

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 4.141, 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** 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 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:

- 40 (a) Places a student or school employee in reasonable fear of harm to his or her
41 person or damage to his or her property;
- 42 (b) Has the effect of substantially interfering with a student's educational
43 performance, opportunities, or benefits; or
- 44 (c) Has the effect of substantially disrupting the orderly operation of a school.
45
- 46 (3) **Bullying** and **harassment** also encompasses:
- 47
- 48 (a) Retaliation against a student or school employee by another student or
49 school employee for asserting or alleging an act of bullying or harassment.
50 Reporting an act of bullying or harassment that is not made in good faith is
51 considered retaliation.
52
- 53 (b) Perpetuation of conduct listed in the definition of bullying or harassment by
54 any individual or group with intent to demean, dehumanize, embarrass, or
55 cause emotional or physical harm to a student or school employee by:
- 56
- 57 1. Incitement or coercion;
- 58 2. Accessing or knowingly and willingly causing or providing access to
59 data or computer software through a computer, computer system, or
60 computer network within the scope of the District school system; or
- 61 3. Acting in a manner that has an effect substantially similar to the effect
62 of bullying or harassment.
- 63
- 64 (4) **Cyberstalking** as defined in s. 784.048(1)(d), F.S., means to engage in a course of
65 conduct to communicate, or to cause to be communicated, words, images, or
66 language by or through the use of electronic mail or electronic communication,
67 directed at a specific person, causing substantial emotional distress to that person
68 and serving no legitimate purpose.
69
- 70 (5) The School District of Lee County expects students to conduct themselves as
71 appropriate for their levels of development, maturity, and demonstrated capabilities
72 with a proper regard for the rights and welfare of other students and school staff, the
73 educational purpose underlying all school activities, and the care of school facilities
74 and equipment.
75
- 76 (6) The School District of Lee County expects employees to conduct themselves in
77 accordance with employee handbooks, requirements, bargaining agreements and
78 state statutes; with proper regard and respect for the students and other employees,
79 the educational purpose underlying all school activities and the care of school
80 facilities and equipment.
81
- 82 (7) The School District prohibits the bullying or harassment of any student or school
83 employee:

- 84 (a) During any education program or activity conducted by the School District of
85 Lee County;
86
- 87 (b) During any school-related or school-sponsored program or activity, or on a
88 School District of Lee County school bus;
89
- 90 (c) Through the use of data or computer software that is accessed through a
91 computer, computer system, or computer network while on school grounds or
92 on a SDLC school bus, or on the computer network of the School District of
93 Lee County.
94
- 95 (8) All administrators, faculty and staff, in collaboration with parents, students, and
96 community members, will incorporate systemic methods for student and staff
97 recognition through positive reinforcement for good conduct, self discipline, good
98 citizenship, and academic success as seen in the required school plan to address
99 positive school culture and behavior.
- 100
- 101 (9) Student rights shall be explained as outlined in this policy and in the Student Code
102 of Conduct.
103
- 104 (10) Proper prevention and intervention steps will be taken based on the level of severity
105 of infraction as outlined in the Student Code of Conduct, the Discipline Matrix, and
106 this Policy.
107
- 108 (11) Consequences and Appropriate Remedial Action
109
- 110 (a) Consequences and appropriate remedial action for students who commit
111 acts of bullying or harassment may range from positive behavioral
112 interventions up to and including suspension or expulsion as outlined in the
113 Student Code of Conduct.
114
- 115 (b) Consequences and appropriate remedial action for a school employee found
116 to have committed an act of bullying or harassment will be in accordance
117 with Collective Bargaining Agreements, School Board Policies and Florida
118 Statutes. Disciplinary actions may range up to, and include, termination.
119 Additionally, egregious acts of harassment by certified educators may result
120 in a sanction against an educator's state issued certificate. (See State Board
121 of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of*
122 *the Education Profession in Florida.*)
123
- 124 (c) Consequences and appropriate remedial action for a visitor or volunteer who
125 has been found to have committed an act of bullying or harassment shall be
126 determined by the school administrator, after consideration of the nature and
127 circumstances of the act. In the event the school administrator is considering
128 removal and no return for the perpetrator, the superintendent or his designee
129 shall be consulted.

- 130 (d) Concluding whether a particular action or incident constitutes a violation of
131 this policy requires a determination based on all of the facts and surrounding
132 circumstances. The physical location or time of access of a computer-related
133 incident cannot be raised as a defense in any disciplinary action.
134
- 135 (e) Consequences and appropriate remedial action for a student found to have
136 wrongfully and intentionally accused another of an act of bullying or
137 harassment range from positive behavioral interventions up to and including
138 suspension or expulsion, as outlined in the Student Code of Conduct.
139
- 140 (f) Consequences and appropriate remedial action for a school employee found
141 to have wrongfully and intentionally accused another as a means of bullying
142 or harassment will include consequences in accordance with Collective
143 Bargaining Agreements, School Board Policies and Florida Statutes.
144 Consequences may increase in severity, up to and including termination, in
145 accordance with the findings of the investigation.
146
- 147 (g) Consequences and appropriate remedial action for a visitor or volunteer,
148 found to have wrongfully and intentionally accused another of an act of
149 bullying or harassment shall be determined by the school administrator after
150 consideration of the nature and circumstances of the act. Consequences
151 may include reports to appropriate law enforcement officials. In the event the
152 school administrator is considering removal and no return for the perpetrator,
153 the superintendent or his designee shall be consulted.
154
- 155 (h) The physical location or time access of a computer-related incident cannot
156 be raised as a defense in any disciplinary action initiated.
157
- 158 (12) The victim of bullying or harassment, anyone who witnessed the bullying or
159 harassment, or anyone who has credible information that an act of bullying or
160 harassment has taken place may file a report of bullying or harassment. The
161 principal or principal's designee is responsible for receiving reports of bullying or
162 harassment. The report may be made orally or in writing; in-person or
163 anonymously. All forms of reports are considered official. Formal disciplinary
164 action may not be based solely on the basis of an anonymous report.
165
- 166 (13) All school employees are **required** to report alleged violations of this policy.
167 Students, parents/legal guardians, volunteers, and visitors are encouraged to report
168 any act that may be a violation of this policy anonymously or in person.
169
- 170 (14) The principal of each school in the District shall establish and prominently publicize
171 to students, staff, volunteers, and parents/legal guardians how a report of bullying or
172 harassment may be filed and the procedures that will take place following the
173 report. A school employee, school volunteer, student, parent/legal guardian or
174 other persons who promptly report in good faith an act of bullying or harassment to
175 the appropriate school official and who makes this report in compliance with the
176 procedures set forth in the District policy is immune from a cause of action for

- 177 damages arising out of the reporting itself or any failure to remedy the reported
178 incident. Submission of a good faith complaint or report of bullying or harassment
179 will not affect the complainant or reporter's future employment, grades, learning or
180 working environment or work assignments.
181
- 182 (15) A principal will assign a designee(s) to initiate an investigation of whether an act of
183 bullying or harassment is within the scope of the school District. The designee(s)
184 will provide a report on results of investigation with recommendations for the
185 principal to make a determination if an act of bullying or harassment falls within the
186 scope of the District.
187
- 188 (a) If it is within the scope of District, move to Procedures for Investigating
189 Bullying and/or Harassment. If it is within the scope of the District, and
190 determined a criminal act, move to Procedures for Investigating Bullying
191 and/or Harassment and refer to appropriate law enforcement.
192
- 193 (b) If it is outside the scope of District, and determined a criminal act, refer to
194 appropriate law enforcement.
195
- 196 (c) If it is outside the scope of District, and determined not a criminal act, inform
197 parents/legal guardians of all students involved.
198
- 199 (16) The investigation of a reported act of bullying or harassment is deemed to be a
200 school-related activity and begins with a report of such an act. At each school in the
201 District, the Procedure for Investigating Bullying and/or Harassment includes:
202
- 203 (a) The principal selects a designee(s), employed by the school, to initiate the
204 investigation. The designee(s) may not be the accused perpetrator (harasser
205 or bully) or victim.
206
- 207 (b) Documented interviews of the victim, alleged perpetrator, and witnesses are
208 conducted privately, separately, and are confidential. Each individual (victim,
209 alleged perpetrator, and witnesses) will be interviewed separately and at no
210 time will the alleged perpetrator and victim be interviewed together.
211
- 212 (c) The investigator shall collect and evaluate the facts including, but not limited
213 to:
214
- 215 1. A description of incident(s) including nature of the behavior, context in
216 which the alleged incident(s) occurred, etc.;
 - 217
 - 218 2. How often the conduct occurred;
 - 219
 - 220 3. Whether there were past incidents or continuing patterns of behavior;
 - 221
 - 222 4. The relationship between the parties involved;

- 223 5. The characteristics of parties involved (i.e., grade, age, etc.);
224
225 6. The identity and number of individuals who participated in bullying or
226 harassing behavior;
227
228 7. Where the alleged incident(s) occurred;
229
230 8. Whether the conduct adversely affected the student's education or
231 educational environment;
232
233 9. Whether the alleged victim felt or perceived an imbalance of power as
234 a result of the reported incident; and
235
236 10. The date, time, and method in which the parents/legal guardians of all
237 parties involved were contacted.
238
- (d) The investigation will be documented on the School District's Report Form for
239 Bullying and Harassment.
240
241
- (17) The principal, or designee, shall promptly report **via telephone, personal
242 conference, and/or in writing, the occurrence of any incident of bullying or
243 harassment as defined by this policy to the parent or legal guardian of the
244 alleged victim on the day the investigation is initiated. Prompt notification to
245 the parents/guardians of the alleged perpetrator(s) will be made following the
246 first contact, and no later than the conclusion of the investigation.** Notification
247 will be consistent with the student privacy rights under the applicable provisions of
248 the Family Educational Rights and Privacy Act of 1974 (FERPA).
249
250
- (18) If the bullying incident results in the perpetrator being charged with and convicted of
251 a crime, the principal, or designee, shall by telephone or in writing by first class mail,
252 inform parents/legal guardian of the victim(s) involved in the bullying incident about
253 the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2,
254 Section 9532) that states "...a student who becomes a victim of a violent criminal
255 offense, as determined by State law, while in or on the grounds of a public
256 elementary school or secondary school that the student attends, be allowed to
257 attend a safe public elementary school or secondary school within the local
258 educational agency, including a public charter school."
259
260
- (19) Once the investigation has been completed and it has been determined that
261 criminal charges may be pursued against the perpetrator, all appropriate local law
262 enforcement agencies will be notified by telephone and/or in writing.
263
264
- (20) Following the report of suspected bullying or harassment, a referral for intervention
265 will be made based on the investigation of the incident. The referral may be for one
266 or more of the following:
267

- 268 (a) Teacher or parent/legal guardian may request informal consultation with
269 school staff to determine the severity of the concern and steps to address the
270 concern;
271
- 272 (b) Investigator may refer victim and/or perpetrator to his/her guidance
273 counselor; and/or
274
- 275 (c) Professional assistance or services which may include:
276
- 277 1. A referral to the Child Study Team for consideration of appropriate
278 services. (Parent or legal guardian involvement is required at this
279 point.)
280
- 281 2. If a formal discipline report or formal complaint is made, the principal
282 or designee must refer the student(s) to the Child Study Team for
283 determination of counseling support and interventions. (Parent or legal
284 guardian involvement is required at this point.)
285
- 286 (21) If a bullying and/or harassment incident occurs, it will be reported in Florida's School
287 Environmental Safety Incident Reporting (SESIR) Statewide report with the
288 bullying/harassment incident code and/or related element code. If the
289 bullying/harassment results in any of the following SESIR incidents the incident will
290 be coded appropriately using the relevant incident code AND the related element
291 code.
292
- 293 (a) Arson
294 (b) Battery
295 (c) Breaking and Entering
296 (d) Disruption on Campus
297 (e) Major Fighting
298 (f) Homicide
299 (g) Kidnapping
300 (h) Larceny/Theft
301 (i) Robbery
302 (j) Sexual Battery
303 (k) Sexual Harassment
304 (l) Sexual Offenses
305 (m) Threat/Intimidation
306 (n) Vandalism
307 (o) Weapons Possession

- 308 (p) Other Major (Other major incidents that do not fit within the other definitions)
309
- 310 (22) Discipline and referral data will be recorded in Student Discipline/Referral Action
311 Report and Automated Student Information System. The District will provide bullying
312 incident, discipline, and referral data to the Florida Department of Education in the
313 format requested, through Survey 5 from Education Information and Accountability
314 Services, and on designated dates provided by the Department.
315
- 316 (23) The District ensures that schools sustain healthy, positive, and safe learning
317 environments for all students. It is important to change the social climate of the
318 school and the social norms with regards to bullying. This requires the efforts of
319 everyone in the school environment – teachers, administrators, counselors, school
320 nurses, other non-teaching staff (such as bus drivers, custodians, cafeteria workers,
321 and/or media specialists), parents/legal guardians, and students.
322
- 323 (24) Students, parents/legal guardians, teachers, school administrators, counseling staff,
324 and school volunteers shall be given instruction on an annual basis on the District's
325 Policy and Regulations against bullying and harassment. The instruction shall
326 include evidence-based methods of preventing bullying and harassment, as well as
327 how to effectively identify and respond to bullying in schools.
328
- 329 (25) The principal or designee shall by telephone and/or in writing promptly report the
330 occurrence of any incident of bullying as defined by this policy to the parent or legal
331 guardian of all students involved.
332
- 333 (26) According to the level of infraction, parents/legal guardians will be notified by
334 telephone and/or writing of actions being taken to protect the child; the frequency of
335 notification will depend on the seriousness of the bullying or harassment incident.
336 Notification will be consistent with the student privacy rights under the applicable
337 provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
338
- 339 (27) The District shall provide notice to students, staff and parents/legal guardians of this
340 policy through appropriate references in the Student Code of Conduct and
341 employee handbooks, and/or through other reasonable means. The Superintendent
342 shall also make all private contractors doing business with the District aware of this
343 policy.
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346 **STATUTORY AUTHORITY:** 1001.42, 1001.43, and 1006.147, F.S.
347

348 Adopted: 11/18/08