

BULLYING AND HARASSMENT

The Governing Board is committed to providing an educational setting that is safe, secure, and free from harassment and bullying of any type for all of its students and school employees. The School will not tolerate unlawful bullying and harassment based on, but not limited to, sex, disability, age, color, race, ethnicity, sexual orientation, including gender identity expression, or national origin. Conduct that constitutes bullying and harassment, as defined herein, is prohibited:

- A. during any education program or activity conducted by the school;
- B. during any school-related or school-sponsored program or activity or on a school bus of the school; or
- C. through the use of data or computer software that is accessed through a computer, computer system, or computer network of the school.

The Governing Board and Principal have developed a comprehensive plan intended to prevent bullying and harassment and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying and harassment as they may occur on school grounds, at school-sponsored events, and through school computer networks. Implementation of the plan will be ongoing throughout the school year and will be integrated with the school curriculum, school disciplinary policies, and violence prevention efforts.

Definitions:

“Bullying” means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any 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; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, disability, sexual orientation, including gender identity expression, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

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

"Bullying" and **"Harassment"** also encompass:

- A. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying or harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
- B. Perpetuation of conduct listed in the definition of bullying and/or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - 1. incitement or coercion;
 - 2. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the school; or
 - 3. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

"Harassment" or **"Bullying"** also means electronically transmitted acts (i.e., Internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student or a group of students exhibits toward another particular student(s) and the behavior both causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

"Cyberstalking" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person, and serving no legitimate purpose.

Expected Behavior:

Putnam Academy expects students 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. Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high quality education in a uniform, safe, secure, efficient, and high quality system of education.

Standards for student behavior shall be set cooperatively through interaction among students, parents/guardians, staff, and community members, producing an atmosphere that encourages students to grow in self-discipline. Development of such an atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff, and community members. School administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

Students are expected to conform to reasonable standards of socially acceptable behavior; respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority.

The School shall provide for appropriate recognition and positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

Consequences:

Consequences and appropriate remedial action for students who commit acts of bullying or harassment or found to have falsely accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Putnam Academy Code of Conduct.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment or found to have falsely accused another as a means of bullying or harassment shall include discipline in accordance with school policies, administrative procedures, and the collective bargaining agreement. Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (see the Principles of Professional Conduct of the Education Profession in Florida – F.A.C. 6B-1006)

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or harassment or found to have falsely accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Procedure for Reporting:

Any student or student's parent/guardian who believes s/he has been or is the victim of bullying or harassment should immediately report the situation to the school principal. The student may also report concerns to teachers and other school staff who will be responsible for notifying the appropriate administrator. Complaints against the principal should be filed with the Governing Board. Complaints against any member of the Governing Board should be filed with the Chair.

All school employees are required to report alleged violations of this policy to the principal or as described above. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. The principal shall establish and prominently publicize to students, staff,

volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon. A victim of bullying and/or harassment, anyone who witnessed the act, and anyone who has credible information that an act of bullying and/or harassment has taken place may file a report.

Procedure for Investigation:

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins on the day of a report of such an act. All complaints about bullying and/or harassment that may violate this policy shall be promptly investigated by the principal or another designated by the principal. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately and shall be confidential. The principal shall collect and evaluate the facts including but not limited to:

- A. the nature of the behavior;
- 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 the parties involved;
- F. the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying or harassment;
- G. the number of alleged bullies/harassers;
- H. the age of the alleged bully/harasser;
- I. where the bullying and/or harassment occurred;
- J. whether there have been other incidents in the school involving the same or other students;
- K. whether the conduct adversely affected the student's education or educational environment;
- L. the context in which the alleged incidents occurred; and
- M. statements, documentation, or other evidence provided by all parties involved.

Whether a particular action or incident constitutes a violation of the policy requires a determination based on all the facts and surrounding circumstances and shall include a recommendation of remedial steps necessary to stop the bullying and/or harassing behavior; and a report to the principal.

A maximum of ten (10) school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps. The highest level of confidentiality possible shall be provided regarding the submission of a complaint or a report of bullying and/or harassment and for the investigative procedures that are employed. A written report of the outcome must be provided to both parties within three (3) days of the completion of the investigation mentioned in the beginning of this paragraph. Physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated pursuant to this policy.

Scope:

If the action is within the scope of the School, school procedures for investigating bullying and/or harassment shall be followed. If the action is outside the scope of the School, and believed to be a criminal act, the action shall be referred to the appropriate law enforcement agency. If the action is outside the scope of the School and believed not a criminal act, the principal shall inform parents/guardians of all minor parties.

Parent Notification:

The principal shall report the occurrence of an incident of bullying as defined by school policy to the parent/guardian of all students known to be involved in the incident on the same day an investigation of the incident has been initiated. **Notification shall be by telephone or by personal conference and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).** The notice shall advise the individuals involved of their respective due process rights including the right to appeal any resulting determination or action to the State Board of Education.

If the bullying incident results in the perpetrator's being charged with a crime, the principal shall inform the parent/guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (No Child Left Behind (NCLB), Title IX, Part E, Subpart 2, Section 932) that states:

"A student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or 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 or secondary school that the student attends, will be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

Counseling Referral:

The School shall provide a referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure will include:

- A. a process by which the teacher or parent may request informal consultation with school staff (e.g., designated school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern;
- B. a referral process to provide professional assistance or services that may include school intervention with a problem-solving focus to consider appropriate services (parent/guardian involvement required) or, if a formal discipline report or formal complaint is issued, a student referral for such school intervention as counseling support or other action (parent/guardian involvement required); or

- C. a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:
1. counseling and support to address the needs of the victim(s) of bullying or harassment;
 2. interventions to address the behavior of students who bully and harass others (e.g., empathy training, anger management, etc.);
 3. intervention which includes assistance and support for parents, as may be deemed necessary or appropriate.

Data Report:

The School will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying and/or harassment incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, the School shall include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.

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

Training and Instruction:

Students, parents, teachers, school administrators, counseling staff, and school volunteers shall be provided instruction, at least annually, on the School's policy and administrative procedures regarding bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools.

Policy Publication:

At the beginning of each school year, the Principal shall inform school staff, parents/guardians/other persons responsible for the welfare of a student of the School's student safety and violence prevention policy.

The School shall provide notice to students and staff of this policy in the Putnam Academy of Arts and Sciences Student Code of Conduct and in employee handbooks. The principal will also provide such notification to all school contractors.

Each principal shall implement a process for discussing, at least annually, the School policy on bullying and harassment with students. Reminders of the policy and bullying prevention messages will be displayed, as appropriate, at each school and at school facilities.

Immunity:

A school employee, school volunteer, students, parent/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 school 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 bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

Privacy/Confidentiality:

Putnam Academy will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the School's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.
F.S. 110.1221, 1002.20, 1006.13, 1006.147