

Note: Language that is underlined is proposed additional language. Language that is ~~stricken~~ is proposed for deletion.

## POLICY AGAINST BULLYING AND HARASSMENT

### I. General Statement

It is the policy of the Volusia 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. Issues regarding sexual harassment, and harassment based upon race, color, sex, religion, national origin, marital status, age, political beliefs, sexual orientation, gender identity or expression, or disability shall be dealt with under School Board Policy 509, Prohibition of Harassment.

### II. Definitions for the Purpose of this Policy

**Bullying**, for the purpose of this policy, shall be defined as systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. The term “bullying” shall include “cyberbullying”~~“cyber bullying,”~~ ~~as defined in School Board Policy 208, Code of Student Conduct and Discipline.~~ 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
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation
10. Destruction of property

**Cyberbullying**, for the purpose of this policy, bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic

means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

**Harassment**, for the purpose of this policy, shall be defined as 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:

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, opportunities, or benefits
3. Has the effect of substantially disrupting the orderly operation of a school

**Bullying and harassment**, for the purpose of this policy, also encompasses:

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.
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. For purposes of this policy, within the scope of the district school system means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity;
  - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

**Cyberstalking**, as defined in s. 784.048(1)(d), F.S., 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 a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

III. Behavior Expectations

General Expectations

The Volusia County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The school 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. Since 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.

The bullying or harassment of any student or school employee is prohibited:

- a. During any school district program or activity;
- b. During any school-related or school-sponsored program or activity;
- c. On school sponsored transportation; ~~or~~
- d. Through the use of data or computer software that is accessed through a district owned or operated computer, computer system, computer network, or other electronic communication device. The physical location or time access of a computer-related incident cannot be raised as a defense to a disciplinary action initiated under this policy. The application of this policy shall be consistent with the standards that exist under the Constitution of the United States of America; or
- e. Through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. This paragraph does not require a school to staff or monitor any nonschool-related activity, function, or program. Pursuant to section 1006.147, Florida Statutes, nothing in this policy shall be interpreted or relied upon, or establish an expectation that, the school district will staff or monitor any non-school-related activity, function, or program.

#### Students' Rights and Responsibilities

- Respect for Persons and Property

Students have the right to use school property in a manner approved by the school center. Students have the responsibility to respect the rights of others and not to interfere with their learning.

Students have the right to use their personal property in a manner approved by the school. Students have the responsibility to respect and adhere to the rules and regulations of the school system.

Students have the right to privacy consistent with applicable laws. Students have the responsibility to report evidence of an illegal act or violation of the code.

Students have the right to be respected and accepted as individuals. Students have the responsibility to dress appropriately and in accordance with the rules of each school.

- Knowledge and Observation of Rules and Conduct

Students have the right to know the rules and regulations regarding their conduct. They also have the opportunity for input in the development of these rules and regulations. Students have the responsibility to follow the rules and regulations of the school center.

Students have the right to be assured of a school environment, which does not jeopardize their safety, health or welfare. Students have the responsibility to follow the rules and regulations of the school center so as not to jeopardize the safety, health and welfare of others.

- Respect for Authority

Students shall abide by the standards of conduct established in the Code of Student Conduct and Discipline set out in School Board Policy Number 208, this policy, and by rules established by the school administrators and classroom teachers, which rules shall be consistent with the Code of Student Conduct and Discipline, this policy and applicable law. Students who do not conduct themselves in accordance with such policies and rules are subject to discipline in accordance with the Code of Student Conduct and Discipline.

#### Student Recognition

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 school's recognition plan or school rules.

#### Sanctions and Due Process

Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Student Code of Conduct and this Policy.

#### IV. Consequences

##### Student Consequences

The consequence for a student who commits an act of bullying or harassment or who is found to have wrongfully and intentionally accused another of an act of bullying or harassment shall be consistent with the responses set out in School Board Policy 208, Code of Student Conduct and Discipline, for "Level III – Major I Offenses", which include the following:

- Assignment to an alternative education program
- Community service in lieu of suspension \*Not appropriate for all Level III Offenses -consult with the District Office
- Expulsion recommendation from school or bus
- In-school suspension
- Concern to harm self or others referral
- Restitution

- Saturday school
- Civil Citation Program
- Student services referral
- Suspension from school or bus
- Suspension from driving/vehicle restriction

#### Employee Consequences

Consequences and appropriate interventions for a school/district employee found to have committed an act of bullying or harassment or to have wrongfully and intentionally accused another of an act of bullying or harassment will be instituted in accordance with District policies, procedures, and agreements (Policy 418, Standards of Conduct, Procedures of the Professional Standards Department, department and school rules and procedures applicable to the employee, and the relevant collective bargaining agreement). Additionally, acts of bullying or harassment by certified educators may, as determined by the Professional Practices Commission and the Commissioner of Education, result in a sanction against an educator's state issued certificate (Rule 6B-1.006 F.A.C.).

#### Visitor and Volunteer Consequences

Consequences and appropriate interventions for a visitor or school volunteer found to have committed an act of bullying or harassment or to have wrongfully and intentionally accused another of an act of bullying or harassment will be instituted in accordance with School Board Policy 418 Standards of Conduct, which provides that the individual engaging in such inappropriate behavior may be directed by the principal/designee to leave the school, other school district facility, or school activity. In addition, if determined to be appropriate by the principal, a trespass warning may be issued in accordance with state law.

### V. Incident Report and Investigation

#### Submission of Complaints

- a. Any student, parent/guardian of a student, employee, visitor or volunteer who believes he or she (or the child/student) has been the victim of bullying or harassment in violation of this policy is encouraged to immediately report the alleged acts to an appropriate School District official designated herein. In accordance with the law, persons shall be permitted to anonymously report such allegations, but no disciplinary action may be based solely upon an anonymous report.
- b. Section 1006.147 (6), Florida Statutes, states as follows: "A school employee, school volunteer, student or parent who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in the school district's policy and who makes this report in compliance with the procedures set

forth in this policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.”

- c. Students who believe they have been subject to or have observed bullying or harassment in violation of this policy shall report the allegation to the teacher, building principal or designee (e.g. student dean). Teachers who have observed or been told of bullying or harassment among students shall take the appropriate corrective action, and shall make the necessary referrals to the school administration as may be warranted by the situation. Employees who believe they have been subject to or have observed bullying or harassment in violation of this policy shall report the allegation to their supervisor. Visitors or volunteers who believe they have been subject to or have observed bullying or harassment in violation of this policy shall report the allegation to the administrator supervising the facility or program with which the visitor or volunteer is involved. The administrator receiving the complaint shall (in consultation with the Professional Standards Department if the allegation is against an adult, or the Area Superintendent if the allegation is against a student) determine whether he or she has authority over the individual against whom the allegation has been made. If the administrator does not have such authority, then he or she shall forward the allegation to the appropriate administrator. If it is determined that the investigation is outside of the jurisdiction of the district, then the administrator shall, (in consultation with the Professional Standards Department if the allegation is against an adult, or the Director of Student Assignments if the allegation is against a student) determine whether there is an appropriate jurisdiction to which the matter can be referred. Such consultation shall also include a determination of whether local law enforcement should be notified of the allegation.

#### Investigation

- a. Upon receipt of the harassment report or complaint, the building principal, administrator or director of professional standards, whichever is applicable, shall immediately undertake or authorize an investigation. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with the report of such an act.
- b. The investigation will consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- c. In determining whether alleged conduct constitutes a violation of this policy, the person investigating shall consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, and the context in which the alleged incidents occurred.
- d. In the course of the investigation the building principal or the director of professional standards may determine that reason exists to make a recommendation regarding the protection of the student, employee or others

named in the complaint. Such recommendation will be made immediately to the Superintendent.

- e. The investigation will be completed as soon as practicable, with cases involving allegations against students being completed within ten (10) days, and cases involving adults taking no more than sixty (60) days. If the allegation is against an employee, the director of professional standards shall, upon completion of the investigation, provide a written report to the professional standards committee, who shall make a recommendation to the Superintendent. If the complaint involves the Superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. If the allegation is against a student, and is substantiated, the building principal shall take whatever action is appropriate under the Code of Student Conduct and Discipline. If the allegation is against a teacher, employee or other school personnel, and is substantiated, the Superintendent and School Board shall take appropriate action in accordance with School Board policy, Florida Statutes and the Administrative Rules of the Florida State Board of Education. Such actions shall be taken in a timely manner. If the allegation is against a visitor or volunteer, and is substantiated, the administrator shall take action in accordance with School Board Policy 418 Standards of Conduct, which provides that the individual engaging in such inappropriate behavior may be directed by the principal/designee to leave the school, other school district facility, or school activity. In addition, if determined to be appropriate by the principal, a trespass warning may be issued in accordance with state law.

VI. Parental Notification and Referrals for Counseling

- a. Where the victim or perpetrator of the bullying or harassment is a student, then the parents of the student shall receive immediate notification of the act of bullying or harassment. The result of any investigation conducted by a school or district administrator under this policy will be reported in writing to the parties, to the extent allowed by law. Schools shall refer victims of bullying and harassment to guidance counselors for counseling, and shall notify the parent if other actions are taken and/or planned to protect the victim. The school shall take the necessary actions to have perpetrators of bullying and harassment referred to appropriate programs and/or services. The School shall also take other action reasonably calculated to end the bullying and/or harassment and to correct the discriminatory effects on the complainant or other individuals who were subject to bullying and/or harassment, if appropriate.
- b. Where the victim or perpetrator of the bullying or harassment is an employee, the district shall offer referrals to counseling through the district's Employee Assistance Program. Counseling may be required for the perpetrator.

VII. Data Collection/Reporting and Instruction

- a. The District shall coordinate with principals to insure that the safety and discipline data that principals are required to report under section 1006.09(6), F.S., includes reported incidents of bullying and harassment.

- b. The Superintendent will take the necessary steps to insure that the anti-bullying and harassment programs conducted by the district provide instruction on identifying, preventing, and responding to bullying or harassment for students, parents, teachers, school administrators, counseling staff, and school volunteers. This instruction shall include recognition of behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations.
  
- c. Starting with the 2009-2010 school year, this policy shall be included in the publication of the Code of Student Conduct and Discipline provided to teachers and students and their families, and will also be included in employee handbooks.

Legal Authority:

Sections 1001.41, 1001.42, Florida Statutes

Laws Implemented:

Section 1006.147, Florida Statutes

History:

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