

Related Entries: Policy 4.14, Code of Conduct for Students

Bullying and Harassment

The School Board is committed to a safe and orderly environment for all students and staff. It is the policy of The School District of Lee County 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. The adoption of Policy 4.14, Bullying and Harassment, shall bring the School District of Lee County into compliance with the Jeffrey Johnston Stand Up for All Students Act, s. 1006.147, F.S.

- (1) **Bullying** includes cyberbullying and 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:
 - (a) Teasing
 - (b) Social exclusion
 - (c) Threat
 - (d) Intimidation
 - (e) Stalking
 - (f) Physical violence
 - (g) Theft
 - (h) Sexual, religious, or racial harassment
 - (i) Public or private humiliation
 - (j) Destruction of property
 - (k) Cyber bullying
- (2) **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:

- 41 (a) Places a student or school employee in reasonable fear of harm to his or her
42 person or damage to his or her property;
43
- 44 (b) Has the effect of substantially interfering with a student's educational
45 performance, opportunities, or benefits; or
46
- 47 (c) Has the effect of substantially disrupting the orderly operation of a school.
48
- 49 (3) **Bullying and harassment** also encompasses:
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- 51 (a) Retaliation against a student or school employee by another student or school
52 employee for asserting or alleging an act of bullying or harassment. Reporting
53 an act of bullying or harassment that is not made in good faith is considered
54 retaliation.
55
- 56 (b) Perpetuation of conduct listed in the definition of bullying or harassment by any
57 individual or group with intent to demean, dehumanize, embarrass, or cause
58 emotional or physical harm to a student or school employee by:
59
- 60 1. Incitement or coercion;
61
- 62 2. Accessing or knowingly and willingly causing or providing access to
63 data or computer software through a computer, computer system, or
64 computer network within the scope of the District school system; or
65
- 66 3. Acting in a manner that has an effect substantially similar to the effect
67 of bullying or harassment.
- 68 (4) **“Within the scope of a public K-12 educational institution”** means, regardless of
69 ownership, any computer, computer system, or computer network that is physically
70 located on school property or at a school-related or school-sponsored program or
71 activity.
- 72 (5) **Cyberstalking** as defined in s. 784.048(1)(d), F.S., means to engage in a course of
73 conduct to communicate, or to cause to be communicated, words, images, or
74 language by or through the use of electronic mail or electronic communication,
75 directed at a specific person, causing substantial emotional distress to that person
76 and serving no legitimate purpose.
77
- 78 (6) **Cyberbullying** as defined in s. 1006.147(3)(b) F.S., means bullying through the use
79 of technology or any electronic communication, which includes, but is not limited to,
80 any transfer of signs, signals, writing, images, sounds data, or intelligence of any
81 nature transmitted in whole or in part by a wire, radio, electromagnetic system,
82 photoelectronic system, or photooptical system, including, but not limited to,
83 electronic mail, Internet communications, instant messages, or facsimile
84 communications. Cyberbullying includes the creation of a webpage or weblog in

85 which the creator assumes the identity of another person, or the knowing
86 impersonation of another person as the author of posted content or messages, if the
87 creation or impersonation creates any of the conditions enumerated in the definition
88 of bullying. Cyberbullying also includes the distribution by electronic means of a
89 communication to more than one person or the posting of material on an electronic
90 medium that may be accessed by one or more person, if the distribution or posting
91 creates any of the conditions enumerated in the definition of bullying.
92

93 (7) The School District of Lee County expects students to conduct themselves as
94 appropriate for their levels of development, maturity, and demonstrated capabilities
95 with a proper regard for the rights and welfare of other students and school staff, the
96 educational purpose underlying all school activities, and the care of school facilities
97 and equipment.
98

99 (8) The School District of Lee County expects employees to conduct themselves in
100 accordance with employee handbooks, requirements, bargaining agreements and
101 state statutes; with proper regard and respect for the students and other employees,
102 the educational purpose underlying all school activities and the care of school
103 facilities and equipment.
104

105 (9) The School District prohibits the bullying or harassment of any student or school
106 employee:
107

108 (a) During any education program or activity conducted by the School District of
109 Lee County;
110

111 (b) During any school-related or school-sponsored program or activity;
112

113 (c) On a School District of Lee County school bus;
114

115 (d) Through the use of data or computer software that is accessed through a
116 computer, computer system, or computer network of the School District of Lee
117 County within the scope of the school district, meaning regardless of
118 ownership, any computer, computer system, or computer network that is
119 physically located on school property or at a school-related or school-
120 sponsored program or activity; or
121

122 (e) Through the use of data or computer software that is accessed at a non-
123 school-related location, activity, function, or program or through the use of
124 technology or an electronic device that is not owned, leased, or used by a
125 school district or school, if the bullying substantially interferes with or limits the
126 victim's ability to participate in or benefit from the services, activities, or
127 opportunities offered by a school or substantially disrupts the education
128 process or orderly operation of a school.
129

130 (f) The above section (e) does not require a school to staff or monitor any non-
131 school-related activity, function, or program.
132

- 133 (10) All administrators, faculty and staff, in collaboration with parents, students, and
134 community members, will incorporate systemic methods for student and staff
135 recognition through positive reinforcement for good conduct, self discipline, good
136 citizenship, and academic success as seen in the required school plan to address
137 positive school culture and behavior.
138
- 139 (11) Student rights shall be explained as outlined in this policy and in the Student Code of
140 Conduct.
141
- 142 (12) Proper prevention and intervention steps will be taken based on the level of severity
143 of infraction as outlined in the Student Code of Conduct, the Discipline Matrix, and
144 this Policy. The following programs that provide instruction on identifying, preventing,
145 and responding to bullying or harassment, including instruction on recognizing
146 behaviors that lead to bullying and harassment and taking appropriate preventive
147 action based on those observations are authorized by the District: "Second Step",
148 "Bully Safe", "Bully Busters", "Bang Bang You're Dead", "Pacer's We Will Curriculum"
149 and "Common Sense Media Educational Resources for Digital Citizenship."
150
- 151 (13) Consequences and Appropriate Remedial Action
152
- 153 (a) Consequences and appropriate remedial action for students who commit acts
154 of bullying or harassment may range from positive behavioral interventions up
155 to and including suspension or expulsion as outlined in the Student Code of
156 Conduct.
157
- 158 (b) Consequences and appropriate remedial action for a school employee found
159 to have committed an act of bullying or harassment will be in accordance with
160 Collective Bargaining Agreements, School Board Policies and Florida
161 Statutes. Disciplinary actions may range up to, and include, termination.
162 Additionally, egregious acts of harassment by certified educators may result in
163 a sanction against an educator's state issued certificate. (See State Board of
164 Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the*
165 *Education Profession in Florida.*)
166
- 167 (c) Consequences and appropriate remedial action for a visitor or volunteer who
168 has been found to have committed an act of bullying or harassment shall be
169 determined by the school administrator, after consideration of the nature and
170 circumstances of the act. In the event the school administrator is considering
171 removal and no return for the perpetrator, the superintendent or his designee
172 shall be consulted.
173
- 174 (d) Concluding whether a particular action or incident constitutes a violation of this
175 policy requires a determination based on all of the facts and surrounding
176 circumstances. The physical location or time of access of a computer-related
177 incident cannot be raised as a defense in any disciplinary action.
178
- 179 (e) Consequences and appropriate remedial action for a student found to have
180 wrongfully and intentionally accused another of an act of bullying or

- 181 harassment range from positive behavioral interventions up to and including
182 suspension or expulsion, as outlined in the Student Code of Conduct.
183
- 184 (f) Consequences and appropriate remedial action for a school employee found
185 to have wrongfully and intentionally accused another as a means of bullying
186 or harassment will include consequences in accordance with Collective
187 Bargaining Agreements, School Board Policies and Florida Statutes.
188 Consequences may increase in severity, up to and including termination, in
189 accordance with the findings of the investigation.
190
- 191 (g) Consequences and appropriate remedial action for a visitor or volunteer, found
192 to have wrongfully and intentionally accused another of an act of bullying or
193 harassment shall be determined by the school administrator after
194 consideration of the nature and circumstances of the act. Consequences may
195 include reports to appropriate law enforcement officials. In the event the school
196 administrator is considering removal and no return for the perpetrator, the
197 superintendent or his designee shall be consulted.
198
- 199 (h) The physical location or time access of a computer-related incident cannot be
200 raised as a defense in any disciplinary action initiated.
201
- 202 (14) The victim of bullying or harassment, anyone who witnessed the bullying or
203 harassment, or anyone who has credible information that an act of bullying or
204 harassment has taken place may file a report of bullying or harassment. The principal
205 or principal's designee is responsible for receiving reports of bullying or harassment.
206 The report may be made orally or in writing; in-person or anonymously. All forms of
207 reports are considered official. Formal disciplinary action may not be based solely on
208 the basis of an anonymous report.
209
- 210 (15) All school employees are **required** to report alleged violations of this policy.
211 Students, parents/legal guardians, volunteers, and visitors are encouraged to report
212 any act that may be a violation of this policy anonymously or in person.
213
- 214 (16) The principal of each school in the District shall establish and prominently publicize
215 to students, staff, volunteers, and parents/legal guardians how a report of bullying or
216 harassment may be filed and the procedures that will take place following the report.
217 A school employee, school volunteer, student, parent/legal guardian or other persons
218 who promptly report in good faith an act of bullying or harassment to the appropriate
219 school official and who makes this report in compliance with the procedures set forth
220 in the District policy is immune from a cause of action for damages arising out of the
221 reporting itself or any failure to remedy the reported incident. Submission of a good
222 faith complaint or report of bullying or harassment will not affect the complainant or
223 reporter's future employment, grades, learning or working environment or work
224 assignments.
225
- 226 (17) A principal will assign a designee(s) to initiate an investigation of whether an act of
227 bullying or harassment is within the scope of the school District. The designee(s) will

- 228 provide a report on results of investigation with recommendations for the principal to
229 make a determination if an act of bullying or harassment falls within the scope of the
230 District.
231
- 232 (a) If it is within the scope of District, move to Procedures for Investigating Bullying
233 and/or Harassment. If it is within the scope of the District, and determined a
234 criminal act, move to Procedures for Investigating Bullying and/or Harassment
235 and refer to appropriate law enforcement.
236
- 237 (b) If it is outside the scope of District, and determined a criminal act, refer to
238 appropriate law enforcement.
239
- 240 (c) If it is outside the scope of District, and determined not a criminal act, inform
241 parents/legal guardians of all students involved.
242
- 243 (18) The investigation of a reported act of bullying or harassment is deemed to be a
244 school-related activity and begins with a report of such an act. At each school in the
245 District, the Procedure for Investigating Bullying and/or Harassment includes:
246
- 247 (a) The principal selects a designee(s), employed by the school, to initiate the
248 investigation. The designee(s) may not be the accused perpetrator (harasser
249 or bully) or victim.
250
- 251 (b) Documented interviews of the victim, alleged perpetrator, and witnesses are
252 conducted privately, separately, and are confidential. Each individual (victim,
253 alleged perpetrator, and witnesses) will be interviewed separately and at no
254 time will the alleged perpetrator and victim be interviewed together.
255
- 256 (c) The investigator shall collect and evaluate the facts including, but not limited
257 to:
258
- 259 1. A description of incident(s) including nature of the behavior, context in
260 which the alleged incident(s) occurred, etc.;
 - 261 2. How often the conduct occurred;
 - 262 3. Whether there were past incidents or continuing patterns of behavior;
 - 263 4. The relationship between the parties involved;
 - 264 5. The characteristics of parties involved (i.e., grade, age, etc.);
 - 265 6. The identity and number of individuals who participated in bullying or
266 harassing behavior;
 - 267 7. Where the alleged incident(s) occurred;
 - 268
 - 269
 - 270
 - 271
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- 275 8. Whether the conduct adversely affected the student's education or
276 educational environment;
277
- 278 9. Whether the alleged victim felt or perceived an imbalance of power as
279 a result of the reported incident; and
280
- 281 10. The date, time, and method in which the parents/legal guardians of all
282 parties involved were contacted.
283
- 284 11. Computers without web-filtering software or computers with web-
285 filtering software that is disabled shall be used when complaints of
286 cyberbullying are investigated.
287
- 288 (d) The investigation will be documented on the School District's Report Form for
289 Bullying and Harassment.
290
- 291 (19) The principal, or designee, shall promptly report **via telephone, personal**
292 **conference, and/or in writing, the occurrence of any incident of bullying or**
293 **harassment as defined by this policy to the parent or legal guardian of the**
294 **alleged victim on the day the investigation is initiated. Prompt notification to**
295 **the parents/guardians of the alleged perpetrator(s) will be made following the**
296 **first contact, and no later than the conclusion of the investigation.** Notification
297 will be consistent with the student privacy rights under the applicable provisions of
298 the Family Educational Rights and Privacy Act of 1974 (FERPA).
299
- 300 (20) If the bullying incident results in the perpetrator being charged with and convicted of
301 a crime, the principal, or designee, shall by telephone or in writing by first class mail,
302 inform parents/legal guardian of the victim(s) involved in the bullying incident about
303 the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2,
304 Section 9532) that states "...a student who becomes a victim of a violent criminal
305 offense, as determined by State law, while in or on the grounds of a public elementary
306 school or secondary school that the student attends, be allowed to attend a safe
307 public elementary school or secondary school within the local educational agency,
308 including a public charter school."
309
- 310 (21) Once the investigation has been completed and it has been determined that criminal
311 charges may be pursued against the perpetrator, all appropriate local law
312 enforcement agencies will be notified by telephone and/or in writing.
313
- 314 (22) Following the report of suspected bullying or harassment, a referral for intervention
315 will be made based on the investigation of the incident. The referral may be for one
316 or more of the following:
317
- 318 (a) Teacher or parent/legal guardian may request informal consultation with
319 school staff to determine the severity of the concern and steps to address the
320 concern;
321

- 322 (b) Investigator may refer victim and/or perpetrator to his/her guidance counselor;
323 and/or
324
- 325 (c) Professional assistance or services which may include:
326
- 327 1. A referral to the Child Study Team for consideration of appropriate
328 services. (Parent or legal guardian involvement is required at this point.)
329
- 330 2. If a formal discipline report or formal complaint is made, the principal or
331 designee must refer the student(s) to the Child Study Team for
332 determination of counseling support and interventions. (Parent or legal
333 guardian involvement is required at this point.)
334
- 335 (23) If a bullying and/or harassment incident occurs, it will be reported in Florida's School
336 Environmental Safety Incident Reporting (SESIR) Statewide report with the
337 bullying/harassment incident code and/or related element code. If the
338 bullying/harassment results in any of the following SESIR incidents the incident will
339 be coded appropriately using the relevant incident code AND the related element
340 code.
341
- 342 (a) Alcohol
343 (b) Arson
344 (c) Battery
345 (d) Breaking and Entering
346 (e) Disruption on Campus
347 (f) Drug Sale/Distribution Excluding Alcohol
348 (g) Drug Use/Possession Excluding Alcohol
349 (h) Fighting
350 (i) Homicide
351 (j) Kidnapping
352 (k) Larceny/Theft
353 (l) Robbery
354 (m) Sexual Battery
355 (n) Sexual Harassment
356 (o) Sexual Offenses
357 (p) Threat/Intimidation
358 (q) Trespassing
359 (r) Tobacco
360 (s) Vandalism

- 361 (t) Weapons Possession
- 362 (u) Other Major (Other major incidents that do not fit within the other definitions)
- 363
- 364 (24) Discipline and referral data will be recorded in Student Discipline/Referral Action
- 365 Report and Automated Student Information System. The District will provide bullying
- 366 incident, discipline, and referral data to the Florida Department of Education in the
- 367 format requested, through Surveys 2, 3 and 5 from Education Information and
- 368 Accountability Services, and on designated dates provided by the Department. Data
- 369 reported on bullying, harassment, unsubstantiated bullying, unsubstantiated
- 370 harassment, sexual harassment and threat/intimidation incidents as well as any
- 371 bullying-related incidents that have as a basis sex, race, or disability should include
- 372 the incident basis. Victims of these offenses should also have the incident basis (sex,
- 373 race, or disability) noted in their student record.
- 374
- 375 (25) The District ensures that schools sustain healthy, positive, and safe learning
- 376 environments for all students. It is important to change the social climate of the school
- 377 and the social norms with regards to bullying. This requires the efforts of everyone in
- 378 the school environment – teachers, administrators, counselors, school nurses, other
- 379 non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or media
- 380 specialists), parents/legal guardians, and students.
- 381
- 382 (26) Students, parents/legal guardians, teachers, school administrators, counseling staff,
- 383 and school volunteers shall be given instruction on an annual basis on the District's
- 384 Policy and Regulations against bullying and harassment. The instruction shall include
- 385 evidence-based methods of preventing bullying and harassment, as well as how to
- 386 effectively identify and respond to bullying in schools-, including instruction on
- 387 recognizing behaviors that lead to bullying and harassment and taking appropriate
- 388 preventive action based on those observations.
- 389
- 390 (27) The principal or designee shall by telephone and/or in writing promptly report the
- 391 occurrence of any incident of bullying as defined by this policy to the parent or legal
- 392 guardian of all students involved.
- 393
- 394 (28) According to the level of infraction, parents/legal guardians will be notified by
- 395 telephone and/or writing of actions being taken to protect the child; the frequency of
- 396 notification will depend on the seriousness of the bullying or harassment incident.
- 397 Notification will be consistent with the student privacy rights under the applicable
- 398 provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- 399
- 400 (29) The District shall provide notice to students, staff and parents/legal guardians of this
- 401 policy through appropriate references in the Student Code of Conduct and employee
- 402 handbooks, and/or through other reasonable means. The Superintendent shall also
- 403 make all private contractors doing business with the District aware of this policy.
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408 **STATUTORY AUTHORITY:** 1001.42, 1001.43, and 1006.147, F.S.
409
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