention, including violence prevention, to each staff, parent, and student in the District and to direct follow up when incidents are reported and/or occur.

- I. Statement Prohibiting Bullying and Harassment
 - A. It is the policy of the Hamilton County School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
 - B. The District upholds that bullying or harassment of any student or school employee is prohibited
 1. During any education program or activity conducted by a public PK-12 educational institution;

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2. During any school-related or school-sponsored program or activity;
3. On a school bus of a public PK-12 educational institution; or
4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public PK- 12 education institution.

II. Definitions

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

1. Teasing, unwanted;
2. Social Exclusion;
3. Threat;
4. Intimidation;

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5. Stalking;
 6. Cyberstalking;
 7. Cyberbullying;
 8. Physical violence;
 9. Theft;
 10. Sexual, religious, or racial harassment;
 11. Public humiliation; or
 12. Destruction of school or personal property;
 13. Rumors or spreading of falsehoods.
- B. 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

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1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
 3. Has the effect of substantially disrupting the orderly operation of a school.
- C. Cyberstalking as defined in Florida State Statute 784.048(d), 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 or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.
- D. Cyberbullying is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social websites (e.g., MySpace, Facebook), chat rooms, and instant messaging.
- E. Bullying, Cyberbullying, and Harassment also encompass
1. 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.

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2. 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
 - a. Incitement or coercion;
 - b. 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;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

- F. Accused is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.

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

- III. Behavior Standards: The Hamilton County School District expects students and employees to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and

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welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

- A. The School District prohibits the bullying of any student or school employee:
1. during any educational program or activity conducted by Hamilton County School Board;
 2. during any school-related or school-sponsored program or activity or on a Hamilton County School Board school bus;
 3. through the use of any electronic device or data while on school grounds or on a Hamilton County School Board school bus, computer software that is accessed through a computer, computer system, or computer network of the Hamilton County School Board. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this section.
 4. through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity, or on a Hamilton County School Board school bus.
 5. For instances that occur en route to and from school not in school provided transportation, a student or witness may file a complaint following the same procedures for bullying against a student and

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the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate, which may include the use of the School Resource Officer. The principal/designee shall use all District Reporting Systems to log all reports and interventions.

- B. The 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. Because 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.
 - C. 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 School Improvement Plans.
 - D. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct: Discipline Matrix
 - E. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Student Code of Conduct, the Discipline Matrix, and this Policy.
- IV. Stakeholder Responsibilities

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- A. **Student Support Services/Guidance:** Student Support Services professionals, in collaboration with other District departments, will collaborate with school based staff members, families, and community stakeholders to utilize this Policy and associated procedures to promote academic success, enhance resiliency, build developmental assets, and promote protective factors within each school by ensuring that each and every staff member and student is trained on violence prevention. These trainings will work to create a climate within each school and within the District that fosters the safety and respect of children and the belief that adults are there to protect and help them. Additionally, students and staff (including but not limited to school based employees, administrators, area/district personnel, counseling staff, bus drivers) will be given the skills, training, and tools needed to create the foundation for preventing, identifying, investigating, and intervening when issues of bullying arise.

- B. **Schools:** Each school principal shall designate a school contact (dean, guidance counselor, student services employee) who will serve as the school's liaison to the district. These designees are the key school based personnel who will receive prevention training and assist in the dissemination of prevention methods, intervention, and curriculum, for bullying and other issues that impact the school culture and welfare of students and staff. These designees will work through the Intervention Assistance Teams at each site as needed.

- C. **Community Resources:** Student services professionals, in collaboration with the schools, will train the School Resource Officers (SROs) to assist with the dissemination and support of violence prevention curricula to students, their families and school staff. This collaboration will make effective use of available school district and community resources while ensuring seamless service delivery in the schools to provide for an equitable foundation of violence prevention.

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- D. Evidence-Based Interventions and Curriculum: Office of Safe and Drug Free Schools will serve as the coordinator and trainer of prevention for all designated school staff and outside agencies/community partners. Those trained in Prevention will implement the evidence-based interventions and proven programs within each of their schools. Training will focus on prevention and evidence-based programs.

- E. Parent Participation and Partnership: Each school site liaison/designee will provide violence prevention awareness and training to the School Advisory Councils and the PTO's at each school site. The district's Bullying and Harassment policy and procedures will be reviewed.

- F. Evaluation of Service Effectiveness: Evaluations to determine the effectiveness and efficiency of the services being provided will be conducted at least every three years and shall include data-based outcomes.

- G. Accountability: The Superintendent, other district administrators, as well as school principals, share accountability for implementation of these student support services consistent with the standards of this policy. These administrators will take steps to assure that student support services are fully integrated with their instructional components at each school and are pursued with equal effort in policy and practice.

- V. Training for students, parents, teachers, district staff, school administrators, student support staff, bus drivers, School Resource Officers on identifying, preventing, and responding to bullying will be conducted annually. 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.

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- At the beginning of each school year, the school principal/designee shall provide awareness of this policy, as well as the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil through appropriate references in the Student Code of Conduct, Faculty/Staff Handbook, the school website, and/or through other reasonable means.
- VI. Consequences: Considerations, due process and disciplinary consequences for an individual who commits an act of bullying under this policy are as follows:
- A. 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 District.
1. Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension, as outlined in the Student Code of Conduct, the Discipline Matrix, and this Policy.
 2. Consequences and appropriate interventions for a school/district employee found to have committed an act of bullying will be instituted in accordance with District policies, procedures, agreements, and applicable contract language. 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.).
 3. Consequences and appropriate intervention for a visitor or volunteer, found to have committed an act of bullying shall be

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determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

4. These same actions will apply to persons, whether they be 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.

B. Wrongful and intentional accusation of an act of bullying or harassment

1. Consequences and appropriate intervention 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 expulsion, as outlined in the *Code of Student Conduct*.
2. Consequences and appropriate intervention action for a school employee, found to have wrongfully and intentionally accused another as a means of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements.
3. Consequences and appropriate intervention 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.

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VII. Reporting an Act of Bullying or Harassment

- A. At each school, the principal or the principal's designee shall be responsible for receiving oral or written complaints alleging violations of this policy.
- B. All District and school staff are required to report alleged violations of this policy to the principal/principal's designee or their immediate supervisor. Failure to report will result in action(s) or discipline, consistent with the collective bargaining agreement provisions, up to and including termination of employment.
- C. 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 principal's designee.
- D. The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in person or anonymously and how this report will be acted upon.
- E. Any student (and/or the parent on that complainant's behalf if the complainant is a minor) who believes he/she is a victim of bullying (or any individual, including any student who has knowledge of any incident(s) involving bullying of students) is strongly encouraged to report the incident(s) in writing to a school official. Complaints should be filed as soon as possible after the alleged incident.

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- F. A school 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 school official and who makes this report in compliance with the procedures set forth in the 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.

- G. 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.

- H. Administrator/principal/designee shall document in writing and/or via the specified data system all complaints regarding bullying, as with all infractions of the Discipline Matrix, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.

- I. Anonymous reports may be made utilizing the Hamilton County Public Schools Anonymous Bullying Report Form. This reporting form can be found on the school district's website at <http://www.hamiltonfl.com/> or at each school's front office. Anonymous reports may be delivered (by mail or in person) to the school administration's front office. Administrators shall use the specified data system to log all reports and interventions. Formal disciplinary action may not be based solely on the basis of an anonymous report.

VIII. Bullying Complaints and Resolution

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- A. The investigation of a reported act of bullying 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. A principal or designee will assign a designee 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. The trained designee(s) will provide a report on results of the investigation with recommendation for the principal to make a determination if an act of bullying or harassment falls within the scope of the district.
- If it is within the scope of the district, move to Procedures for Investigating Bullying and/or Harassment
 - If it is outside the scope of the district, and determined a criminal act refer to appropriate law enforcement.
 - If it is outside the scope of the district, and determined not a criminal act, inform parents/legal guardians of all students.
- B. The principal/designee or appropriate district administrator shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. Although this policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II (1999).
- C. If the complaint is about the principal or a district staff member's direct supervisor, then the Superintendent or designee shall address the complaint.

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- D. Informal Resolution: The site administrator, along with the complainant and the accused/student, may agree to informally resolve the complaint. The incident and the resolution must be documented on the appropriate data system.
- If a mutual resolution has not been achieved, a formal written appeal must be filed within five (5) work days after the informal meeting and submitted to the principal or appropriate district administrator.
- E. Formal Resolution: The complainant/student/employee or parent(s), on behalf of the student, may file a written complaint with the principal/designee or appropriate district administrator by utilizing the Hamilton County Public Schools Bullying Complaint Report Form or other written documentation. The form is available on the district's website at <http://www.hamiltonfl.com/> or at the appropriate school/work site.
- The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, 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 of the incident(s) has been initiated. According to the level of infraction, parents will be promptly notified of any actions being taken to protect the victim via telephone or personal conference. The frequency of notification will depend on the seriousness of the bullying incident.
- F. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and/or noted in the appropriate data system.

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- IX. Investigation requirements for reported acts of bullying or harassment under this policy
- A. The procedures for investigating school-based bullying or harassment may include the principal/designee and/or the utilization of other designated staff, in the case of student-to-student bullying or harassment. The principal or designee and other designed staff shall be trained in investigative procedures and interventions as outlined in this Policy. For incidents at the district level, the appropriate administrator will be responsible for the investigation as outlined in this policy.
 - B. The investigator may not be the accused or the alleged victim.
 - C. The principal/designee or appropriate district administrator shall begin a thorough investigation and interviews with the complainant(s), accused, and witnesses within two (2) school days of receiving a notification of complaint. (The Florida Department of Education requires that school administrators/designees provide immediate notification to the parents of both the victim and the alleged perpetrator of an act of bullying or harassment.)
 - D. During the investigation, the principal/designee may take any action necessary to protect the complainant, other students or employees consistent with the requirements of applicable regulations and statutes.
 - 1. In general, student complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.

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2. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate district administrator also may discuss the complaint with any school district employee, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
 3. During the investigation where an employee is the accused, the principal/designee or the appropriate district administrator may recommend to the Superintendent/designee, any action necessary to protect the complainant, or other students or employees, consistent with the requirements of applicable statutes, State Board of Education Rules, School Board Policies, and collective bargaining agreements.
- E. Within ten (10) school days of the filing of the complaint, there shall be a written decision by the Principal/Designee or appropriate district administrator regarding the completion of the investigation. The principal/designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Discipline Matrix.
- F. The Principal/Designee or appropriate district administrator will inform all relevant parties in writing of the decision and the right to appeal. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems including, but not limited to the SESIR and the Statewide Report on School Safety and Discipline Data system.

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- G. If the accused is an employee, discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of bullying. The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the Superintendent/designee.

- H. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

- X. Referral for Intervention
 - A. When a report for formal discipline or a formal complaint as determined by principal or designee is made, the principal/designee may refer the student(s) to the school's Intervention Assistance Team for determination of need for counseling support and interventions.

 - B. Referral of school or district personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the Superintendent.

 - C. School-based intervention and assistance will be determined by the Intervention Assistance Team and may include, but is not limited to:
 - 1. counseling and support to address the needs of the victims of bullying.

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2. counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management).
 3. intervention which includes assistance and support provided to parents (i.e. access to school guidance services).
 4. analysis and evaluation of the school culture with resulting recommendations for interventions aimed at increasing peer ownership and support.
- D. Self referral for informal counseling: District staff, students or parents may request informal counseling with school staff (school social worker, school counselor, EAP staff, etc.) to determine the severity of the bullying and appropriate steps to address the problem (the involved students' parents may be included). The request can be made orally or in writing.
- E. Any investigations and interventions shall be recorded on the district's data system.
- XI. Incident Reporting Requirements
- A. The procedure for including incidents of bullying in the school's report of safety and discipline data is prescribed under F.S. 1006.09(6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying or harassment that

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does not meet the criteria of a prohibited act under the Hamilton County School Board policy, with recommendations regarding said incident.

- B. The school district will use Florida’s School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data to access incidents of bullying/harassment.
- C. Referral data, investigation data, interventions, and disciplinary actions shall be recorded on the specified data system, as with other infractions from the Student Code of Conduct.

XII. Process for Referral for External Investigation

- A. If the act is outside the scope of the district, and determined to be a criminal act, referral to appropriate law enforcement shall be made immediately, the parent of the victim will be notified, and the referral documented by the principal/designee or appropriate district administrator in the specified data system.
- B. While the District does not assume any liability for incidences that must be referred for external investigation, it encourages the provision of assistance and intervention as the principal/designee deems appropriate, including the use of the School Resource Officer and other personnel. The principal/designee or appropriate district administrator shall log all reports and forms as appropriate.

XIII. Appeals Process

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- A. Appeal procedure for bullying by a student will follow the steps outlined in the Code of Student Conduct – “Grievance Procedures for Students and Parents/Guardians.”

- B. Appeal procedure for an accused/employee:
 - 1. If the accused/employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed either in accordance with Hamilton County School Board guidelines or pursuant to the relevant collective bargaining agreement.

 - 2. In reaching a decision about the complaint, the following should be taken into account:
 - a. Employee Disciplinary Guidelines; and

 - b. Case law, state and federal laws and regulations, and the Board's policies prohibiting bullying and discrimination.

XIV. Confidentiality

- A. To the greatest extent possible, all complaints will be treated as confidential and in accordance with F.S. § 1002.22(3)(d); the Family Educational Rights and Privacy Act (“FERPA”); the Health Insurance Portability and Accountability Act (“HIPAA”) and any other applicable law, such as F.S. § 119.07(1); 1012.31(3)(a); or 1012.796(1)(c).

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- B. 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.
- C. 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 extent possible.

XV. Retaliation Prohibited

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

XVI. Additional Referral

In all cases, the District reserves the right to refer the results of its own investigation to the proper law enforcement agency for possible criminal charges, whether or not the district chooses to take any other action.

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XVII. Preclusion

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

XVIII. Severability

If a provision of this policy is or becomes illegal, invalid or unenforceable in any jurisdiction, that shall not affect the validity or enforceability in that jurisdiction of any other provision of this policy.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAWS IMPLEMENTED: 1001.43, 1003.04, 1003.31, 1003.32, 1006.07, 1006.08, 1006.09, 1006.10, 1006.147, F.S. 20 USC 1232g

STATE BOARD OF EDUCATION RULES:

History:

Adopted: November 18, 2008

Revision Date(s):

Formerly: