

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

### PROHIBITING DISCRIMINATION AND HARASSMENT 10.10

#### I. Discrimination

- A. No person shall, on the basis of a person's actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, national or ethnic origin, veteran status, or any other distinguishing physical or personality characteristics, 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 admit students to District schools, program, and classes without regard to a student's actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, national or ethnic origin, veteran status, or any other distinguishing physical or personality characteristics.

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

- A. 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.

#### III. Definition of Sexual Harassment

- A. Sexual harassment is unwanted sexual or gender-based speech or behavior. The behavior includes three elements: it is unwanted or unwelcome; it is sexual or related to the gender of the person; and it occurs in the context of a relationship where one person has more formal power than the other (such as supervisor over an employee or a teacher over a student) or more informal power (such as one peer over another).

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

### 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 because of his/her actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, national or ethnic origin, veteran status, any other distinguishing physical or personality characteristics, or any other characteristic protected by law 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. Bullying

Bullying and harassment based on a student's actual or perceived identity with regard to race, color, national origin, gender, disability, sexual orientation, religion, or any other distinguishing characteristics that may be defined by federal, state or local law, that

1. Is directed at one or more students;
2. Substantially interferes with educational opportunities or education programs of such students; and
3. Adversely affects the ability of a student to participate in or benefit from the school's educational programs or activities by placing a student in reasonable fear of physical harm, or because the conduct as reasonably perceived by the student is severe, pervasive, and objectively offensive.

### V. Retaliation Prohibited

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

Any act of retaliation against an individual who files a complaint alleging a violation of the District's anti-discrimination policy and/or sexual or illegal harassment policy or who participates in the investigation of a discrimination complaint is prohibited.

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

#### A. Procedure for Filing Complaints

1. Any person who believes that he or she has been discriminated against or placed in a hostile environment, based on actual or perceived identity with regard to race, color, religion, gender, age, marital status, disability, sexual orientation, political or religious beliefs, nation or ethnic origin, veteran status, or any other distinguishing physical or personality characteristics, by an employee, volunteer, agent or student of the School District should within sixty (60) days of the 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 District Equity Officer, Office of Equal Opportunity/Equal Access. If the complaint is against the District Equity Officer, the Superintendent, or other member of the School Board, the complaint may be filed with the Office of General Counsel.
3. An investigation will be conducted by the Office of Equal Opportunity/Equal Access within thirty (30) days, or by the General Counsel within thirty (30) days, if the complaint is against the Equity Officer.
4. The investigative report will be forwarded to the Superintendent. Complainant and Respondent shall be notified in writing of the outcome of the investigation.
5. The Complainant or Respondent may request a review of the finding by the Equity Officer or General Counsel 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 Superintendent shall within ten (10) days of receipt of the notice make a

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.

6. If review by the Superintendent is not timely requested, the Equity Officer or General Counsel's determination of no reasonable cause shall be final.
7. Complaints against School Board Members or against the Superintendent
  - A. Complaints against School Board members or the Superintendent shall be filed with the General Counsel. The General Counsel 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. 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 as outlined in the District's Anti-Bullying policy and the Codes 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.
  - C. 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 investigate and take corrective action may supersede an individual's right to privacy.

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

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.

**STATUTORY AUTHORITY:** Sections 120.54, 1001.41, 1001.42, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** Sections 112.51, 119.07, 1000.05, 1001.43, 1012.22, F.S.

**HISTORY:** **ADOPTED: NOVEMBER 1, 1997**

**REVISION DATE(S): 5/07/03**

**4/06/04**

**11/10/08**

**FORMERLY: GBA, GBAA JB, JBA, JF**

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

### ANTI-BULLYING POLICY 10.20

#### I. Statement Prohibiting Bullying and Harassment:

It is the policy of the Duval County School Board (DCSB) 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. Accordingly, DCSB will not tolerate bullying or harassment against any student, employee, visitor, volunteer or agent who works on school related activities, subject to the control of school officials. This policy shall be interpreted and applied consistently with all applicable State and federal laws and employee collective bargaining agreements. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

- A. DCSB prohibits bullying of any student or school employee, visitor, volunteer, or agent:
1. during any education program or activity conducted by DCSB;
  2. during any school-related or school-sponsored program or activity or on a school bus ;
  3. through the use of data or computer software that is accessed through a computer, computer system, or computer network of DCSB. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action.

#### 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, purposeful, and repeated written, verbal, nonverbal, electronic, or physical behavior, 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 is often characterized by an imbalance of power. Bullying may involve, but not limited to:
1. Unwanted Teasing
  2. Social Exclusion including incitement and/or coercion
  3. Threat
  4. Intimidation
  5. Stalking
  6. Cyberstalking
  7. Cyberbullying
  8. Physical violence
  9. Theft
  10. Sexual, religious, cultural, or racial harassment
  11. Public humiliation
  12. Destruction of property
  13. Rumor or spreading of falsehoods

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

### 14. Extortion

- 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 or her person or damage to his or her property;
  2. Has the effect of substantially interfering with a student's educational performance, or employee's work performance, or either's opportunities, or benefits;
  3. Has the potential to negatively impact a student's or employee's emotional or mental well-being; and
  4. Has the effect of substantially disrupting the orderly operation of a school.
- C. **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.
- D. **Cyberbullying**, is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, e-mail, blogs, social websites (e.g., MySpace, Facebook), chat rooms, instant and text messaging, and cell phone technologies.
- E. **Bullying, Harassment, Cyberstalking, and Cyberbullying (herein after referred to as Bullying)** also encompasses:
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 that is not made in good faith is considered retaliation.
  2. Perpetuation of conduct listed in the definition of bullying 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 DCSB;
    - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

### III. Behavior Expectations for Students and Employees of DCSB:

- A. DCSB expects students and employees to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment. DCSB

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

employees are responsible for adhering to the Principles of Professional Conduct of the Education Profession in Florida and District policies governing conduct and behavior.

- B. The DCSB believes that all schools can be safe learning environments where every student and adult is valued and respected and are committed to attaining such an environment for all students and employees. The standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members creating an environment that is safe, civil, and respectful. The development of this environment requires respect of self and others, as well as for district and community property on the part of students, employees, parents/legal guardians, visitors, volunteers, and other agents. School employees, especially administrators, teachers, and counselors, must teach the students the expected standards of behavior and be prepared to re-teach them, as necessary. Since students learn by example, school employees, parents/legal guardians, visitors, volunteers, and other agents will model appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment. Positive reinforcement may be used to recognize good conduct, self-discipline, good citizenship, good character, and academic success.
- C. The roles and responsibilities of students, employees, parents/legal guardians, and schools are described within the of Professional Conduct of the Education Profession in Florida, Duval County School Board Manual, and *Code of Student Conduct* as applicable.
- D. The rights and responsibilities of students and parents/legal guardians are described within the Duval County School Board Policy Manual and *Code of Student Conduct*.

### **IV. Consequences for a Student or Employee of the DCSB Who Commits an Act of Bullying:**

- 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 DCSB.
  - 1. Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension, as outlined in the *Code of Student Conduct*.
  - 2. Consequences and appropriate interventions for a DCSB employee found to have committed an act of bullying shall be instituted in accordance with district policies, procedures, and agreements. Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's state issued certificate (See State Board of Education Rule 6B-1.006, FAC., *The Principles of Professional Conduct of the Education Profession in Florida*.)
  - 3. Consequences and appropriate remedial action for a visitor, volunteer, parent, or agent found to have committed an act of bullying shall be determined by the school

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

or District administrator after consideration of the nature and circumstances of the act, including reports to Professional Standards and/or appropriate law enforcement officials.

- V. **Consequences for a Student or Employee of the DCSB Who Is Found to Have Wrongfully and Intentionally Accused Another of an Act of Bullying:**
- A. Consequences and appropriate interventions for a student found to have wrongfully and intentionally accused another as a means of bullying may range from positive behavioral interventions up to, but not limited to suspension, as outlined in the *Code of Student Conduct*.
  - B. Consequences and appropriate interventions for a DCSB employee found to have wrongfully and intentionally accused another as a means of bullying shall be instituted in accordance with district policies, procedures, and agreements.
  - C. Consequences and appropriate remedial action for a visitor or volunteer, parent, or agent found to have wrongfully and intentionally accused another as a means of bullying shall be determined by the school or District administrator after consideration of the nature and circumstances of the act, including reports to Professional Standards and/or appropriate law enforcement officials.
- VI. **Procedures for Reporting an Act of Bullying:**
- A. At each school, the principal or the principal's designee is responsible for receiving oral or written complaints alleging violations of this policy and will determine the appropriate action.
  - B. All DCSB employees are required to report alleged violations of this policy to the appropriate administrator. If the complaint is about the principal or the Cluster/District's staff member's direct supervisor, then the Cluster Chief/Designee or appropriate District Administrator shall be asked to address the complaint. Complaints against Cluster Chiefs or District Administrators should be filed with the District Equity Officer, Office of Equal Opportunity/Equal Access.
  - C. Members of the school community, including students, parents, legal guardians, volunteers, visitors, and other agents who have credible information that an act of bullying has taken place are encouraged to report any act that may be a violation of this policy anonymously or in person to the appropriate administrator.
  - D. Any DCSB student (and/or his/her parent(s)/ legal guardian(s) on their child's behalf) who believes he is the victim of bullying is strongly encouraged to report.
  - E. The principal of each school in the District shall establish, and prominently publicize to students, staff, parents/legal guardians, volunteers, visitors, and other agents, how a report of bullying may be filed and how this report will be acted upon.

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

- F. A school employee, volunteer, student, parent/legal guardian, visitor, agent, or other person who promptly reports in good faith an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this District Policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments within DCSB.
- G. The victim of bullying, anyone who witnessed the bullying, and anyone who has credible information that an act of bullying has taken place, may file a report of bullying. Any written or oral reporting of an act of bullying shall be considered an official means of reporting such act(s).
- H. While the District does not assume any liability for incidences that occur at a bus stop or en route to and from school, a student or witness may file a complaint following the same procedures for bullying against a student and the school will investigate and/or provide assistance and intervention as the principal/designee deems appropriate.
- I. A person may report an act of bullying anonymously. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. The principal/designee or District Administrator shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner.
- J. Individuals, described in this policy, responsible for investigating complaints shall document *in writing* each report of bullying, regardless of whether the complaint was made orally or in writing.

### VII. **Procedures for Promptly Investigating Reported Acts of Bullying and the Persons Responsible for the Investigation:**

- A. At each school or work site in the district, the procedures for investigating bullying include:
  - 1. The investigation of a reported act of bullying is deemed to be a school-related activity and begins with a report of such an act.
  - 2. The principal/designee or appropriate Cluster/District Administrator, who is trained in investigative procedures, will initiate the investigation.
  - 3. The investigator may not be the accused perpetrator or alleged victim.
  - 4. Documented interviews of the alleged victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (alleged

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

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

5. The investigator shall collect and evaluate the facts including, but not limited to:
  - a. Description of incident(s) including nature of the behavior; context in which the alleged incident(s) occurred, etc.;
  - b. How often the conduct occurred;
  - c. Whether there were past incidents or past continuing patterns of behavior;
  - d. The relationship between the parties involved;
  - e. The characteristics of parties involved (i.e., grade, age, etc.);
  - f. The identity and number of individuals who participated in bullying behavior;
  - g. Where the alleged incident(s) occurred;
  - h. Whether the conduct adversely affected the student's education or educational environment or the employee's work or workplace environment;
  - i. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident;
  - j. The date, time, and method in which the parents/legal guardians of all parties involved, in the case of students, were contacted; and
  - k. The date, time, and method in which all parties involved, in the case of employees, were contacted.
6. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes, but is not limited to:
  - a. A written final report to the principal or the appropriate Cluster/District Administrator; and
  - b. Any recommended remedial steps necessary to stop the bullying behavior.
7. The initial filing of incidents and completion of the investigative procedural steps must be done in a timely manner. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying, and the investigative procedures that follow.

### VIII. **A Process to Investigate whether a Reported Act of Bullying is within the Scope of DCSB and, if not, a Process for Referral of such an Act to the Appropriate Jurisdiction:**

- A. A principal/ designee or appropriate Cluster/District Administrator who is trained in investigative procedures will initiate an investigation of whether an act of bullying is within the scope of the DCSB.
- B. The trained designee(s) will provide a report on the results of the investigation with recommendations for the principal or Cluster/District Administrator to make a determination if an act of bullying falls within the scope of DCSB.
  1. If it is within the scope of DCSB, move to Procedures for Investigating Bullying (Section VII).
  2. If it is outside the scope of DCSB, and determined to be a criminal act, refer the case to appropriate law enforcement.

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

3. If it is outside the scope of DCSB, and determined not to be a criminal act, inform the parents/legal guardians of all students involved.

**IX. Procedures for Providing Immediate Notification to the Parents/Legal Guardians of a Victim of Bullying and the Parents/Legal Guardians of the Perpetrator of an Act of Bullying as well as, Notification to All Local Agencies Where Criminal Charges May Be Pursued Against the Perpetrator:**

- A. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) has been initiated, or reasonably thereafter. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- B. If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone, in writing by first class mail, or by other means, inform parents/legal guardian(s) 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.”
- C. 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, in writing, or by other appropriate means.

**X. Referral Victims and Perpetrators of Bullying for Counseling:**

- A. Referral procedures will utilize the established protocols for intervening when bullying is suspected or when a bullying incident is reported. The procedures include, but are not limited to:
  1. The teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included).
  2. A referral process to provide professional assistance or services that include, but are not limited to:
    - a. School personnel or parents/legal guardian(s) may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services. (Parent or legal guardian involvement is required at this point.)
    - b. 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

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

counseling support and interventions. (Parent or legal guardian involvement is required at this point.)

- c. If a formal discipline report or formal complaint is made against an employee, the principal/designee or Cluster/District Administrator must refer the employee to the Employee Assistance Program for determination of appropriate counseling support and /or interventions.
3. A school-based student component to address intervention and assistance as determined appropriate by the intervention team that includes, but are not limited to:
  - a. Counseling and support to address the needs of the victims of bullying; research-based counseling/interventions to address the behavior of the students who bully others (e.g., empathy training, anger management); and
  - b. Research-based counseling/interventions which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.
4. A student may be required to obtain counseling and/or attend a recognized treatment program at parental expense and show proof of completion of such counseling or program. Such offenses may include, but are not limited to, substance abuse, threats, intimidation, bullying harassment, or acts motivated by hate or bias.
5. An employee component to address intervention and assistance as determined appropriate by the Employee Assistance Program that includes, but are not limited to:
  - a. Counseling and support to address the needs of the victims of bullying; and
  - b. Research-based counseling/interventions to address the behavior of the employees who bully others (e.g., empathy training, anger management).

### XI. **Procedures for including Incidents of Bullying in the School's Report of Data concerning School Safety and Discipline Data required under s. 1006.09(6), F.S.**

- A. The report must include each incident of bullying and the resulting consequences, including discipline and referrals. The report must include, in a separate section, each reported incident of bullying that does not meet the criteria of a prohibited act under this section with recommendations regarding such incidents:
- B. DCSB utilizes 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.
- C. The SESIR definition of bullying/harassment is unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment, cause discomfort or humiliation, or unreasonably interfere with the individual's school performance or participation.
- D. If a Class III or higher bullying incident occurs, then it will be reported in SESIR with the **bullying/harassment** code. If the bullying/harassment results in any of the following SESIR incidents the incident will be coded appropriately using the relevant incident

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

code AND the related element code entitled **bullying-related** code. Those incidents are:

1. Arson
2. Battery
3. Breaking and Entering
4. Disruption on Campus
5. Major Fighting
6. Homicide
7. Kidnapping
8. Larceny/Theft
9. Robbery
10. Sexual Battery
11. Sexual Harassment
12. Sexual Offenses
13. Threat/Intimidation
14. Vandalism
15. Weapons Possession
16. Other Major (Other major incidents that do not fit within the other definitions)

- F. Discipline and referral data will be recorded in the District's Student Information Management System. DCSB will provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

### **XII. Procedures for Providing Instruction to Students, Employees, Volunteers, Visitors, Parents/Legal Guardians, and Other Agents on Identifying, Preventing, and Responding to Bullying:**

- A. DCSB ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying. This requires the efforts of everyone in the school environment – employees, students, parents/legal guardians, visitors, volunteers, and other agents.
- B. DCSB recognizes it is essential to have a basic universal prevention curriculum in place so that every school will receive a foundation of prevention upon which to build a culture of health, wellness, safety, respect, civility, and excellence and a basis on which to build a continuum of services.
- C. All students, employees, parents/legal guardians, volunteers, visitors, and other agents of DCSB shall be given instruction, at a minimum on an annual basis, on the district's Policy and Regulations against bullying. The instruction shall include evidence-based methods of preventing bullying, as well as how to effectively identify and respond to bullying in the schools. References to this policy will be included in the Student Code of

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

Conduct, all employee handbooks, the District website and/or through other reasonable means.

- D. Student instruction in bullying prevention and intervention will be taught in an age and developmentally appropriate manner using evidence-based strategies and resources and be aligned with curriculum standards and other appropriate District prevention and intervention initiatives, including violence prevention.

### XIII. **Procedures for Regularly Reporting to a Victim’s Parents/Legal Guardian the Actions Taken to Protect the Victim:**

- A. 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 on the same day an investigation of the incident has been initiated. 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 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).

### XIV. **Procedures for Publicizing the Policy:**

- A. The policy must be published in the *Code of Student Conduct* required under s. 1006.07(2), F.S., and in all employee handbooks.
  - 1. 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.
  - 2. Each principal and/or appropriate Cluster or District Administrator shall provide notice to students and staff of this policy through appropriate references in the *Code of Student Conduct* and employee handbooks, and/or through other reasonable means, as applicable. The Superintendent shall also make all volunteers, visitors, and other agents working in or contracting with the district aware of this policy, as applicable.
  - 3. Each school principal shall develop an annual process for discussing the school district policy on bullying with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the school buses.

**STATUTORY AUTHORITY:**

**1001.41, 1001.42 F.S.**

**LAW(S) IMPLEMENTED:**

**1006.147, F.S.**

**HISTORY:**

**ADOPTED: November 10, 2008**

**FORMERLY: NEW**

**TEEN DATING VIOLENCE OR ABUSE POLICY**

**10.30**

**I. Statement Prohibiting Teen Dating Violence or Abuse:**

- A. It is the policy of the Duval County School Board (DCSB) that all of its students have an educational setting that is safe, secure, and free from teen dating violence or abuse of any kind. Accordingly, the district will not tolerate any form of teen dating violence or abuse as defined in Section II A of this policy.
- B. Consistent with the intent and requirements of Section 1006.148, Florida Statutes, DCSB prohibits teen dating violence by any student:
  - 1. on school property;
  - 2. during any school-related or school-sponsored program or activity; or
  - 3. during school-sponsored transportation.

**II. Definition:**

- A. **Teen Dating Violence or Abuse** is a pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past dating relationship to exert power and control over another when one or both of the partners is a teenager. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner. This may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, and harassment through a third party, and may be physical, mental, or both.

**III. Procedures for Reporting an Act of Teen Dating Violence or Abuse:**

- A. At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy.
- B. All DCSB employees or agents are required to report alleged violations of this policy to the appropriate principal or the principal's designee.
- C. In addition to reporting the incident to the principal or designee, if a DCSB employee or agent has reason to suspect that an alleged violation of this policy might constitute a crime, the DCSB employee or agent shall also immediately report the complaint to law enforcement. Any uncertainty regarding whether an alleged violation might constitute a crime must be resolved in favor of reporting the incident to law enforcement.
- D. All other members of the school community, including students, parents/legal guardians, volunteers, visitors, and other agents are encouraged to report any

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

act that may be a violation of this policy anonymously or in-person to the principal or principal's designee/administrator.

- E. In cases involving an alleged perpetrator who is of adult age and an alleged teen victim, certain suspicions of abuse must be reported to the Florida Abuse Hotline (1-800-962-2873) or local law enforcement pursuant to Section 39.201, Florida Statutes.
- F. The principal of each school in the district shall establish and prominently publicize to students, staff, volunteers, parents/legal guardians, and other agents, how a report of dating violence and abuse may be filed either in-person or anonymously and how this report will be acted upon.
- G. The victim of teen dating violence or abuse, anyone who witnessed an act of dating violence or abuse, and anyone who has reasonable suspicion that an act of dating violence or abuse has taken place may file a report of dating violence or abuse.
- H. Submission of a good faith complaint or report of teen violence or abuse will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Appropriate remedial action will be pursued for persons found to have wrongfully and intentionally accused another of an act of dating violence or abuse.
- I. Any written or oral reporting of an act of dating violence or abuse shall be considered an official means of reporting such act(s).
- J. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

### **IV. Procedures for the Prompt Investigation and Disciplinary Action of a Report of Dating Violence or Abuse:**

- A. At each school in the district, the procedures for investigating dating violence or abuse include the following:
  - 1. The principal or designee selects a designee(s), employed by the school, trained in investigative procedures to initiate the investigation. The designee(s) may not be a relative of the accused perpetrator or victim.
  - 2. Documented interviews of the victim, alleged perpetrator, and witnesses are conducted privately, separately, and are confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

3. The parent(s)/guardian(s) of youth involved in a dating violence or abuse complaint may be notified of the complaint, except if such notification is not in the best interest or impairs the safety of the students involved.
4. The maximum of **twenty** (20) school days after the complaint shall be the limit between the initial filing of incidents and completion of the investigative procedural steps.
5. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of teen violence and/or abuse, and the investigative procedures that follow. School employees shall refrain from sharing confidential student information with other school employees, students, or community members, unless disclosure is required by law or is necessary to protect the student's safety. Any notification made must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
6. If it is determined that dating violence or abuse has occurred, the principal or designee will make recommendations for disciplinary action.
7. Immediate action will be taken to eliminate the behavior.
8. Disciplinary action will be taken immediately, based on the circumstances of the behavior(s).
9. If a crime has been committed, the police will be immediately notified. If the alleged act in violation of this policy is also the subject of an investigation by law enforcement, the investigation by the school shall proceed in full cooperation, and without interference, with the criminal investigation.
10. Whenever possible, face-to-face contact between the victim and alleged perpetrator should be avoided. If changes need be made, attention should be given to the victim's preference. *The burden for any bus, classroom, or other schedule changes should be on the alleged perpetrator, not the victim.*

### **V. Procedures for Providing Restraining Orders to School Resource Officers/Deputies:**

- A. Should a student or their parent/guardian inform the School or the District that an order of protection has been issued, the principal or designee will contact the abuser and his/her parents to initiate a Stay-Away-Agreement, consistent with the terms of the order, with penalties for known violations of the agreement.
- B. The principal or designee will notify law enforcement immediately if they have a reasonable belief that a criminal or civil restraining order has been violated. School police will respond immediately to a report of a violation of a criminal or a civil restraining order.
- C. The school-based alternative to a legal protective order is called a **Stay-Away-Agreement**.

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

1. The Stay-Away-Agreement provides a list of conditions that must be followed by the alleged perpetrator while on school grounds or at school-sponsored activities. It is designed to ensure the safety of the victim.
2. The DCSB encourages schools to administer Stay-Away-Agreements in a conference with the alleged perpetrator and his or her parent(s)/guardian(s). If the parent/guardian is unavailable or unwilling to attend the conference, the school may note this on the agreement.
3. A Stay-Away-Agreement may include the following elements:
  - a. A description of the relationship between the victim and alleged perpetrator.
  - b. A description of the violent incident(s): what, when, where, witnesses.
  - c. A list of behaviors that the alleged perpetrator may not do (i.e. talking to the victim, sitting near the victim, sending notes to the victim, etc.).
  - d. Schedule changes for the alleged perpetrator (to separate the victim and alleged perpetrator), including classes, lunch period, arrival and dismissal times, locker location, and extracurricular activities.
  - e. Notes on other disciplinary actions taken.
  - f. Disciplinary consequences if the alleged perpetrator violates the Stay-Away-Agreement.
  - g. Dates during which the Stay-Away-Agreement is valid.
  - h. Date when the Stay-Away-Agreement will be reviewed.

### **VI. Procedures to Provide Instruction and Reasonable Accommodations to the Victim:**

- A. Requests for accommodations may be made orally or in writing to any school employee and these requests should be taken to the principal or principal's designee. If the request is made orally, the principal or designee shall document the request in writing.
- B. The school shall provide a written decision to the student as soon as possible, but in all cases a decision must be made within **five** (5) school days of the request.
- C. A denial to a request for accommodation must include the reason(s) for the denial.
- D. All requests for accommodations should be kept strictly confidential. At no time shall the school personnel notify the alleged perpetrator of the student's request for accommodation, nor shall the school require the student to pursue a complaint against the alleged perpetrator through the school grievance process or the criminal justice system.
- E. All accommodations under this policy are voluntary; the student may choose to decline or rescind any accommodations at any time by notifying the principal or designee. The student shall not be subject to any retribution or disciplinary action

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

for such decision and shall not lose the right to request and receive future accommodations.

- F. Accommodations for safety shall be made even if the alleged perpetrator is not a student at the school or if the abuse occurred outside of school grounds.
- G. The School or the District will provide a victim of dating violence or abuse with the following, based on the circumstances:
  - 1. Stay-Away-Agreement: an agreement with the offender to stay away from the victim while on school grounds, on school transportation, and during school sponsored programs and events.
  - 2. Reasonable accommodations, such as class schedule changes, change of locker assignment, private space for meeting with school guidance counselor or other appropriate school personnel.
  - 3. If needed, the school will assist the student in creating an alternative education plan for the student such as transferring to a different school or the ability to make up school work missed due to dating violence.
  - 4. Security protection, such as safe egress/regress from school and within the school.
  - 5. Timely and comprehensive investigation of dating violence and abuse complaints.
  - 6. Referrals for outside support and/or counseling.
  - 7. Information and assistance in securing interventions to address the behavior of abusers (e.g. empathy training, anger management).
  - 8. Information and assistance in securing intervention which includes assistance and support provided to parents/guardians, if deemed necessary and appropriate.
  - 9. Other actions determined appropriate under the circumstances.

### **VII. Methods of Intervention with the Alleged Perpetrator:**

- A. Allow the alleged perpetrator to respond in writing to the allegations.
- B. Identify and implement interventions and/or disciplinary actions and consequences that will be taken to prevent further incidents.
- C. Refer the alleged perpetrator and parent(s)/guardian(s) to help and support available at the school and within the community.
- D. Address the seriousness of retaliations against the victim for reporting the incident or cooperating with the investigation. Inform the alleged perpetrator that retaliation or threats of retaliations in any form designed to intimidate the victim of dating violence or abuse, those who are witnesses, or those who investigate an incident, shall not be tolerated. In most cases, retaliation or a

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

threat of retaliation will result in the imposition of a short or long-term suspension.

- E. Provide for increased supervision of the alleged perpetrator.
- F. Document the meeting and action plans on a complaint form.

### **VIII. Procedures for Providing Instruction to Students in Comprehensive Health Education including a teen dating violence or abuse component:**

- A. Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach all comprehensive health components listed in Section 1003.42, Florida Statutes, including a health education curriculum for students in grades 7 through 12 in the area of dating violence or abuse. This instruction shall include teen dating violence or abuse component that includes, but is not limited to, the definition of dating violence or abuse, the warning signs of dating violence or abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence or abuse, and community resources available to victims of dating violence or abuse. The curriculum chosen must also have an emphasis on prevention-based education.

### **IX. Procedures for Providing Training and Information:**

- A. The district ensures that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to dating violence or abuse. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, school resource officers, and/or instructional aides).
- B. Teachers, school administrators, counseling staff, and other employees shall be provided training in the areas of the proper identification, investigation, and intervention of dating violence or abuse incidents that fall within the jurisdiction of the school.
- C. Students, parents/legal guardians, teachers, and school volunteers shall be provided information at a minimum on an annual basis on the district's Policy and Procedures against dating violence or abuse. The information shall include evidence-based methods of preventing dating violence or abuse, as well as how to effectively identify and respond to dating violence or abuse incidents within the scope of the school.

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

- D. Schools and school districts should utilize existing resources, including but not limited to, student support services staff (e.g. school social workers, school counselors) to assist in providing teen dating violence or abuse intervention and prevention training.

### **X. Victim's Rights**

- A. Right to be treated with respect and dignity. This includes not being blamed by staff and/or students (referred to as victim blaming), and not spreading rumors or retaliating against the victim.
- B. Right to be informed of his/her options with regard to notifying law enforcement authorities, and to be assisted in notifying such authorities. To the extent state and federal law allow, victims must make a voluntary and informed decision to notify authorities.
- C. Right to not have parents/guardians notified, if such notification would endanger the student(s). In some cases, parental notification will endanger the student(s) and prevent the student(s) from obtaining important services. In these cases, guardians/parents should not be notified unless the victim voluntarily consents in writing.
- D. Right to be free from pressure not to report crimes to civil or criminal authorities. This includes the right to be free from pressure to report a crime as a lesser offense than the victim perceives, and the right to be free from any suggestion that a victim somehow contributed to his or her own victimization by contributory negligence, or by assuming the risk of being assaulted, or by otherwise sharing the responsibility for what is alleged to have occurred.
- E. Right to have any violence committed against him/her investigated by the proper civil and criminal authorities. This right is in addition to, and independent of, school disciplinary proceedings.
- F. Right to full and prompt cooperation from school personnel in obtaining and securing evidence necessary for any potential criminal/civil proceedings. Failure to fully and promptly cooperate to the extent possible may be considered a form of retaliation against the victim.
- G. Right to be informed of any disciplinary actions allowed by the Family Right to Privacy Act and other privacy acts taken against the offender.
- H. Right to attend classes and to work in an environment free from unwanted contact or proximity with alleged assailants insofar as the school is able to provide. To the extent possible, victims and alleged perpetrators should be

## CHAPTER 10.0 – ANTI-DISCRIMINATION AND HARASSMENT

separated on campus. This might involve changing class schedules or having the parties agree to stay a certain number of feet away from each other in a Stay-Away-Agreement.

- I. Right to be free from violence at school. All students have the right to an education in a safe school environment. The District will take affirmative steps to prevent and respond to dating violence or abuse that occurs both on and off campus.
- J. Right to transfer from school. Victims of teen dating violence or abuse have a right to request transfer to another school. A victim's decision to transfer to another district-approved school must be informed and voluntary. The offender will generally be required to transfer whenever there is a choice between transferring the victim or the offender.
- K. Right to be free from sex discrimination and sexual harassment. All students have the right to be free from sex discrimination and sexual harassment at school. Dating violence or abuse are forms of sexual harassment.
- L. Right to referrals for services. Victims of teen dating violence or abuse have the right to have access to counseling, medical services, and victim support services both on and off-campus. The District shall refer the victim of teen dating violence or abuse to a community-based advocate. The District will maintain a list of domestic violence/dating violence/sexual assault agencies and services in the community and make this list available to victims. Participation in any referral program is voluntary for victims.
- M. Right to have a support person present. All parties in a teen dating violence or abuse case have the right to have a support person present during all stages of the investigation. A support person includes domestic violence victim advocates, parents/guardians, or other advisors.

**STATUTORY AUTHORITY:**

**SECTION 1006.148, F.S.**

**LAW(S) IMPLEMENTED:**

**SECTION 1006.148; 1001.41 (2), F.S.**

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