

## Anti-Bullying Policy 5.9

THE SCHOOL BOARD OF BROWARD 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. BULLYING, HARASSMENT, OR DISCRIMINATION WILL NOT BE TOLERATED AND SHALL BE JUST CAUSE FOR DISCIPLINARY ACTION. THIS POLICY 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. POLICY 4001.1, *NONDISCRIMINATION STATEMENT POLICY*, ADDRESSES REQUIREMENTS FOR DISCRIMINATION AGAINST DEFINED FEDERAL, STATE, AND LOCAL PROTECTED CATEGORIES OF PERSONS.

IT IS ESSENTIAL THAT A BASIC UNIVERSAL PREVENTION CURRICULUM BE IN PLACE SO THAT EVERY SCHOOL WILL RECEIVE A FOUNDATION OF PREVENTION UPON WHICH TO BUILD A CULTURE OF HEALTH, WELLNESS, SAFETY, RESPECT AND EXCELLENCE.

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

### I. 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 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. teasing
2. social exclusion\*
3. threat
4. intimidation
5. stalking
6. physical violence
7. theft
8. sexual, religious, or racial harassment
9. public or private humiliation

10. destruction of property

\*Note: Social exclusion includes incitement and/or coercion.

**B. “Cyberbullying”** is defined as the willful and repeated bullying or harassment and/or intimidation of a person through the use of digital technologies or any electronic communication, which includes, but is not limited to, email, blogs, apps texting on cell phones, social websites (e.g., MySpace, Facebook, Twitter, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism, 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, photo electronic system, or photo optical 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 (F.S. 1006.147).

**Note:** The scope of a public K-12 educational system means, regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at school-related or school-sponsored program or activity. The definitions of Computer-Related Crimes in F.S. 815.03 and the definitions of Cyberstalking in F.S. 784.048(1) (d) are applicable to this section.

Per F.S. 810.145, voyeurism, which may be utilized in cyberbullying, in and of itself, is a criminal offense.

**C. “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 either’s opportunities, or benefits;
3. has the effect of substantially negatively impacting a student’s or employee’s emotional or mental well-being; or
4. has the effect of substantially disrupting the orderly operation of a school and/or school district work environment.

**D. “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.

**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, cyberbullying 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) 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; 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. For Federal requirements when these acts are against federally identified protected categories, refer to Policy 4001.1.

Note: For additional information refer to Section II of the Code of Student Conduct.

- G. “Accused”** is defined as 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 who is reported to have committed an act of bullying.
- H. “Complainant”** is defined as any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally, electronically or in writing.
- I. “Target”** is defined as 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, who is reported to have been the target of an act of bullying during any educational program or activity conducted by the SBBC.

**II. Expectations:** The Broward 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 SBBC;
  2. during any school-related or school-sponsored program or activity or on a SBBC school bus;
  3. through the use of any electronic device or data while on school grounds or on a SBBC school bus, computer software that is accessed through a computer, computer system, or computer network of the SBBC. 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 SBBC school bus.
  5. The District does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness can 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/ administrative Investigative Designee deems appropriate, which may include the use of the School Resource Officer. The principal/administrative Investigative Designee shall use all District Reporting Systems to log all reports and interventions. However, if a student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the school district administration, disciplinary sanctions will be issued, see Section V. A. 1.a of this policy.
  6. though an incident of alleged of bullying (cyberbullying or other) may occur off campus and may not entail threats of acts to occur during school hours, if a student's ability to receive an education or a school's ability to provide an education is significantly impaired, as determined by the school district administration, disciplinary sanctions may be issued.
- 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-wide positive behavior plan to address positive school culture and behavior. Schools are to work with their Discipline Team and Collaborative Problem Solving Team (CPST) to address violence (bullying) prevention and incorporate Response to Intervention (RtI) strategies and interventions in all tier levels. Schools will utilize the Behavior Academic Support Information System (BASIS) to gather school, classroom and student data to accomplish these tasks.
- C.** Student rights, disciplinary sanctions and due process shall be explained as outlined in this policy and in the Code of Student Conduct: to conform to reasonable standards of socially acceptable behavior, respect the person, property, and rights of others, obey constituted authority, and respond to those who hold that authority.
- D.** Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Code of Student Conduct, the Discipline Matrix, and this

Policy. The link to access the Student Code of Conduct is: <http://browardschools.com/Parents-Students/Parent-Student-Pages/Code-Of-Conduct>.

### III. Stakeholder Responsibilities

**A. Student Support Initiatives 'Diversity, Prevention & Intervention (DPI) Department** : Student Support Initiatives' professionals, in collaboration with other District departments, will create trainings for all staff members, Investigative Designees, Prevention Liaisons, students, families, and community stakeholders on this Policy and associated procedures to promote academic success, enhance resiliency, build developmental assets, and promote protective factors. These trainings will work to create a climate within each school and within the District that fosters the safety and respect of children and the belief that adults are there to protect and help them. Additionally, students and staff (including, but not limited to, school based employees, administrators, district personnel, counseling staff and bus drivers) will be given the skills, training, and tools needed to create the foundation for preventing, identifying, investigating, and intervening when issues of bullying arise.

**B. Schools:** Each school principal shall designate a:

1. Prevention Liaison to act as the Student Support Initiative's DPI contact and disseminator of all prevention related resources. These designees are key school based personnel who will attend DPI's annual prevention training(s) and receive prevention and intervention methods and tools related to bullying/cyberbullying and other prevention issues that impact the school culture, safety, and well-being of students and staff. The Prevention Liaisons will also be part of a school-based team tasked with prevention and policy related efforts to address acts of violence and school safety. If a team does not already exist, it will be created by the Prevention Liaison. At minimum, this team should include staff members from administration, guidance, and instruction.
2. Investigative Designee(s) who is an administrator and the only individual(s) who shall receive and investigate bullying complaints other than the principal.
3. Implement this bullying and harassment policy in the prescribed manner and integrate it with the school's bullying prevention and intervention programs.

**C. Community Resources:** Student Support Initiatives' professionals, in collaboration with other District departments, will train a wide range of community stakeholders, for-profit, non-profit, Local, County and State law enforcement agencies, and faith based agencies to provide the dissemination and support of violence prevention curriculums 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 which each and every school and student receives an equitable foundation of violence prevention.

**D. Evidence-Based Interventions and Curriculum:** Student Support Initiatives' DPI staff members will serve as the coordinators and trainers of prevention for all designated school staff and outside agencies/community partners. Those trained in Prevention (e.g., Prevention Liaisons, DPI staff and Community Partners) will then collaborate as "violence prevention partners" to create a list of bullying prevention and intervention programs authorized by the district, including evidence-based interventions, curriculums,

and proven programs to be utilized within schools. Student Support Initiatives' DPI will assist with the provision of prevention and evidence-based programs as funding allows.

**E. Parent Participation and Partnership:** Student Support Initiatives' DPI professionals, in collaboration with other District departments, will provide opportunities and encourage parents to participate in prevention efforts with their children in meaningful and relevant ways that address the academic, social-emotional and health needs of their children. The District will offer parents and parent association's trainings on violence prevention as well as knowledge of and/or opportunity to participate in any violence prevention initiatives currently taking place in their school via the District school website, Broward Education Communication Network (BECON), open houses, and parent/school newsletters. These trainings will provide resources and support for parents by linking them with internal supports as well as referral to community-based resources as needed.

**F. Evaluation of Service Effectiveness:** Evaluations to determine the effectiveness and efficiency of the services being provided will be conducted at least every three years and shall include data-based outcomes. These findings will be used to modify trainings, curriculum and programs.

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

**IV. Training for students, parents, teachers, district staff, school administrators, and student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, contractors and school volunteers on identifying, preventing, and responding to bullying will be conducted.**

**A.** At the beginning of each school year, the school principal/designee and/or appropriate district administrator shall provide for:

**B.** the policy trainings, including the process for reporting incidents, investigation and appeal, to students, school staff, parents, or other persons responsible for the welfare of a pupil, and

**C.** appropriate references to the policy in the Code of Student Conduct, Employee Handbooks, the school website, and/or through other reasonable means.

**V. Disciplinary sanctions (consequences) and due processes for a person who commits an act of bullying under this policy.**

**A.** Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the District. The physical location or time access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated.

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 Code of Student Conduct, the Discipline Matrix, and this Policy.

- a. All steps necessary to protect the target from further violations of this policy will be taken, and may include, but are not limited to, assignment of the perpetrator to a different school from that where the offense occurred. Only the Superintendent/designee may make such a reassignment. In such cases of reassignment, transportation will be provided by the District.
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 (Policy 4.9, Employee Disciplinary Guidelines, Part I, Section b and Policy 2410, Workplace Violence, Rules) and the Education Professionals' Contract Agreement, Broward Teachers Union (BTU). Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's state issued certificate (Rule 6B-1.006 F.A.C.).
3. Consequences and appropriate intervention for a visitor, volunteer, or parent/guardian 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 they are students, school employees, parents/guardians, 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 or administrative Investigative Designee is responsible for receiving oral, electronic or written complaints alleging violations of this policy, as with all infractions from the Code of Student Conduct.
- B. Students may report complaints of bullying to any school district employee, faculty or staff. All District employees, faculty and staff are required and must report, in writing, any allegations of bullying or violations of this Policy involving students to the principal/administrative Investigative 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 (SBBC Policy 2410, section 1). Any District faculty or staff who suspect's adult-on-adult bullying is strongly encouraged to report any concerns to his/her school based or district administrator.
- C. Any other members of the school community who have credible information that an act of bullying has taken place may file a report of bullying, whether a target 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 target 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) to a school official. Complaints should be filed as soon as possible after the alleged incident and noted on the Bullying Management System (BMS) , but 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 target to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned. For protected categories covered under Policy 4001.1, a different timeline may apply.

- E. The principal of each school in the District shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of bullying may be filed and what actions may be taken.
- F. A school district employee, school volunteer, contractor, student, parent/guardian or other persons 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 set forth in this District Policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. 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 SBBC.
- G. Administrators, Principals or administrative Investigative Designee shall document in the BMS all complaints regarding bullying, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally, electronically or in writing.
- H. Anonymous reports may be made utilizing the Broward County Public Schools Anonymous Bullying Report Form. This reporting form can be found on the School District's website [www.browardschools.com](http://www.browardschools.com) (click on Special Investigative Unit ; click on report anonymous tips), at each school's front office, at each school's single point of entry Anonymous Reporting Box, or at each district/department site. Anonymous reports may be delivered to the school administration's front office, put in the school's Anonymous Reporting Box, or through the Special Investigative Unit via their internet website [www.broward.k12.fl.us/siu/tips/](http://www.broward.k12.fl.us/siu/tips/) or Emergency/Silence Hurts Tipline at (754) 321-0911. Anyone wishing to file a bullying report can also make a report via email to [school911@browardschools.com](mailto:school911@browardschools.com) or via text message by texting 'SBBC' [space], plus the text message to CRIMES (274637). Administrators shall use the BMS 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 or harassment is deemed to be a school-related activity and begins with a report of such an act. Incidents that require an 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/administrative Investigative Designee shall be the only school based person(s) to receive, investigate and document all complaints in writing and through the BMS to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous complaints as well. 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's staff member's direct supervisor, then the Chief School Performance & Accountability Officer/Designee or appropriate district administrator shall be asked to address the complaint.
- D. The trained principal/administrative Investigative Designee(s) will make the determination if a reported act of bullying or harassment falls within the scope of the District.
  - 1. If it is within the scope of the District, move to Procedures for Investigating Bullying, Cyberbullying and, /or Harassment as outlined below. If it is outside the scope of the District, and determined an alleged criminal act, refer to appropriate law enforcement, provide any applicable interventions, and document according to Policy.
  - 3. If it is outside the scope of the District, and determined not a criminal act, inform parents/guardians of all students involved, provide appropriate interventions and document according to Policy.
- E. Informal Resolution: all complaints are treated as Formal, unless the administrator, along with the alleged target and the accused student, agree to informally resolve the complaint. The alleged target and alleged accused student's request for an Informal Resolution must be in writing. Documented interviews of the alleged target, alleged perpetrator, and witnesses are conducted privately separately, and are confidential. At no time will the alleged perpetrator and alleged target be interviewed together. The incident and the resolution must be documented and the written request uploaded into the BMS. Please note that determination of bullying is not made with Informal Resolutions.
  - 1. If the Informal Resolution fails at a later date, the Formal Resolution process is to begin immediately.
- F. Formal Resolution: the alleged target /complainant/student/employee or parent(s), on behalf of the student, may make a complaint to the principal/ administrative Investigative Designee or appropriate district administrator verbally, electronically or by utilizing the Broward County Public Schools Bullying Complaint Report Form. This form is available on the School District's website [www.browardschools.com](http://www.browardschools.com), at each school's front office, or district/department site.
- G. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing and noted in the BMS.

### **VIII. Investigation requirements for reported acts of bullying under this policy**

- A. The procedures for investigating school-based bullying must be conducted by the principal and/or the administrative Investigative Designee, in the case of student-to-student bullying. The principal and administrative Investigative Designee shall be trained yearly on investigative procedures and interventions as outlined in this Policy. For incidents at the district level, or for school-based adult-on-adult bullying, the appropriate

administrator will be responsible for the investigation as outlined in this policy and will run concurrently and in addition to, all agreed upon procedures for staff discipline.

- B.** The investigator/administrator may not be the alleged accused or the alleged target.
- C.** The Florida Department of Education requires that school administrators provide immediate notification to the parents of both the alleged target and the alleged perpetrator of an act of bullying or harassment.
- D.** The principal/ administrative Investigative Designee or appropriate district administrator shall begin a thorough investigation with the alleged target and alleged accused within two (2) school days of receiving a notification of complaint. Within said days, written notification of the investigation will be provided to the parents of the alleged target and alleged accused. The two day letters of notification are found in the BMS.
- E.** During the investigation, the principal/administrative Investigative Designee or appropriate Chief/Designee of School Performance & Accountability/district administrator may take any action necessary to protect the complainant, alleged target, other students or employees consistent with the requirements of applicable regulations and statutes.
  - 1. Documented interviews of the alleged target, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (alleged target, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and alleged target to be interviewed together.
  - 2. At no time during the investigation will the name of the complainant be revealed by the investigator.
  - 3. In general, student complainants and/or alleged targets 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.
  - 4. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/ administrative Investigative Designee or appropriate district director also may discuss the complaint with any school district employee, the parent of the alleged target , the parent of the complainant or alleged 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.
  - 5. During the investigation where an employee is the alleged accused, the principal/administrative Investigative Designee or the appropriate Chief/Designee of School Performance & Accountability/district administrator may recommend to the Chief Human Resources Officer/designee, any action necessary to protect the complainant, the alleged target , or other students or employees, consistent with the requirements of applicable statutes, State Board of Education Rules, School Board Policies, and collective bargaining agreements.
  - 6. Parents will be promptly notified of any actions being taken to protect the alleged target via written notice, telephone or personal conference; the frequency of notification will depend on the seriousness of the bullying incident, but at minimum parents of the alleged target will be communicated with every other school day.
  - 7. All cyberbullying complaints will be accepted and investigated. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. During the investigation the principal/administrative Investigative Designee will determine if the act is within

the scope of the district school system by assessing if the cyberbullying meets the criteria of significantly impairing a school's ability to provide an education, or a student's ability to receive an education. If neither, referrals will be made to the appropriate jurisdictions.

- F. Within twelve (12) school days of receipt of the complaint, the principal/administrative Investigative Designee or appropriate district administrator 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. Immediate notification will be made to Broward Schools Special Investigative Unit (SIU) and to all local agencies where criminal charges may be pursued against the perpetrator for an act of bullying or harassment.
- G. The principal/administrative Investigative Designee or appropriate Director of School Performance & Accountability/district administrator will inform all relevant parties in writing of the decision and the right to appeal within twelve days of the receipt of the complaint. The notification letter of determination for the alleged accused and the alleged target will be found in the BMS. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems (Bullying (BUL), harassment (HAR), unsubstantiated (UBL) and unsubstantiated harassment (UHR) including, but not limited to the BMS, SESIR and the Statewide Report on School Safety and Discipline Data system.
- H. If the alleged accused is an employee, discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of bullying (Policy 4.9, Employee Disciplinary Guidelines). The supervisor/designee (e.g., principal/designee for school-based employees) of the employee shall discuss the determination and any recommended corrective action with the Director of School Performance & Accountability, for school-based actions, or the appropriate district director, for district actions, and the Chief Human Resources Officer.
- I. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and if it occurs, it shall be deemed an additional act of bullying as stated herein this Policy.

## **IX. Referral for Intervention**

- A. Referral of a student to the Collaborative Problem-Solving Team (or equivalent school-based team with a problem solving focus) for consideration of appropriate services is made through the school problem-solving process by school personnel or parent to the principal/administrative Investigative Designee. Parent notification is required. When such a report of formal discipline or formal complaint is made, the principal/administrative Investigative Designee shall refer the student(s) to the Collaborative Problem-Solving Team for determination of need for counseling support and interventions.
- B. Referral of school or district personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.

C. School-based intervention and assistance will be determined by the Collaborative Problem-Solving Team and may include, but is not limited to:

1. counseling and support to address the needs of the alleged target of bullying.
2. counseling and support to address the needs of the bystander.
3. counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management.)
4. intervention which includes assistance and support provided to parents.
5. analysis and evaluation of school culture with resulting recommendations for interventions aimed at increasing peer ownership and support.

D. Self referral for informal consultation: District staff, students or parents may request informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, Prevention Liaison, EAP, etc.) to determine the severity of concern and appropriate steps to address the concern of bullying (the involved students' parents may be included) orally or in writing to the principal/administrative Investigative Designee.

E. Any investigations and interventions shall be recorded on the BMS

#### **X. Incident reporting requirements**

A. The procedure for including incidents of bullying in the school's report of safety and discipline data is required under F.S. 1006.09(6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy, with recommendations regarding said incident.

B. The School District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.

C. Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the Discipline Management System (DMS), BMS, and other data systems, as with other infractions from the Code of Student Conduct.

#### **XI. Process for referral for external investigation**

A. If the act is outside the scope of the District, and determined a criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the principal/ administrative Investigative Designee in the BMS.

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/ administrative Investigative Designee deems appropriate, including the use of the School Resource Officer and other personnel. The principal/administrative Investigative Designee shall use District Reporting Systems to log all reports and interventions.

## **XII. Appeals process**

- A.** Appeal procedure for bullying by a student will follow the steps outlined in the Code of Student Conduct, “Right to Appeal Unfair Penalties.”
- 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 SBBC Board Policy 4015 or pursuant to the relevant collective bargaining agreement.
  - 2. For those employees not in a bargaining unit, the appeal shall be filed in accordance with SBBC Policy 4015. In reaching a decision about the complaint, the following should be taken into account:
    - a) SBBC Policy 4.9, Employee Disciplinary Guidelines; and
    - b) Case law, state and federal laws and regulations, and the Board's Policies prohibiting bullying and discrimination, including Policy 4001.1.

## **XIII. Confidentiality**

- A.** To the greatest extent possible, all complaints will be treated as confidential and in accordance with SBBC Policy 5100.1, 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.
- D.** The identity of the alleged target 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 the Seventeenth Judicial Circuit of Florida for possible criminal charges, whether or not the District takes 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 policy should not be interpreted as to prevent an alleged target or alleged 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.

**XIX. Policy Review**

This policy shall be reviewed at least every three (3) years and as needed, revised and any changes adopted.

- AUTHORITY: F.S. 1001.41(1), (2) AND (5)
  - LAWS IMPLEMENTED: F.S. 1006.147
  - POLICY ADOPTED: 7/22/08, 6/15/10 9/20/16
- POLICY AMENDED: \_\_\_\_\_