

Hillsborough County Public Schools
Policy Against Bullying and Harassment

It is the policy of Hillsborough County Public Schools 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 or harassment of any type. Conduct that constitutes bullying or harassment, as defined herein, is prohibited.

Definitions

“Bullying” means systematically and chronically inflicting physical hurt or psychological distress on one or more students, employees, or visitors. 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. Cyberbullying
- G. Cyberstalking
- H. Physical violence
- I. Theft
- J. Sexual, religious, or racial harassment
- K. Public humiliation
- L. Destruction of property

“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:

- A. places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; or
- B. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits; or
- C. has the effect of substantially disrupting the orderly operation of a school

Bullying and harassment also encompasses:

- A. 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.
- B. 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:
 - 1. Incitement or coercion;

2. 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
3. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

"Harassment" or "bullying" also includes electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) directed toward a student(s) or staff member(s) that causes mental or physical harm or is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

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.

Expected Behavior

Hillsborough County Public Schools expects students and school employees to conduct themselves appropriately 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 school district upholds that school-related bullying or harassment of any student or school employee is prohibited:

- A. During any education program or activity conducted by a school sites educational institution;
- B. During any school-related or school-sponsored program or activity;
- C. On a school bus or bus stop of a school sites educational institution; or
- D. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a school sites education institution.

Consequences

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. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. 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 Code of Student Conduct. A district employee found to have committed an act of bullying or harassment may be disciplined in accordance with district policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against that 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.) Consequences and appropriate remedial action for a visitor or volunteer, 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, including reports to appropriate law enforcement officials.

Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct. A district employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with district policies, procedures, and agreements. Consequences and appropriate remedial action for a visitor or volunteer, found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Procedure for Reporting

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the principal or the principal's designee. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

The principal/site administrator of each school or site in the district shall establish, publicize, and prominently post (e.g., posters, student handbook, district website, school website) to students, staff, volunteers, and parents/legal guardians, how a report of bullying or harassment may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment. A district employee, school volunteer, student, parent/legal guardian or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in the 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 or harassment will not affect the complainant or reporter's future employment, grades, learning, working environment, or work assignments.

Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Procedure for Investigation

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. All complaints about bullying and/or harassment that may violate this policy shall be promptly investigated by a school official.

Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together. The investigator shall collect and evaluate the facts including, but not limited to:

- A. Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
- B. How often the conduct occurred;
- C. Whether there were past incidents or past continuing patterns of behavior;
- D. The relationship between the parties involved;
- E. The characteristics of parties involved (i.e., grade, age, etc.);
- F. The identity and number of individuals who participated in bullying or harassing behavior;
- G. Where the alleged incident(s) occurred;
- H. Whether the conduct adversely affected the student's education or educational environment;
- I. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
- J. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:

- A. Recommended remedial steps necessary to stop the bullying and/or harassing behavior;
- B. A written final report to the principal.

The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment, and the investigative procedures that follow.

Scope

The individual investigating the incident shall provide a report on results of the investigation with recommendations to determine if an act of bullying or harassment falls within the authority of the district.

- If it is within authority of district, move to Procedures for Investigating Bullying and/or Harassment.
- If it is outside authority of district, and determined a criminal act, refer to appropriate law enforcement.
- If it is outside authority of district, and determined not a criminal act, inform parents/legal guardians of all students involved.

Parent Notification

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states "...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

Counseling Referral

A district referral procedure will establish a protocol for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure shall include:

- A. A process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).
- B. A referral process to provide professional assistance or services that includes:
 - o A process by which school personnel or parent/legal guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent or legal guardian involvement is required at this point.)
 - o If a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions. (Parent or legal guardian involvement is required at this point.)
- C. A school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
 - o Counseling and support to address the needs of the victims of bullying or harassment
 - o Research-based counseling/interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management)

- Research-based counseling/interventions which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate

Data Report

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 as an incident code as well as bullying-related as a related element code. The SESIR definition of bullying/harassment is unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting or dehumanizing gesture, by an adult or student 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.

If a bullying and/or harassment incident occurs then it will be reported in SESIR with the bullying/harassment code. If the bullying/harassment results in any of the following SESIR incidents the incident will be coded appropriately using the relevant incident code AND the related element code entitled bullying-related code. Those incidents are:

- Arson
- Battery
- Breaking and Entering
- Disruption on Campus
- Major Fighting
- Homicide
- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Vandalism
- Weapons Possession
- Other Major (Other major incidents that do not fit within the other definitions)

Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System.

The district will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

Training and Instruction

The district expects that schools sustain healthy, positive, and safe learning environments for all students and affirms the importance of the social climate and norms about respect and civility. This requires the efforts of all stakeholders.

Annually, the district and school shall provide resources and information to all stakeholders regarding identifying, preventing and responding to bullying and harassment.

Victim's Parent Reporting

The principal or designee shall report any incident to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. Parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

Policy Publication

At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the district's student safety and violence prevention policy.

Each district school shall provide notice to students and staff of this policy through appropriate references in the code of student conduct and employee handbooks, and/or through other reasonable means. The Superintendent shall also make all contractors contracting with the district aware of this policy.