



Policy 5900: Anti-Bullying

THE SCHOOL BOARD BELIEVES THAT ALL BOARD MEMBERS, DISTRICT EMPLOYEES, STUDENTS, AGENTS, CONSULTANTS, CONTRACTORS, VISITORS, VOLUNTEERS, OR OTHER PERSONS ARE ENTITLED TO A SAFE, EQUITABLE, AND HARASSMENT-FREE SCHOOL EXPERIENCE. BULLYING, HARASSMENT, SEXUAL HARASSMENT, OR DISCRIMINATION WILL NOT BE TOLERATED FOR ANY REASON 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, SEXUAL 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.

The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of supports for all stakeholders 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 Board member, District employee, student, agent, consultant, contractor, visitor, volunteer, or other person in the District, and to direct follow up when incidents are reported and/or occur.

I. DEFINITIONS

- A.** "Bullying" which includes "Cyberbullying", means systematically and chronically inflicting physical hurt or psychological distress on one or more Board members, District employees, students, agents, consultants, contractors, visitors, volunteers, or other persons in the District. 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/ethnic harassment

- 9. Public or private humiliation
- 10. Destruction of property

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

- B.** “Cyberbullying” means 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 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. 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 a school-related or school-sponsored program or activity. The definitions of Computer-Related Crimes in F.S. s. 815.03 and the definitions of Cyberstark in F.S. s.784.048(1)(d) are applicable to this section. Per F.S. s. 810.145, video 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 data, technology, computer software, or written, verbal or physical conduct directed against a Board member, District employee, student, agent, consultant, contractor, visitor, volunteer, or other person in the District, that:
1. Places said person in reasonable fear of harm to their person or damage to their 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 their emotional or mental well-being; or
 4. Has the effect of substantially disrupting the orderly operation of a school and/or District work environment.
- D.** “Cyberstalking”, as defined in F.S. s. 784.048(1)(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. Additional definitions in F.S. s. 815.03, are also applicable.

- E.** “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 and by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at a school-sponsored event, on a school bus, or at a training facility/program sponsored by the District, 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, genetic information, 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. The School Board also provides equal access to the Boy Scouts, Girl Scouts, and other designated youth groups. For Federal requirements when these acts are against federally identified protected categories, refer to Policy 4001.1.
1. Retaliation for asserting or alleging an act of bullying, harassment, or discrimination against any Board member, District employee, student, agent, consultant, contractor, visitor, volunteer, or other person in the District.
 2. Retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is made in bad faith.
 3. Perpetuation of conduct listed in the definition of bullying, cyberbullying, harassment, and/or discrimination by an individual or group with the 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 that of bullying, cyberbullying, harassment, or discrimination.

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

- F.** “Accused” is defined as a Board member, District employee, student, agent, consultant, contractor, visitor, volunteer, or other person in the school or outside the school at a school-sponsored event, on a school bus, or at training facilities/programs sponsored by the District who is reported to have committed an act of bullying.
- G.** “Complainant” is defined as a Board member, District employee, student, agent, consultant, contractor, visitor, volunteer, or other person in the school or outside the school at a school-sponsored event, on a school bus, or at training facilities/programs sponsored by the District, who formally, informally, or anonymously makes a report of bullying orally, electronically, or in writing.
- H.** “Victim” is defined as a Board member, District employee, student, agent, consultant, contractor, visitor, volunteer, or other person in the school or outside the school at a school-sponsored event, on a school bus, or at training

facilities/programs sponsored by the District, who is reported to have been the victim of an act of bullying.

II. EXPECTATIONS

- A.** The Broward County School District expects Board members, District employees, students, agents, consultants, contractors, visitors, volunteers, or other persons to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of others, the educational purpose underlying all school activities, and in the care of school facilities and equipment.
- B.** The District prohibits bullying:
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 school-related computer/technology usage, which is the use of any electronic device, data, or computer software while on school grounds or on a SBBC school bus 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. Technology usage guidelines will be adhered to in accordance with the District's Social Media Use Guidelines, Technology Usage Policy 5306, Acceptable Use Policy (AUP), Federal and State Statutes, Educator Code of Ethics, the Principles of Professional Conduct for the Education Profession in Florida, and other related applicable policies and guidelines.
 4. Through threats using any of the technology methods listed 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. While the District does not assume any liability for incidents 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 and the school will investigate and/or provide assistance and intervention as the principal/ administrative Investigative Designee deems appropriate, including the use of the School Resource Officer. The principal/administrative Investigative Designee shall use all District reporting systems to log all reports, investigations, and interventions.
 6. Though an incident of alleged bullying may occur off campus, may not entail threats of acts to occur during school hours, and may not be school-related computer/technology usage, if the investigation determines 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.
 7. The above section does not require a school to staff or monitor any non-school-related activity, function, or program.
- C.** All administrators and staff, in collaboration with parents/legal guardians, students, volunteers, and community stakeholders, 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 Positive Behavior Interventions & Support (PBIS) Team and Collaborative Problem-Solving Team (CPST) to address violence (bullying) prevention and incorporate Response to Intervention (RtI) strategies and interventions using Multi-Tiered Systems of Support (MTSS). Schools will utilize the Behavior Academic Support Information System (BASIS) to gather school, classroom, and student data to accomplish these tasks.

- D. Student rights, disciplinary sanctions, and the appeals 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 for person, property, and rights of others, obey constituted authority, and respond to those who hold that authority. The link to access the Student Code of Conduct is: browardschools.com/codeofconduct.
- E. 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.

III. STAKEHOLDER RESPONSIBILITIES

- A. Student Services' Diversity & School Climate (D&SC) Department professionals, in collaboration with other District departments, will create trainings for all staff members, Investigative Designees, Prevention Liaisons, students, parents/legal guardians, consultants, contactors, agents, volunteers, vendors, visitors, 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. Each school principal shall:
 - 1. Designate a Prevention Liaison to act as the D&SC contact and disseminator of all prevention related resources. These designees are key school-based personnel who will attend D&SC's annual prevention training(s) and receive prevention and intervention resources related to bullying/cyberbullying and other prevention issues that impact the school culture, safety, as well as the 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. Designate an Investigative Designee(s) who is an administrator and the only individual(s) who shall receive and investigate bullying/harassment complaints other than the principal. Each Investigative Designee shall complete the Investigative Designee training annually. Ensure that basic universal prevention curriculum is in place as a foundation of prevention upon which to build a culture of health, wellness, safety, respect, and excellence.
 3. Implement this bullying and harassment policy in the prescribed manner that is ongoing through the school year and integrated within the school's curriculum as well as bullying and violence prevention and intervention programs and efforts.
- C. Community Resources:** Student Services' 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 disseminate and support violence prevention curricula to students, their families, and school staff. This collaboration will make effective use of available District and community resources while ensuring seamless service delivery in order for every school and student to receive an equitable foundation of violence prevention.
- D. Evidence-Based Interventions and Curriculum:** Student Services' D&SC 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, D&SC 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. The authorized list will include evidence-based interventions, curricula, and proven programs to be utilized within schools and will provide instruction on identifying, preventing, and responding to bullying, including instruction on recognizing behaviors that lead to bullying and taking appropriate preventative action based on those observations to students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers. Student Services' D&SC will assist with the provision of prevention and evidence-based programs as funding allows.
- E. Parent/Legal Guardian Participation and Partnership:** Student Services' D&SC professionals, in collaboration with other District departments, will provide opportunities and encourage parents/legal guardians 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/legal guardians and parent/legal guardian associations 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 browardschools.com/anti-bullying, open houses, school websites, and newsletters. These trainings will provide resources and support for parents/legal guardians 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

(3) years and shall include data-based outcomes. These findings will be used to modify trainings, curricula, and programs.

- G. Accountability:** The Superintendent, as well as all school-based and District administrators, share accountability for implementation of these student support services consistent with the standards of this policy. These administrators will take steps to ensure student support services are fully integrated with instructional components at each school and are pursued with equal effort in policy and practice.

IV. TRAINING

- A.** Annual training will be conducted for students, parents/legal guardians, 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. All trainings can be found at browardschools.com/anti-bullying. At the beginning of each school year, the school principal/designee and/or appropriate District administrator shall provide:
 1. The policy trainings, including the process for reporting incidents, investigations, and appeal to students, school staff, parents/legal guardians, or other persons responsible for the welfare of a student, and
 2. Appropriate references to the policy in the Code of Student Conduct, Employee Handbooks, the school website, and/or through other reasonable means.

V. REPORTING AN ACT OF BULLYING

- A.** At each school, the principal/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 District or school-based employee. The parents/legal guardians, on behalf of the student, may make a complaint to the principal/administrative Investigative Designee or appropriate District administrator verbally, in writing, or electronically, or by utilizing the Broward County Public Schools Bullying Complaint Report Form. This form is available on the District's website browardschools.com/anti-bullying, or at each school's front office.
- C.** All District and school employees are required and must report in writing or electronically, any received allegations of bullying or suspected 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 collective bargaining agreement provisions, up to and including termination of employment (SBBC Policy 2410). Any District or school employee who suspects adult-on-adult bullying is strongly encouraged to report any concerns to their District or school-based administrator.

- D. 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, preferably with a District or school-based administrator.
- E. Any student (and/or the parent/legal guardian on that student's behalf if the student is a minor) who believes they are a victim 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 administrator. Complaints should be filed as soon as possible after the alleged incident and noted in the Bullying Management System (BMS), but must be filed within ninety (90) school/work days after the last alleged act of bullying. Failure on the part of the victim to initiate 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.
- F. The principal of each school in the District shall establish and prominently publicize to Board members, District employees, students, agents, consultants, contractors, visitors, volunteers, or other persons in the District, how a report of bullying can be filed and what actions may be taken. Bullying complaints may be filed orally, electronically, or in writing, and can be anonymous.
- G. Board members, District employees, students, agents, consultants, contractors, visitors, volunteers, or other persons in the District who promptly report in good faith an act of bullying to a principal/administrative Investigative Designee, and who makes this report in compliance with the procedures set forth in this Policy, are 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, and work assignments within the SBBC.
- H. Principals/administrative Investigative Designees 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. District administrators shall document reports and retain all investigative records.
- I. Anonymous complaints may be made by using any of the methods detailed at browardshools.com/securitytips.

VI. BULLYING COMPLAINTS AND RESOLUTION

- A. The investigation of a reported act of bullying, harassment, or sexual 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, harassment, or sexual harassment committed against a child while the child is at a school sponsored event, using school-related technology, 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, Investigative Designees “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.** The District administrator shall receive and investigate written bullying or harassment complaints regarding District employees.
- D.** If the complaint is about the principal or a District staff member’s direct supervisor, then the supervisor of the accused shall be asked to investigate the complaint.
- E.** The trained principal/administrative Investigative Designee, or appropriate District administrator will determine if a reported act of bullying, falls within the scope of the District.
 - 1. If it is within the scope of the District, the principal/administrative Investigative Designee or appropriate District administrator will follow the investigative procedures outlined in this policy.
 - 2. If it is outside the scope of the District, and determined to be an alleged criminal act, it will be referred to appropriate law enforcement, provided any applicable interventions, and documented according to Policy.
 - 3. If it is outside the scope of the District, and determined to not be a criminal act, the parents/legal guardians of all students involved will be informed, and appropriate interventions will be provided, and documented according to Policy.
- F.** Formal Resolution: All complaints are treated as Formal, unless the administrator, along with the alleged victim and the accused student, agree in writing to informally resolve the complaint.
- G.** Documented interviews of the alleged victim, accused, and witnesses are conducted privately, separately, and are confidential. At no time will the accused and alleged victim be interviewed together.
- H.** Informal Resolution: The alleged victim and accused student may request an Informal Resolution and it must be in writing. The incident and written request must be documented and uploaded into the BMS. Please note that a finding or determination of bullying is not made with Informal Resolutions. If the Informal Resolution fails at a later date, the Formal Resolution process is to begin immediately.
- I.** The resolution, all interviews, interventions, findings, documents, and the corresponding dates shall be documented and uploaded in the BMS.

VII. INVESTIGATION REQUIREMENTS FOR REPORTED ACTS OF BULLYING

- A.** The procedures for investigating school-based bullying, harassment, or sexual harassment must be conducted by the principal/administrative Investigative Designee, in the case of student-to-student bullying. The principal/ 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. Staff accused of sexual harassment will be referred to Broward County Public Schools Equal Educational Opportunities/ADA Compliance Department. All District administrators who have supervisory authority to take disciplinary action must take the annual Investigative Designee Training.
- B.** The Principal/administrative Investigative Designee or investigating District administrator may not be the accused or the alleged victim.
- C.** The Florida Department of Education requires that school administrators notify the parents/legal guardians of both the alleged victim and the accused of a complaint of bullying or harassment within 24 hours of complaint receipt. The administrators will both mail the notification forms (found in the BMS and/or the DMS SharePoint) and make every reasonable effort to contact the parents/legal guardians, such as by email and/or phone call.
1. The parents/legal guardians of the alleged victim will be mailed an original copy of the Hope Scholarship Notification Form.
 2. The parents/legal guardians of the accused will be mailed the Accused Initial Notification Letter.
- D.** The principal/administrative Investigative Designee or appropriate District administrator shall begin a thorough investigation by interviewing the alleged victim and accused within two (2) school/work days of receiving a notification of complaint.
- E.** During the investigation, the principal/administrative Investigative Designee or District administrator may take any action necessary to protect the complainant, alleged victim, other students, or employees consistent with the requirements of applicable regulations and statutes.
1. Documented interviews of the alleged victim, accused, and witnesses are conducted privately and separately during which signed written statements are received. The accused and alleged victim must not be interviewed together. Conflict mediation shall not be conducted with student parties, unless both parties request to do so in writing.
 2. To the greatest extent possible, at no time during the investigation will the name of the complainant be revealed by the investigator.
 3. The investigator shall collect and evaluate the facts including, but not limited to:
 - a. The description of incident(s) including the 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 or witnessed the alleged 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.
4. In general, student complainants and/or alleged victims 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.
 5. 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 may discuss the complaint with any District employee, the parent/legal guardian of the alleged victim, the parent/legal guardian of the complainant or 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.
 6. During the investigation where an employee is the accused, the principal/administrative Investigative Designee or the appropriate District administrator may recommend any action necessary to protect the complainant, the alleged victim, or other students or employees, consistent with the requirements of applicable statutes, State Board of Education Rules, School Board Policies, and collective bargaining agreements.
 7. The parent/legal guardian of the alleged victim will be promptly notified of any actions being taken to protect the said student via written notice, telephone, or personal conference. The frequency of notification will depend on the seriousness of the bullying incident, but at a minimum, every reasonable effort to contact the parent/legal guardian shall be made every other school day during the investigation.
 8. 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 alleged act is within the scope of the District by assessing if the cyberbullying meets the criteria of substantially 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 fifteen (15) school/work days of receipt of the complaint, the principal/administrative Investigative Designee or District administrator shall make a finding as to the validity of the allegations in the complaint and the need for 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, harassment, or sexual harassment as appropriate.

- G.** The principal/administrative Investigative Designee or appropriate District administrator shall enter findings and upload investigative documents into the BMS, make every reasonable effort to contact the parents/legal guardians to share the findings, document said attempts, then inform all accused and alleged victims in writing of the decision, as well as the right to appeal. These written notifications shall be mailed within fifteen (15) days of the receipt of the complaint and can be found in the BMS and/or the DMS SharePoint. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems including, but not limited to, the BMS, Florida's School Environmental Safety Incident Report (SESIR) and the Statewide Report on School Safety and Discipline Data system.
- H.** If the accused is an employee, discipline may be taken, consistent with any applicable collective bargaining agreement provisions (Policy 4.9, Employee Disciplinary Guidelines). The supervisor/Investigative Designee/principal/District administrator of the employee shall discuss the determination and any recommended corrective action.
- 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.

VIII. DISCIPLINARY SANCTIONS (CONSEQUENCES) FOR A PERSON WHO COMMITTED 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 access time of a computer-related incident cannot be raised as a defense in any disciplinary action initiated.
 - 1. Consequences and appropriate interventions for a student found to have committed an act of bullying are outlined in the Code of Student Conduct, the Discipline Matrix, and this Policy.
 - a. All steps necessary to protect the victim 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 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.
 - b. Alleged victims receiving the Hope Scholarship shall receive the allowances provided within the Hope Scholarship application. Transportation will not 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 all collective bargaining agreements. Additionally, 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.). Formal corrective action may not be based solely on an anonymous report.
3. Consequences and appropriate interventions for a visitor, volunteer, or parent/legal guardian found to have committed an act of bullying shall be determined by the principal after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.
 4. These same actions will apply to all parties who are found to have made wrongful and intentional accusations of another as a means of bullying.

IX. REFERRAL FOR INTERVENTION

- A.** As appropriate, when a student is disciplined for bullying, harassment, or sexual harassment the principal/administrative Investigative Designee shall refer the student to the Collaborative Problem-Solving Team (or equivalent school-based team with a problem-solving focus) for mental health services, support, and interventions, as needed. Parent/legal guardian notification is required upon referral. At any time, parents/legal guardians may request their child be referred to the Collaborative Problem-Solving Team for consideration of appropriate services.
- B.** School-based intervention and assistance will be determined by the Collaborative Problem-Solving Team and may include, but is not limited to:
 1. Mental health services and support to address the needs of the alleged victim of bullying.
 2. Mental health services and support to address the needs of the bystander.
 3. Mental health services and supports to address the needs of the student accused of bullying (e.g., empathy training, anger management).
 4. Intervention which includes assistance and support to parents.
 5. Analysis and evaluation of school culture with resulting recommendations for interventions aimed at increasing peer ownership and support.
- C.** Referral of school or District personnel to the Employee Assistance Program (EAP) for consideration of appropriate services will be made by the administrator.
- D.** Self-referral for informal consultation: District staff, students, or parents/legal guardians may request orally or in writing to the principal/administrative Investigative Designee informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, Prevention Liaison, EAP, etc.) to determine the severity of the alleged bullying, harassment, or sexual harassment concern and appropriate steps to address the concern.
- E.** Any interventions shall be recorded in the BMS and/or all District reporting systems.

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. s. 1006.09(6). The report must include each incident of substantiated or unsubstantiated bullying, harassment, or sexual harassment and the resulting consequences, including discipline, interventions, and referrals.

- B.** The District will utilize SESIR Statewide Report on School Safety and Discipline Data, which includes bullying, harassment, or sexual harassment in its codes.
- C.** Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded in the Discipline Management System (DMS), BMS, and other appropriate 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/legal guardian 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 incidents 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 referrals.
- C.** When the alleged victim is a student, a referral for external investigation does not remove the responsibility of the principal/administrative Investigative Designee to complete the bullying investigation and make a determination within fifteen (15) school/work days of complaint receipt.

XII. APPEALS PROCESS

- A.** The procedure for appealing findings for students who are alleged victims or accused of bullying, harassment, or sexual harassment will follow the steps outlined in the Code of Student Conduct, "Right to Appeal Unfair Penalties".
- B.** The appeal procedure for employees who are alleged victims or accused of bullying or harassment is as follows:
 - 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 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. 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. s. 119.07(1), 1012.31(3)(a), or 1012.796(1)(c). The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed.
- B.** Limited disclosure may be necessary to complete a thorough investigation. The District's obligation to investigate and take corrective action may supersede an individual's right to privacy.
- C.** The identity of all parties reported to have been involved in the alleged act shall be protected to the greatest extent possible.

XIV. RETALIATION PROHIBITED

- A.** Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment in connection with the filing of 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, during an investigation is specifically prohibited, and as detailed in this Policy, shall be treated as another incidence of bullying.

XV. ADDITIONAL REFERRAL

- A.** 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

- A.** 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

- A.** This policy should not be interpreted as to prevent an alleged victim or accused from seeking redress under any other available law either civil or criminal.

XVIII. SEVERABILITY

- A.** 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

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

Policy Custodian: Diversity & School Climate Department

Former Policy Number: 5.9

Authority: F.S. s. 1001.41(1), (2) and (5)

Laws Implemented: F.S. s. 1006.147, 1001.02; 1002.40(2), (3), and (6), 6A-6.0951; The Hope Scholarship Program F.S. s. 1002.40 and F.S. s. 1002.421.

Policy Adopted: 7/22/08, Amended 6/15/10, 9/20/16, 2/4/20, 9/13/2022