

Related Entries: Policy 4.14, Code of Conduct for Students

Bullying and Harassment

The School Board is committed to an educational setting that is safe, secure, and free from bullying and harassment of any kind for all students and employees by providing awareness, prevention, intervention (including protections for the victim), and education.

(1) Prohibited Conduct

In accordance with the Jeffrey Johnston Stand Up for All Students Act, s. 1006.147, F.S. the School District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined here in, is prohibited:

- (a) During any education program or activity conducted by the School District;
- (b) During any school-related or school-sponsored program or activity or on a school bus or at a District school bus stop;
- (c) Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the District or a school, if the bullying/harassment substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by the District or school or substantially disrupts the education process or orderly operation of a school;
- (d) Through any social media activity that targets a student, staff member, school, former student or staff member, is disruptive to the operation of the school, interferes with the general welfare of students or school system.

(2) Definitions

- (a) **"Bullying"**, including "cyberbullying", is defined as 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:

- 44
- 45 1. Teasing
- 46 2. Social exclusion
- 47 3. Threat
- 48 4. Intimidation
- 49 5. Stalking
- 50 6. Physical violence
- 51 7. Theft
- 52 8. Harassment based on race (including anti-Semitism), color, ethnicity, national
- 53 origin, sex, sexual orientation, gender identification, gender expression, disability
- 54 (physical or mental), pregnancy, marital status, age, religion, military status,
- 55 socioeconomic status, linguistic preference, genetic information, ancestry, or any
- 56 other legally protected category.
- 57
- 58 9. Public or private humiliation
- 59 10. Destruction of property
- 60 11. Cyber bullying
- 61
- 62 (b) **“Harassment”** means any threatening, insulting, or dehumanizing gesture, use of
- 63 data or computer software, or written, verbal or physical conduct directed against a
- 64 student or school employee that:
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- 66 1. Places a student or school employee in reasonable fear of harm to his or her
- 67 person or damage to his or her property;
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- 69 2. Has the effect of substantially interfering with a student’s educational
- 70 performance, opportunities, or benefits; or
- 71
- 72 3. Has the effect of substantially disrupting the orderly operation of a school.
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- 74 (c) **“Bullying”** and **“Harassment”** also encompasses:
- 75
- 76 1. Retaliation against a student or school employee by another student or school
- 77 employee for asserting or alleging an act of bullying or harassment. Reporting an
- 78 act of bullying or harassment that is not made in good faith is considered
- 79 retaliation.
- 80
- 81 2. Perpetuation of conduct listed in the definition of bullying or harassment by any
- 82 individual or group with intent to demean, dehumanize, embarrass, or cause
- 83 emotional or physical harm to a student or school employee by:
- 84

- 85 a. Incitement or coercion;
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87 b. Accessing or knowingly and willingly causing or providing access to data or
88 computer software through a computer, computer system, or computer
89 network within the scope of the District school system; or
90
91 c. Acting in a manner that has an effect substantially similar to the effect of
92 bullying or harassment.
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- 94 (d) **“Cyberstalking”** as defined in s. 784.048(1)(d), F.S., means to engage in a course
95 of conduct to communicate, or to cause to be communicated, words, images, or
96 language by or through the use of electronic mail or electronic communication,
97 directed at a specific person, causing substantial emotional distress to that person
98 and serving no legitimate purpose.
99
- 100 (e) **“Cyberbullying”** as defined in s. 1006.147(3)(b) F.S., means bullying through the
101 use of technology or any electronic communication, which includes, but is not limited
102 to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any
103 nature transmitted in whole or in part by a wire, radio, electromagnetic system,
104 photoelectronic system, or photooptical system, including, but not limited to,
105 electronic mail, Internet communications, instant messages, or facsimile
106 communications. Cyberbullying includes the creation of a webpage or weblog in
107 which the creator assumes the identity of another person, or the knowing
108 impersonation of another person as the author of posted content or messages, if the
109 creation or impersonation creates any of the conditions enumerated in the definition
110 of bullying. Cyberbullying also includes the distribution by electronic means of a
111 communication to more than one person or the posting of material on an electronic
112 medium that may be accessed by one or more person, if the distribution or posting
113 creates any of the conditions enumerated in the definition of bullying.
114
- 115 (f) **“Sexual Cyber Harassment”**. Pursuant to Florida Law, “sexual cyber harassment”,
116 means to publish a sexually explicit image of a person that contains or conveys the
117 personal identification information of the depicted person to an internet website
118 without the depicted person’s consent, for no legitimate purpose, with the intent of
119 causing substantial emotional distress to the depicted person. Sexual cyber
120 harassment may be a form of sexual harassment. (F.S. 784.049)
121
- 122 **(3) Expectations for Students and Employees**
123
- 124 (a) The School District of Lee County expects students to conduct themselves as
125 appropriate for their levels of development, maturity, and demonstrated capabilities
126 with a proper regard for the rights and welfare of other students and school staff, the
127 educational purpose underlying all school activities, and the care of school facilities
128 and equipment.
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- 130 (b) The School District of Lee County expects employees to conduct themselves in
131 accordance with employee handbooks, requirements, bargaining agreements and
132 state statutes; with proper regard and respect for the students and other employees,
133 the educational purpose underlying all school activities and the care of school
134 facilities and equipment.
135
- 136 (c) The School District prohibits the bullying or harassment of any student or school
137 employee:
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- 139 1. During any education program or activity conducted by the School District of Lee
140 County;
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 - 142 2. During any school-related or school-sponsored program or activity;
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 - 144 3. On a School District of Lee County school bus or at a District school bus stop;
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 - 146 4. Through the use of data or computer software that is accessed through a
147 computer, computer system, or computer network of the School District of Lee
148 County within the scope of the school district, meaning regardless of ownership,
149 any computer, computer system, or computer network that is physically located
150 on school property or at a school-related or school-sponsored program or activity;
151 or
 - 152
 - 153 5. Through the use of data or computer software that is accessed at a non-school-
154 related location, activity, function, or program or through the use of technology or
155 an electronic device that is not owned, leased, or used by a school district or
156 school, if the bullying substantially interferes with or limits the victim's ability to
157 participate in or benefit from the services, activities, or opportunities offered by a
158 school or substantially disrupts the education process or orderly operation of a
159 school.
 - 160
 - 161 6. **This section does not require a school to staff or monitor any non-school-
162 related activity, function, or program.**
163
- 164 (d) All administrators, faculty and staff, in collaboration with parents, students, and
165 community members, will incorporate systemic methods for student and staff
166 recognition through positive reinforcement for good conduct, self-discipline, good
167 citizenship, and academic success as seen in the required school plan to address
168 positive school culture and behavior.
169
- 170 (e) Student rights shall be explained as outlined in this policy and in the Student Code
171 of Conduct.
172
- 173 (f) Proper prevention and intervention steps will be taken based on the level of severity
174 of infraction as outlined in the Student Code of Conduct, the Discipline Matrix, and
175 this Policy. Evidence and researched based curriculum will be used to provide
176 instruction on identifying, preventing, and responding to bullying and harassment.

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(4) Consequences and Appropriate Remedial Action

- (a) Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion as outlined in the Student Code of Conduct, School Board Policy and Florida Statutes.
- (b) Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment will be in accordance with Collective Bargaining Agreements, School Board Policies and Florida Statutes. Disciplinary actions may range up to, and include, termination. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See State Board of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the Education Profession in Florida.*)
- (c) Consequences and appropriate remedial action for a visitor, vendor, or volunteer who has been found to have committed an act of bullying or harassment shall be determined by the school administrator, after consideration of the nature and circumstances of the act. In the event the school administrator is considering removal and no return for the perpetrator, the superintendent or his designee shall be consulted.
- (d) Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another of an act of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Student Code of Conduct, School Board Policy and Florida Statutes
- (e) Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another as a means of bullying or harassment will include consequences in accordance with Collective Bargaining Agreements, School Board Policies and Florida Statutes. Consequences may increase in severity, up to and including termination, in accordance with the findings of the investigation.
- (f) Consequences and appropriate remedial action for a visitor, vendor, or volunteer, found to have wrongfully and intentionally accused another of an act of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act. Consequences may include reports to appropriate law enforcement officials. In the event the school administrator is considering removal and no return for the perpetrator, the superintendent or his/her designee shall be consulted.
- (g) 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.

222 The physical location or time access of a computer-related incident cannot be raised
223 as a defense in any disciplinary action initiated.

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225 **(5) Incident Reporting**

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227 (a) The victim of bullying or harassment, anyone who witnessed the bullying or
228 harassment, or anyone who has credible information that an act of bullying or
229 harassment has taken place are encouraged to file a report of bullying or harassment.
230 The principal or principal's designee is responsible for receiving reports of bullying or
231 harassment. The report may be made orally or in writing; in-person or anonymously.
232 All forms of reports are considered official. Reports may be made anonymously, but
233 formal disciplinary action may not be based solely on the basis of an anonymous
234 report.

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236 (b) All school employees are **required** to report alleged violations of this policy.
237 Students, parents/legal guardians, volunteers, vendors, and visitors are encouraged
238 to report any act that may be a violation of this policy anonymously or in person.

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240 (c) The principal of each school in the District shall establish and prominently publicize
241 to students, staff, volunteers, and parents/legal guardians how a report of bullying or
242 harassment may be filed and the procedures that will take place following the report.
243 A school employee, school volunteer, student, parent/legal guardian or other persons
244 who promptly report in good faith an act of bullying or harassment to the appropriate
245 school official and who makes this report in compliance with the procedures set forth
246 in the District policy is immune from a cause of action for damages arising out of the
247 reporting itself or any failure to remedy the reported incident. Submission of a good
248 faith complaint or report of bullying or harassment will not affect the complainant or
249 reporter's future employment, grades, learning or working environment or work
250 assignments.

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252 **(6) Investigation**

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254 (a) The principal will assign a designee(s) to initiate an investigation of whether an act of
255 bullying or harassment is within the scope of the school District. The designee(s) will
256 provide a report on results of an investigation with recommendations for the principal
257 to determine if an act of bullying or harassment falls within the scope of the District.

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259 1. If it is within the scope of the District, move to Procedures for Investigating
260 Bullying and/or Harassment. If it is within the scope of the District, and
261 determined a criminal act, move to Procedures for Investigating Bullying
262 and/or Harassment and refer to appropriate law enforcement.

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264 2. If it is outside the scope of the District, and determined a criminal act, refer to
265 appropriate law enforcement.

266

- 267 3. If it is outside the scope of the District, and determined not a criminal act, inform
268 parents/legal guardians of all students involved.
269
- 270 (b) The investigation of a reported act of bullying or harassment is deemed to be a
271 school-related activity and begins with a report of such an act. Incidents that require
272 a reasonable investigation when reported to appropriate school authorities shall
273 include alleged incidents of bullying and harassment allegedly committed against a
274 child while the child is en route to school aboard a school bus or at the school bus
275 stop. At each school in the District, the Procedure for Investigating Bullying and/or
276 Harassment includes:
277
- 278 1. The principal selects a designee(s), employed by the school, to initiate the
279 investigation. The designee(s) may not be the accused perpetrator (harasser
280 or bully) or victim.
281
- 282 2. Documented interviews of the victim, alleged perpetrator, and witnesses are
283 conducted privately, separately, and are confidential. Each individual (victim,
284 alleged perpetrator, and witnesses) will be interviewed separately and at no
285 time will the alleged perpetrator and victim be interviewed together.
286
- 287 3. The investigator shall collect and evaluate the facts including, but not limited to:
288
- 289 a. A description of incident(s) including nature of the behavior, context in
290 which the alleged incident(s) occurred, etc.;
- 291 b. How often the conduct occurred;
- 292 c. Whether there were past incidents or continuing patterns of behavior;
- 293 d. The relationship between the parties involved;
- 294 e. The characteristics of parties involved (i.e., grade, age, etc.);
- 295 f. The identity and number of individuals who participated in bullying or
296 harassing behavior;
- 297 g. Where the alleged incident(s) occurred;
- 298 h. Whether the conduct adversely affected the student's education or
299 educational environment;
- 300 i. Whether the alleged victim felt or perceived an imbalance of power as a
301 result of the reported incident; and
- 302 j. The date, time, and method in which the parents/legal guardians of all
303 parties involved were contacted.
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314 k. Computers without web-filtering software or computers with web-filtering
315 software that is disabled shall be used when complaints of cyberbullying
316 are investigated.
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- 318 4. The investigation will be documented on the School District's Report Form for
319 Bullying and Harassment.
320

321 **(7) Notification**
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- 323 (a) The principal, or designee, shall promptly report **via telephone, personal**
324 **conference, and/or in writing, the occurrence of any incident of bullying or**
325 **harassment as defined by this policy to the parent or legal guardian of the**
326 **perpetrator(s) and alleged victim(s) on the day the investigation is initiated. All**
327 **parties shall be promptly notified in writing at the conclusion of the**
328 **investigation including the determination.** Notification will be consistent with the
329 student privacy rights under the applicable provisions of the Family Educational
330 Rights and Privacy Act of 1974 (FERPA).
331
- 332 (b) If the bullying incident results in the perpetrator being charged with and convicted of
333 a crime, the principal, or designee, shall by telephone or in writing by first class mail,
334 inform parents/legal guardian of the victim(s) involved in the bullying incident about
335 The Hope Scholarship Program (FL Statute 1002.40). The Hope Scholarship was
336 established to provide the parent of a public school student who was subjected to a
337 qualifying incident an opportunity to transfer the student to another public school or
338 to request a scholarship for the student to enroll in and attend an eligible private
339 school.
340
- 341 (c) Once the investigation has been completed and it has been determined that criminal
342 charges may be pursued against the perpetrator, all appropriate local law
343 enforcement agencies will be notified by telephone and/or in writing.
344

345 **(8) Referrals**
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- 347 (a) Following the report of suspected bullying or harassment, a referral for intervention
348 will be made based on the investigation of the incident. The referral may be for one
349 or more of the following:
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- 351 1. Teacher or parent/legal guardian may request informal consultation with school
352 staff to determine the severity of the concern and steps to address the concern;
353
 - 354 2. Investigator may refer victim and/or perpetrator to his/her School Counselor;
355 and/or
356
 - 357 3. Professional assistance or services which may include:
358

- 359 a. A referral for consideration of interventions and/or appropriate services.
360 (Parent or legal guardian involvement is required at this point.)
361
- 362 b. If a formal discipline report or formal complaint is made, the principal or
363 designee must refer the student(s) to the appropriate team for
364 determination of counseling support and/or interventions. (Parent or legal
365 guardian involvement is required at this point.)
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367 **(9) Data Collection and Reporting**
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- 369 (a) If a bullying and/or harassment incident occurs, it will be reported in Florida's School
370 Environmental Safety Incident Reporting (SESIR) Statewide report with the
371 bullying/harassment incident code and/or related element code. If the
372 bullying/harassment results in any of the following SESIR incidents the incident will
373 be coded appropriately using the relevant incident code AND the related element
374 code.
375
- 376 1. Alcohol
 - 377 2. Arson
 - 378 3. Battery
 - 379 4. Breaking and Entering / Burglary
 - 380 5. Bullying
 - 381 6. Disruption on Campus
 - 382 7. Drug Sale/Distribution Excluding Alcohol
 - 383 8. Drug Use/Possession Excluding Alcohol
 - 384 9. Fighting
 - 385 10. Harassment
 - 386 11. Hazing
 - 387 12. Homicide
 - 388 13. Kidnapping
 - 389 14. Larceny/Theft
 - 390 15. Physical Attack
 - 391 16. Robbery
 - 392 17. Sexual Assault
 - 393 18. Sexual Battery
 - 394 19. Sexual Harassment

- 395 20. Sexual Offenses
- 396 21. Threat/Intimidation
- 397 22. Trespassing
- 398 23. Tobacco-Nicotine
- 399 24. Vandalism
- 400 25. Weapons Possession
- 401 26. Other Major (Other major incidents that do not fit within the other definitions)
- 402
- 403 (b) Discipline and referral data will be recorded in Student Discipline/Referral Action
- 404 Report and Automated Student Information System. The District will provide bullying
- 405 incident, discipline, and referral data to the Florida Department of Education in the
- 406 format requested, through Surveys 2, 3 and 5 from Education Information and
- 407 Accountability Services, and on designated dates provided by the Department. Data
- 408 reported on bullying, harassment, unsubstantiated bullying, unsubstantiated
- 409 harassment, sexual harassment and threat/intimidation incidents as well as any
- 410 bullying-related incidents that have as a basis sex, race, or disability should include
- 411 the incident basis. Victims of these offenses should also have the incident basis (sex,
- 412 race, disability, etc.) noted in their student record.
- 413
- 414 **(10) Instruction**
- 415
- 416 (a) The District ensures that schools sustain healthy, positive, and safe learning
- 417 environments for all students. It is important to change the social climate of the school
- 418 and the social norms with regards to bullying. This requires the efforts of everyone in
- 419 the school environment – teachers, administrators, counselors, school nurses, other
- 420 non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or media
- 421 specialists), parents/legal guardians, and students.
- 422
- 423 (b) Students, parents/legal guardians, teachers, school administrators, counseling staff,
- 424 and school volunteers shall be given instruction on an annual basis on the District's
- 425 Policy and Regulations against bullying and harassment. The instruction shall include
- 426 evidence-based methods of preventing bullying and harassment, as well as how to
- 427 effectively identify and respond to bullying in schools, including instruction on
- 428 recognizing behaviors that lead to bullying and harassment and taking appropriate
- 429 preventive action based on those observations.
- 430
- 431 **(11) Action to Protect the Victim**
- 432
- 433 (a) The principal or designee shall by telephone and/or in writing promptly report the
- 434 occurrence of any incident of bullying as defined by this policy to the parent or legal
- 435 guardian of all students involved.
- 436

- 437 (b) According to the level of infraction, parents/legal guardians will be notified by
438 telephone and/or writing of actions being taken to protect the child; the frequency of
439 notification will depend on the seriousness of the bullying or harassment incident.
440 Notification will be consistent with the student privacy rights under the applicable
441 provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
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443 **(12) Publicizing Policy**
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- 445 (a) The District shall provide notice to students, staff and parents/legal guardians of this
446 policy through appropriate references in the Student Code of Conduct and employee
447 handbooks, and/or through other reasonable means. The Superintendent shall also
448 make all private contractors doing business with the District aware of this policy.
449
- 450 (b) This policy does not replace current District policy 1.23: Prohibition of Harassment;
451 which prohibits harassment on the basis of sex, race, color, ethnic or national origin,
452 religion, marital status, disability, age, political beliefs, sexual orientation, gender,
453 gender identification, social and family background, linguistic preference, and
454 pregnancy. Specific Federal policy guidelines on harassment have been established
455 by the U.S. Department of Education's Office of Civil Rights (OCR) for Title IX, Florida
456 Equity Act, Section 504 of the Rehabilitation Act, Americans with Disabilities Act
457 (ADA) and the Age Discrimination Act. The Florida Department of Education's Office
458 of Equity and Access (OEA) reviews and monitors the implementation of these
459 harassment policies.
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461 **STATUTORY AUTHORITY:** 784.048, 784.049, 1002.20, 1001.42, 1001.43, 1006.13 and
462 1006.147, F.S.
463

464 Adopted: 10/19/10 (formerly 4.141)
465 Revised: 10/22/13
466 Revised: 11/05/13
467 Revised: 9/27/16
468 Revised: 10/06/20