

Prohibiting Bullying/Harassment Procedural Guidelines
Taylor County School District

The School Board of Taylor County, Florida, is committed to protecting its students, employees, and applicants for admission from bullying, harassment, or discrimination for any reason and of any type. The School Board believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. In compliance with Florida Statute 1006.147 and School Board Policy 5.101, the school district adopted a comprehensive policy prohibiting bullying, harassment or discrimination.

The following procedure shall be interpreted and applied consistently with all applicable state and federal laws and the Board's collective bargaining agreements. Conduct that constitutes bullying, harassment or discrimination, as defined herein, is prohibited.

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

I. Definitions

A. ***"Bullying"*** includes cyberbullying means systematically and chronically inflicting physical hurt

or psychological distress on one or more students or employees. It is further defined as:

- Unwanted, purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or to cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

Bullying may involve, but is not limited to:

1. Unwanted teasing

2. Threatening
3. Intimidating
4. Stalking
5. Cyber Stalking
6. Cyber bullying
7. Physical violence
8. Theft
9. Sexual, religious, or racial harassment
10. Public or private humiliation
11. Destruction of school or personal property
12. Social exclusion, including incitement and/or coercion
13. Rumor or spreading of falsehoods

B. "*Harassment*" means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. Places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
2. Has the effect of substantially interfering with a student's educational performance, or employee's work performance, or the opportunities or benefits available to each;
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/or "*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, harassment, or discrimination.
2. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
3. Perpetuation of conduct listed in the definition of bullying, harassment, and/or discrimination 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. 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
 - C. acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.
- F. *“Bullying,” “Cyberbullying,” “Harassment,” and “Discrimination”* (hereinafter referred to as bullying, as defined in Section A, for the purpose of this policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background or being viewed as different in its education programs or admissions to education programs and therefore prohibits bullying of any student or employee by any Board member, 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.
- G. *“Accused”* is defined as any district employee, consultant, contractor, agent, visitor, volunteer, student, parent/guardian 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.
- H. *“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.

II. Expectations

The Taylor County School District expects students and employees 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.

- A. The School District prohibits the bullying of any student or school employee:

1. During any educational program or activity conducted by TCSB;
2. During any school-related or school-sponsored program or activity on a TCSB school bus;
3. Through the use of any electronic device or data while on school grounds or on a TCSB school bus, computer software that is accessed through a computer, computer system, or computer network of the TCSB. 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 TCSB school bus.

*While the District does not assume any liability for incidences that occur at a bus stop or en route to and from school other than on a school bus, a student or witness may file a complaint following the same procedures for bullying against a student and 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. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior (i.e. Code of Student Conduct/Discipline Matrix).
- C. Student rights shall be explained as outlined in this policy and in the Student Code of Conduct/Discipline Matrix: *Disrespectful Speech/Action and Threat/Intimidation(student/staff)/Bullying*.
- D. 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 procedure.

III. Stakeholder Responsibilities

- A. **Student Services/Guidance:** Student Services will collaborate with school based staff, families, and community stakeholders to promote this policy and associated procedures to help ensure academic success, enhance resiliency, build developmental assets, and promote protective factors within each school by ensuring that staff members

and students are trained on violence prevention. It will be the goal of this training to create a climate within each school and within the District that fosters safety and respect for children and the belief that our employees are there to help and protect them. Additionally, students and staff (including but not limited to school based employees, administrators, 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 instances of bullying occur.

- 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.
- D. **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.
- E. **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.
- F. **Accountability:** The Superintendent, appropriate district staff, and the principals, share accountability for implementation of these student support services consistent with the standards of this policy.

IV. Training

Training for students, parents, teachers, school and district staff will be provided at the beginning of each school year. The school principal and other appropriate site administrators 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 students. Policy and procedures, inclusive of the code of conduct, shall be referenced in student, parent and staff handbooks as well as in the District's Employee Handbook.

V. Disciplinary 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. Appropriate disciplinary action will then be taken based upon the Discipline Matrix for students and Board policy/contract language for district employees.
 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 Discipline Matrix.
 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, and 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.) as determined by Professional Practices Services and the Department of Education.
 3. 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.
 4. These same actions will apply to persons, whether 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.

VI. Reporting an Act of Bullying

- A. At each school, the principal/designee is responsible for receiving oral or written complaints alleging violations of this policy, as with all infractions as described

in the Discipline Matrix. At the district, the Director of Personnel is responsible for receiving oral or written complaints.

- B. All district faculty and staff are required and must report, in writing, any allegations of bullying or violations of this policy to the principal or designee or appropriate district administrator. 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. Members of the school community who have credible information that an act of bullying has taken place may file a report of bullying, whether as a victim or witness.
- D. 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 and must be filed within ninety (90) school days after the alleged incident (i.e., within 90 school days of the last act of alleged bullying). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.
- E. The principal of each school in the district, as well as the appropriate district administrator, shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of bullying may be filed and how this report will be acted upon.
- F. A school district employee, school volunteer, contractor, student, parent/guardian or other person who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures, 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 will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within the TCSB.
- G. 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.
- H. Anonymous reports may be made utilizing the Taylor County Public Schools Anonymous Bullying Report Form. This reporting form can be found on the school district's website at www.taylor.k12.fl.us, 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.

VII. Bullying Complaints and Resolution

- 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. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment allegedly committed against a child while the child is en route to school aboard a school bus or at a school bus stop.
- 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 appropriate district administrator shall be asked to address the complaint.
- 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 Taylor County Public Schools Bullying Complaint Report Form. The form is available on the district's website at www.taylor.k12.fl.us or at the appropriate school/work site.
- 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.

VIII. Investigation Requirements for Reported Acts of Bullying Under This Procedure

- A. The procedures for investigating school-based bullying may include the principal/designee and the school contact, in the case of student to student bullying. The principal/designee and school contact shall be trained in investigative procedures and interventions as outlined in this procedure. For incidents at the district level, the appropriate administrator will be responsible for the investigation as outlined in this procedure.**
- 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 administrator/designee 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 or appropriate district administrator 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.**
 - 2. *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).***

3. 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 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.
 4. During the investigation where an employee is the accused, the principal/designee or the appropriate district administrator may recommend to the Superintendent, 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 kept at the originating school or site 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.
- G. If the accused is an employee, disciplinary action may be taken consistent with any applicable collective bargaining agreements.
- 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.

IX. Referral for Intervention

- A. When a report for formal discipline or a formal complaint is made, the principal/designee shall refer the student(s) to the school's Intervention Assistance Team for determination of need for counseling support and interventions. For student(s) with disabilities under IDEA of Section 504 referral should be made to the appropriate IEP or 504 Team to consider the need for services/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 (or appropriate IEP/504 Team) and may include, but is not limited to:
1. counseling and support to address the needs of the victims of bullying.
 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, school psychologist, 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.

X. 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 (BUR), harassment (HAR), unsubstantiated bullying (UBL), and unsubstantiated harassment (UHR) that does not meet the criteria of a prohibited act under the Taylor 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 Discipline Matrix.

XI. 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 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.**

XII. Appeals Process

- A. The appeal procedure for bullying by a student is instituted at the school site and is made to the principal/designee at that site.**
- 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 TCSB 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.**

XIII. Confidentiality

- A. To the greatest extent possible, all complaints will be treated as confidential and in accordance with TCSB Policy, 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).**

- 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.**

XIV. 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.**

XV. Additional Referral

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

XVI. Constitutional Safeguard

This policy does not imply to prohibit expressive activity protected by the First Amendment of the United State Constitution or Article I, Section 4 of the Florida Constitution.

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.