

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### PROHIBITING DISCRIMINATION, INCLUDING SEXUAL AND OTHER FORMS OF HARASSMENT

2.70

#### I. Policy Against Discrimination

- A. No person shall, on the basis of race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, or genetic information, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.
- B. The School Board shall comply with all state and federal laws, which prohibit discrimination on the basis of race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, and are designed to protect the civil rights of applicants, employees, and/or students, or other persons or organizations protected by applicable law.
- C. The School Board shall admit students to District schools, programs, and classes without regard to race, color, religion, gender, age, national or ethnic origin, marital status, disability.

#### II. Policy Against Sexual Harassment or Other Forms of Harassment Prohibited by Law

- A. The School Board desires to maintain an academic and work environment in which all employees, volunteers, and students are treated with respect and dignity. A vital element of this atmosphere is the Board's commitment to equal opportunities and the prohibition of discriminatory practices. The Board's prohibition against discriminatory practices includes prohibitions against sexual harassment, or any other form of harassment based upon a person's membership in a protected class and specifically prohibited by applicable state or federal law. The School Board forbids sexual harassment, or any other form of illegal harassment, of any employee, student, volunteer or visitor. The Board will not tolerate sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers or agents.
- B. The prohibition against discrimination including sexual and other forms of illegal harassment shall also apply to non-employee volunteers who work subject to the control of school authorities, and to all vendors or service providers who have access to School Board facilities.

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### **III. Definition of Sexual Harassment**

- A. Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when
  - 1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
  - 2. Submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
  - 3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance or employment, unreasonably interfering with the individual's education or employment, or creating an intimidating, hostile, or offensive educational or employment environment.
  - 4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.
- B. Types of conduct which are prohibited in the District and which may constitute sexual harassment include, but are not limited to
  - 1. Graphic verbal comments about an individual's body or appearance.
  - 2. Sexual jokes, notes, stories, drawings, pictures or gestures.
  - 3. Sexual slurs, leering, threats, abusive words, derogatory comments or sexually degrading descriptions.
  - 4. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.
  - 5. Spreading sexual rumors.

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6. Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.
7. Cornering or blocking normal movements.
8. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.

### **IV. Definition of Other Forms of Prohibited Harassment**

- A. Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs, national or ethnic origin, or genetic information and that
  1. Has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment;
  2. Has the purpose or effect of interfering with an individual's work or academic performance; or
  3. Otherwise adversely affects an individual's employment or academic performance.
- B. Examples of prohibited actions, which may constitute harassment include, but are not limited to, the following:
  1. Epithets, slurs or negative stereotyping;
  2. Threatening, intimidating or hostile acts, such as stalking; or
  3. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school or District office premises or circulated in the workplace or academic environment.

### **V. Retaliation Prohibited**

- A. Any act of retaliation against an individual who files a complaint alleging a violation of the District's antidiscrimination policy and/or sexual or illegal

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harassment policy or who participates in the investigation of a discrimination complaint is prohibited.

- B. Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation if, or filing a complaint of, discrimination.

### VI. Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment

#### A. Procedures for Filing Complaints

1. Any person (or parent/guardian on behalf of a minor student) who believes that he or she has been discriminated against, or placed in a hostile environment on the basis of race, color, religion, gender, age, ethnicity, national origin, marital status, disability, political or religious beliefs, national or ethnic origin, by an employee, volunteer, agent or student of the School District should within sixty (60) days of alleged occurrence file a written or oral complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint.
2. The complaint should be filed with the School Principal, Site Administrator, or supervisor. Complaints filed with the Principal, Site Administrator, or supervisor must be forwarded to the District's EEO Officer within five (5) days of the filing of the complaint. If the complaint is against the principal or site administrator, the complaint may be filed directly with the EEO officer.
3. If the complaint is against the District's EEO Officer, the Superintendent, or other member of the School Board, the complaint may be filed with the School Board Attorney.

#### B. Procedures for Processing Complaints

1. Complaints filed against persons other than the Superintendent or member of the School Board
  - a. Upon receipt of the written complaint by the District EEO Officer, the District EEO Officer shall appoint an investigator to conduct an investigation of the allegations in the

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complaint. The investigator shall interview the complainant and the accused; interview any witnesses identified by the complainant, accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the investigator shall prepare a written summary of the investigation, and make a recommendation to the District EEO Officer as to whether there is reasonable cause to believe a violation of the District's antidiscrimination policy has occurred. Copies of documents, evidence and witness statements which were considered in the investigation must be sent to the EEO officer along with the summary and recommendation.

- b. If the complaint is against the EEO officer, the School Board Attorney shall appoint an investigator, who shall conduct an investigation in the manner set forth in section VI.B.1.a.
- c. The investigation, summary, relevant documents, witnesses' statements and recommendation should be completed and forwarded to the EEO Officer within thirty (30) days or to the School Board Attorney within thirty (30) days, if the complaint is against the EEO Officer. The EEO Officer, or School Board Attorney, respectively, shall review the investigation summary, evidence and recommendation, and determine within ten (10) days whether there is reasonable cause to believe a discriminatory practice occurred.
- d. If the EEO Officer or School Board Attorney determines there is reasonable cause to believe a violation of the nondiscriminatory policy occurred, he or she shall within ten (10) days provide notice of the reasonable cause finding to the complainant and the accused. The EEO Officer or School Board Attorney shall then forward the investigatory file, reasonable cause determination, and all related documents and evidence, to the Superintendent.
- e. If the EEO Officer or School Board Attorney determines, after a review of the investigation, summary, recommendation and other evidence, that there is no reasonable cause to believe a discriminatory practice occurred, he or she shall provide within ten (10) days notice of the finding of no reasonable cause to the complainant and accused.

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- f. The complainant may request a no reasonable cause finding by the EEO Officer or School Board Attorney be reviewed by the Superintendent within ten (10) days of receipt of this notice. The complainant shall provide a written statement detailing facts in support of his or her disagreement with the determination. The complainant will also be given an opportunity to meet with the Superintendent and EEO Officer/School Board Attorney to present his or her position. The Superintendent and EEO Officer/School Board Attorney shall prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall within ten (10) days of receipt of the notice make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.
- g. If review by the Superintendent is not timely requested, the EEO Officer or School Board Attorney's determination of no reasonable cause shall be final.
- h. The accused (or parent/guardian on behalf of a minor student) may request, within ten (10) days of receipt of a notice of a finding of reasonable cause, that the determination be reviewed by the Superintendent. The request must include a written statement expressing the accuser's position on the complaint and findings, and address any facts, statements or evidence which he or she submits are inaccurate. The accused will be given an opportunity to meet with the Superintendent and the EEO Officer/School Board Attorney to present his or her position. The Superintendent and EEO Officer/School Board Attorney must within ten (10) days of receipt of the notice prepare a memorandum summarizing the content of the meeting to be included in the complaint file.
- i. After providing the opportunity for an informal hearing as referenced in section VI.B.1.h., the Superintendent shall evaluate all the evidence, the investigation summary, recommendations and findings, along with any input by the accused and complainant, and make a final determination as to whether there is reasonable cause to support the complainant's allegations. He or she shall then determine any necessary disciplinary, remedial, or other action. Notice of the final disposition of the complaint and any disciplinary

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and/or remedial action shall within ten (10) days of the informal hearing be forwarded to the accused and the complainant, and a copy of the notice will be filed with and maintained in the office of the District EEO Officer and the director of human resources.

2. Complaints against School Board Members or against the Superintendent
  - a. Complaints against School Board Members or the Superintendent shall be filed with the School Board Attorney. The School Board Attorney will within twenty (20) days appoint an outside, independent investigator to conduct an investigation and make a recommendation as to whether a discriminatory practice has occurred. It is recommended, but not mandatory, that the investigator be an attorney familiar with federal and state law prohibiting discrimination on the basis of a protected status.
  - b. The complainant and accused shall be interviewed by the outside investigator. Both shall provide written lists of witnesses to be interviewed, and documents or other evidence to be reviewed as relevant to the complaint. The investigator shall interview all witnesses identified by the complainant or accused, in addition to witnesses with relevant knowledge which the investigator may discover from other sources. The investigator shall also review relevant documents and other evidence. The investigator shall within twenty (20) days of receiving the complaint prepare a written summary of his or her investigation, and a recommendation to the School Board Attorney as to whether there is reasonable cause to believe that a discriminatory practice may have occurred.
  - c. If reasonable cause is recommended by the investigator against a School Board Member or an elected Superintendent, the recommendation shall within twenty (20) days be forwarded to the Governor's office to determine if there is evidence that a misfeasance or malfeasance of office occurred. The Governor's office will be responsible for taking any necessary action in accordance with applicable law with reference to an elected official. The School Board shall receive and make the final determination if the Superintendent is appointed by the Board.

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- d. A finding of no reasonable cause by the outside investigator, which is reviewed and confirmed by the School Board Attorney shall be final. In compliance with Florida Statute, the investigation file shall become public record and the Superintendent or School Board Member shall answer to their constituency.
- C. Penalties for Confirmed Discrimination or Harassment
  - 1. Student - A substantiated allegation of discrimination or harassment against a student shall subject that student to disciplinary action consistent with the *Code of Student Conduct*.
  - 2. Employee or Volunteer - A substantiated allegation of discrimination or harassment against an employee may result in disciplinary actions including termination and referral to appropriate law enforcement authorities. A volunteer shall be removed from service and a referral may be made to appropriate law enforcement authorities.
- D. Limited Exemption from Public Records Act and Notification of Parents of Minors
  - 1. To the extent possible, complaints will be treated as confidential and in accordance with Florida Statutes and the Family Educational Rights and Privacy Act (FERPA). Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigation and take corrective action may supersede an individual's right to privacy
  - 2. The parents of a person under the age of 18 who has filed a complaint of discrimination and/or harassment shall be notified within three (3) days of receipt of a complaint.

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STATUTORY AUTHORITY: 120.54, 1001.41, 1001.43, 1012.23, F.S.

LAW(S) IMPLEMENTED: 112.51, 119.07, 760.01 *et seq.*,  
1000.05, 1000.21, 1001.43, 1012.22, F.S.  
34 CFR 99, 34 CFR 108, 34 CFR 200.43(c),  
P.L. 110-233

STATE BOARD OF EDUCATION RULE(S): 6A-19.001 *et seq.*

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06/12/2012  
FORMERLY: 2.291

## CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

### COMMUNITY USE OF FACILITIES

9.30\*+

- I. School buildings and facilities are maintained primarily for public education; however, the School Board will grant the use of school facilities to community groups after the needs of the education program have been met. Such uses shall in no way interfere with the use and occupancy of the facilities as required for public school purposes.
- II. Approved uses shall include meetings and activities of a literary, scientific, religious, educational, recreational, political, economic, artistic, character building and welfare nature, which are of general public interest.
- III. Prohibited uses include the following:
  - A. Non-school groups during the hours that school is in session, unless such use will in no way interfere with the regular conduct of school work or a regularly scheduled school function.
  - B. Use by an individual, group, or organization which has as one of its objectives the overthrow of the government by force or other unlawful means, or by an individual, group or organization deemed subversive, as shown on the U. S. Army Security Agency list entitled, "Organizations Designated Under Executive Order No. 1040."
  - C. Use of school facilities by individuals or groups for a commercial purpose or private gain, except where a special service is rendered to pupils such as academic tutoring by a School Board employee or a fee is paid as established by the School Board and the school, and approval is granted by the School Board.
  - D. Use by an individual or group who, in the judgment of the Board, has in the past damaged school property or has constituted a community nuisance.
- IV. The agreement granting use of the facility shall state all conditions relative to the use of facility including liability insurance, custodial service, utilities, damage to property, smoking, use of alcoholic beverages, and any other conditions that appear to be desirable.
- V. Application Procedures
  - A. Application for use of a school facility shall be filed with the principal of the

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school at least two (2) weeks prior to the anticipated use.

- B. The application shall be made on forms furnished by the School Board.
  - C. Upon receipt of an application, the principal shall forward the application together with his or her approval or objections to the use of the said school facility to the Superintendent or designee for presentation to the School Board for action.
  - D. The procedure described above shall not be required for School Board employees providing academic tutoring to students or a small community group activity for which the principal assumes full responsibility.
- VI. Any organization desiring to use a school facility on an extended basis must submit a facilities use request form every six (6) months for School Board approval.
- VII. Amounts charged shall be according to the current rate schedule for utilities. Charges shall be determined by the Superintendent or designee. Consideration will be given to hours used and existing rate per hour. The rates may be waived at the discretion of the Superintendent.
- VIII. Special Facilities
- A. Cafeteria Kitchens - Cafeteria kitchen equipment may be used only under the supervision of the cafeteria staff who will oversee the use and care of such equipment.  
  
Except for parent-teacher association groups who are serving other adults or faculty groups serving faculty members, no home-prepared foods may be sold or served as meals on campus. Foods may be sold or served on campus only if prepared in the school kitchen under supervision of the school cafeteria employees or if prepared in commercial conditions, approved by the Department of Health.
  - B. Gymnasiums - School functions take precedence over any community usage of gymnasium facilities. When it becomes necessary because of a change in school scheduled events to pre-empt a community function, every effort will be made to give adequate notice. Equipment and materials such as, rackets or balls, etc. must be furnished by the group. Use of gymnasium facilities will be granted only to those groups composed of twenty (20) or more persons who meet all other requirements contained herein.

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AGREEMENTS**

**STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.

**LAW(S) IMPLEMENTED:** 106.15, 509.032, 509.232, 1001.33,  
1001.43, 1001.51, 1013.10 F.S.

**HISTORY:** ADOPTED: 07/01/2002  
REVISION DATE(S): 04/26/04; 01/26/2006  
FORMERLY: 7.70, 7.71, 7.72, 8.08, 9.07

## CHAPTER 6.00 – HUMAN RESOURCES

### GRIEVANCE PROCEDURE FOR PERSONNEL

6.35\*+

All employees, applicants, and non-employee volunteers have access to a grievance procedure when there is a basis for complaint. Every effort shall be made to arrive at a satisfactory resolution of the problem on an informal basis, but when an informal resolution is impossible, employees, applicants, or non-employee volunteers can resort to any of the four procedures as provided herein. Grievance procedures for instructional personnel are governed by negotiated contract with Santa Rosa Professional Educators; procedures for educational support personnel are governed by Civil Service Contract. Procedures for some educational support employees are governed by Master Contract with The Southern Council of Industrial Workers, United Brotherhood of Carpenters and Joiners of America, AFL-CIO. Any employee, applicant, or non-employee volunteer may select the procedure bargained by the agency of which he or she is a member or may select the School Board Policy procedure described below.

(1) Definitions:

- (a) "Complaint" shall mean any dispute or disagreement involving the interpretation or application of any existing Board rule or practice. It does not include disputes involving the interpretation or application of a collective bargaining agreement or any provision thereof. Such disputes must be resolved through the grievance procedure in the bargaining agreement.
- (b) "Complainant" shall mean any employee or group of employees directly affected by the alleged misinterpretation or violation, filing a complaint.
- (c) "Employer" shall mean the School Board or its representatives.

(2) Time Limits - The number of days indicated at each level is to be considered the maximum. Time limits may be extended by mutual agreement between the parties.

(3) Released Time - The complaint procedure will normally be carried out during non-work time. If, however, the Board elects to carry out provisions during work time, the complainant, if an employee, shall lose no pay.

(4) Complaint Procedure:

- (a) Informal discussion - If an employee believes there is a basis for complaint, he or she shall discuss the complaint with his or her

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immediate supervisor (except in cases of discrimination or harassment involving the supervisor, in which case the employee shall report to the Assistant Superintendent for Human Resources) within sixty (60) calendar days of the occurrence of the alleged violation except as required by other controlling rules. An applicant may discuss the complaint with the administrator at the appropriate school/work site or the Assistant Superintendent for Human Resources.

- (b) Level one - If the complainant is not satisfied with the informal resolution, he or she may, within ten (10) working days, file a formal complaint on the proper form and deliver it to his or her immediate supervisor or the Assistant Superintendent for Human Resources. The supervisor shall communicate his or her answer in writing to the complainant within ten (10) working days after receipt of the complaint. Class complaints involving more than one (1) supervisor and complaints involving an administrator above the building level may be filed by the complainant at level two.
  - (c) Level two - If the complainant is not satisfied with the resolution at level one he or she may, within ten (10) working days of the answer, file a copy of the complaint with the Superintendent. Within ten (10) working days of receipt of the complaint, the Superintendent shall indicate his or her disposition in writing to the complainant.
  - (d) Board appeal - If the complainant is not satisfied with the resolution by the Superintendent, he or she shall have the right to appeal the Superintendent's decision to the School Board, provided request for placement on Board agenda is filed within ten (10) working days.
  - (e) Investigations will be conducted with discretion. The right to confidentiality, both of the complainant and of the accused, will be respected, consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred. Claims found to be factually supported will be promptly acted upon. No employee or student shall be retaliated against in any manner for reporting conduct which is believed to be a violation of this rule or for participating in an investigation of a possible violation of this rule.
- (5) The grievance procedures do not affect an applicant or employee's right to file a timely charge and seek relief pursuant to an appropriate federal or state statute, including the filing of a timely charge with the Florida

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Commission on Human Relations (FCHR), the Equal Employment Opportunity Commission (EEOC), or Office of Civil Rights (OCR).

- (6) The grievance procedures may be found in the Human Resources Procedures Manual.

### **STATUTORY AUTHORITY:**

**1001.41, 1012.22, 1012.23, F.S.**

### **LAWS IMPLEMENTED:**

**447.401, 1001.43, 1001.49, 1012.22, 1012.27, F.S.**

### **HISTORY:**

**ADOPTED: 07/01/2002  
REVISION DATE(S): 04/26/04  
FORMERLY: 4.0311**

## CHAPTER 6.00 – HUMAN RESOURCES

### COMPLAINTS AGAINST EMPLOYEES

6.36\*+

- I. Anyone who has a complaint about a Santa Rosa County School District employee may submit his or her complaint to the Superintendent, an Assistant Superintendent, appropriate Director, or another administrator. The complainant must identify him or herself and submit the complaint in writing if possible. The administrator will take written notes of the specific information and investigate or forward to another appropriate administrator for investigation. No action, including a letter to the employee's personnel file, shall be taken by the administrative staff or School Board on the basis of a complaint, unless the matter is first reported to the employee, and he or she is furnished with a written copy of the complaint.
- II. It is the duty of all employees to report to the Superintendent alleged misconduct by any School Board employee that affects the health, safety or welfare of a student as required by Florida Statute and School Board policy.
- III. The Superintendent or designee shall report to the Department of Education legally sufficient complaints against certificated employees within thirty (30) calendar days after the date on which the complaint comes to the attention of the School District.
- IV. Failure of any employee to report to the Superintendent or Assistant Superintendent of Human Resources within forty-eight (48) hours a legally sufficient complaint shall result in disciplinary action.
- V. The Superintendent shall develop procedures to comply with the reporting requirements for legally sufficient claims.

#### STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

#### LAW(S) IMPLEMENTED:

1001.42, 1001.43, 1012.22, 1012.796, F.S.

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01/22/2009  
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## CHAPTER 5.00: STUDENTS

### BULLYING AND HARASSMENT

5.321\*

- I. Statement Prohibiting Bullying and Harassment
  - A. It is the policy of the Santa Rosa County School District that all of its students and school employees have an educational setting that is safe, secure and free from harassment and bullying of any kind. The District will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.
  - B. The District upholds that bullying or harassment of any student or school employee is prohibited
    - 1. During any education program or activity conducted by a public K- 12 educational institution;
    - 2. During any school-related or school-sponsored program or activity;
    - 3. On a school bus or designated school bus stop of a public K-12 educational institution; or
    - 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K- 12 education institution.
- II. Definitions
  - A. Bullying means 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
    - 1. Unwanted Teasing
    - 2. Social Exclusion;
    - 3. Threat;
    - 4. Intimidation;
    - 5. Stalking;
    - 6. Physical violence;
    - 7. Theft;
    - 8. Sexual, religious, or racial harassment;
    - 9. Public humiliation; or
    - 10. Destruction of property.
  - B. 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
    - 1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

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2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
  3. Has the effect of substantially disrupting the orderly operation of a school.
- C. Bullying and 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 or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
  2. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by
    - a. Incitement or coercion;
    - b. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system;
    - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
- D. Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

### III. Behavior Standards

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

### IV. Consequences

- A. Committing an act of bullying or harassment

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1. 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.
  2. 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*.
  3. Consequences and appropriate remedial action for a school employee, found to have committed an act of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators will result in a report to Professional Practices who may sanction against an educator's state issued certificate.
  4. 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.
- B. Wrongful and intentional accusation of an act of bullying or harassment
1. 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*.
  2. Consequences and appropriate remedial action for a school employee, found to have wrongfully and intentionally accused another as a means of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements.
  3. 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.
- V. Reporting an Act of Bullying or Harassment
- A. At each school, the principal or the principal's designee shall be responsible for receiving complaints alleging violations of this policy.
  - B. All school employees are required to report alleged violations of this policy to the principal or the principal's designee.
  - C. 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

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violation of this policy anonymously or in person to the principal or principal's designee.

- D. The principal of each school in the District shall establish and prominently publicize 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.
- E. 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.
- F. A school 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.
- G. Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments.
- H. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s).
- I. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.
- J. Any student who believes he/she is a victim of bullying/harassment is strongly encouraged to report the incident(s) in writing to school officials. Complaints should be filed as soon as possible after the alleged incident but must be filed within sixty (60) days after the alleged incident (i.e., within 60 days of the last act of bullying/harassment). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned.
  - 1. This applies to any individual who has knowledge of any bullying/harassment incident(s).
  - 2. This allows for parents to file a complaint on behalf of their minor child if he/she is a victim of bullying/harassment.

### VI. Investigation of a Report of Bullying or Harassment

- A. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and shall begin with a report of such an act.
- B. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator (harasser or bully) or victim.
- C. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and shall be confidential. Each individual

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(victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.

- D. The investigator shall collect and evaluate the facts including but not limited to
  1. Description of incident(s) including nature of the behavior;
  2. Context in which the alleged incident(s) occurred;
  3. How often the conduct occurred;
  4. Whether there were past incidents or past continuing patterns of behavior;
  5. The relationship between the parties involved;
  6. The characteristics of parties involved, *i.e.*, grade, age;
  7. The identity and number of individuals who participated in bullying or harassing behavior;
  8. Where the alleged incident(s) occurred;
  9. Whether the conduct adversely affected the student's education or educational environment;
  10. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
  11. The date, time, and method in which the parents/legal guardians of all parties involved were contacted.
  12. Whether the students is eligible for Exceptional Student Education and subject to IDEA regulations as outlined in the Student Code of Conduct.
- E. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include
  1. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
  2. A written final report to the principal.
- F. The maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- G. 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.

### VII. Investigation to Determine Whether a Reported Act of Bullying or Harassment is Within the Scope of the District

- A. The principal or designee will assign an individual(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.
- B. The trained investigator(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District.
  1. If it is within the scope of the District, a thorough investigation shall be conducted.

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2. If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
  3. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.
- VIII. Notification to Parents/Guardians of Incidents of Bullying or Harassment
- A. Immediate notification to the parents/legal guardians of a victim of bullying or harassment.
1. 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 within 24 hours of initiating the investigation. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
  2. The principal, or designee, shall report to the parent/legal guardian the result of the investigation and the action taken as a result of the investigation.
  3. 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 the 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.”
- B. Immediate notification to the parents/legal guardians of the perpetrator of an act bullying or harassment.
1. 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 within 24 hours of initiating an investigation. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
  2. The principal, or designee, shall report to the parent/legal guardian the result of the investigation and the action taken as a result of the investigation.
- C. Notification to local agencies where criminal charges may be pursued.

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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.

- IX. Referral of Victims and Perpetrators of Bullying or Harassment for Counseling
- When bullying or harassment is suspected or when a bullying incident is reported, counseling services shall be made available to the victim(s), perpetrator(s), and parents/guardians.
- A. The teacher or parent/legal guardian may request informal consultation with school staff, *e.g.*, school counselor, school psychologist, to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student's parents or legal guardian are included.
  - B. School personnel or the parent/legal guardian may refer a student to the school intervention team for consideration of appropriate services. Parent or legal guardian involvement shall be required when the student is referred to the intervention team.
  - C. 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 shall be required.
  - D. The intervention team may recommend
    - 1. Counseling and support to address the needs of the victims of bullying or harassment;
    - 2. Research-based counseling or interventions to address the behavior of the students who bully and harass others, *e.g.*, empathy training, anger management; and/or
    - 3. Research-based counseling or interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.
- X. Reporting Incidents of Bullying and Harassment
- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include each incident of bullying or harassment and the resulting consequences, including discipline and referrals. The report shall also include each reported incident of bullying or harassment that did not meet the criteria of a prohibited act under this section with recommendations regarding such incidents.
  - B. The 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.
    - 1. Bullying and/or harassment incidents shall be reported in SESIR with the bullying/harassment code.

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2. 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 bullying-related code. Such incidents are
    - a. Arson
    - b. Battery
    - c. Breaking and Entering
    - d. Disruption on Campus
    - e. Major Fighting
    - f. Homicide
    - g. Kidnapping
    - h. Larceny/Theft
    - i. Robbery
    - j. Sexual Battery
    - k. Sexual Harassment
    - l. Sexual Offenses
    - m. Threat/Intimidation
    - n. Vandalism
    - o. Weapons Possession
    - p. Other Major (Other major incidents that do not fit within the other definitions)
  - C. Discipline and referral data shall be recorded in Student Discipline/Referral Action Report and Automated Student Information System.
  - D. The District shall 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.
- XI. Instruction on Identifying, Preventing, and Responding to Bullying or Harassment
- A. The District shall ensure that schools sustain healthy, positive, and safe learning environments for all students. It is committed to maintain a social climate and social norms in all schools that prohibit bullying and harassment. This requires the efforts of everyone in the school environment – teachers; administrators; counselors; school nurses; other nonteaching staff such as bus drivers, custodians, cafeteria workers; school librarians; parents/legal guardians; and students.
  - B. Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment as well as how to effectively identify and respond to bullying in schools.
- XII. Reporting to a Victim's Parents/Legal Guardians the Actions Taken to Protect the Victim
- The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved within 24 hours after an investigation of the incident has been initiated.

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According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

### XIII. Publicizing the Policy

- A. 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.
- B. 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 through other reasonable means.
- C. Each school principal shall develop an annual process for discussing the school district policy on bullying and harassment with students.

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**STATUTORY AUTHORITY:**

**1001.41, 1001.42, F.S.**

**LAW(S) IMPLEMENTED:**

**1001.43, 1003.04, 1003.31, 1003.32,  
1006.07, 1006.08, 1006.09,  
1006.10, 1006.147, F.S.  
20 USC 1232g**

**HISTORY:**

**ADOPTED: November 18, 2008**

**REVISION DATE(S): \_\_\_\_\_**

**FORMERLY: NEW**

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### **HIV, AIDS, OR OTHER COMMUNICABLE DISEASES, BLOODBORNE PATHOGENS AND ENVIRONMENTAL HAZARDS** **5.63+**

- I. It is the School Board's intent to protect employees and students from exposure to infectious diseases and from risk occasioned by infectious diseases and environmental hazards and to provide reasonable accommodations to infected students.
- II. It is recognized that students with any illness, including HIV infected persons, may continue to attend school as long as academic, behavioral, and medical evidence indicates that their condition is not a threat to themselves or to others. If it becomes necessary, reasonable accommodations within the school setting shall be made, or an alternative educational services delivery shall be implemented.
- III. All information regarding such matters shall be held in strict confidence and released only to those who have a legitimate need to know.
- IV. School Board employees shall receive and review procedures governing immunization against Hepatitis B infection, HIV, AIDS, bloodborne pathogens, other communicable disease, and environmental hazards.
- V. Staff members shall cooperate with public health authorities by practicing and promoting "universal precautions," as deemed by the Centers for Disease Control (CDC). Procedures for dealing with students who pose a threat of transmitting a blood-borne health condition are contained in the Health Services Manual.

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**STATUTORY AUTHORITY:** 1001.41, 1001.42, F.S.

**LAW(S) IMPLEMENTED:** 381.0098, 1001.42, 1001.43,  
1002.22, 1003.01, 1010.305, F.S.

**STATE BOARD OF EDUCATION RULE(S):** 6A-6.03020, 6A-6.0331

**STATE DEPARTMENT OF HEALTH RULE(S):** 64E-16

**HISTORY:** ADOPTED: 07/01/2002  
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FORMERLY: 5.40