

BULLYING, HARASSMENT, AND HAZING PREVENTION POLICY BAY HAVEN CHARTER ACADEMY, INC.

Bay Charter Academy, Inc. (“Haven”) is committed to sustaining a healthy, positive and safe environment for its students and employees. Acts of bullying/cyberbullying, harassment, and/or hazing are all contrary to that healthy environment and are also violations of Florida law. Haven has adopted this Bullying, Harassment, and Hazing Prevention Policy (“Policy”) to prevent and/or effectively mitigate such detrimental and illegal behaviors.

Education of Students, Parents, and Staff

At the beginning of each school year, the Chief Education Officer (“CEO”) or his or her designee shall inform Haven staff, parents, and others responsible for the welfare of any student of this Policy. This may be done through Haven’s Parent-Student Handbook, Employee Policy Handbook and/or other reasonable means.

Each school year, principals will:

- Provide all employees instruction in methods of recognizing, reporting and investigating claims of bullying, harassment, and hazing, and on this Policy.
- Prominently publicize in each school how to report a bullying, harassment, or hazing incident, either in person or anonymously, and how the report will be acted upon.
- Develop an annual process discussing this Policy with students in an assembly or in any other reasonable format.
- Display reminders of this Policy and other bullying prevention messages such as posters and signs in each school.

Definitions of Bullying, Harassment, and Hazing

Bullying includes “cyberbullying” and means systematically and/or chronically inflicting physical hurt or psychological distress on one or more students, and may involve but is not limited to:

1. Teasing
2. Social Exclusion
3. Threat
4. Intimidation
5. Stalking
6. Physical violence
7. Theft
8. Sexual, religious, or racial harassment
9. Public humiliation

10. Destruction of property

Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. “Cyberbullying” includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. “Cyberbullying” also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

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, opportunities, or benefits; or
3. Has the effect of substantially disrupting the orderly operation of a school.

Bullying and **harassment** also include:

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 Haven;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment;
3. Acts of stalking, as defined in Sections 815.03 and 784.048(1), Florida Statutes.

Hazing means any action or situation that endangers the mental or physical health or safety of a student at a school with any of grades 6 through 12 for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school with any of grades 6 through 12. Hazing includes, but is not limited to:

1. Pressuring, coercing, or forcing a student into:

- a. Violating state or federal law;
 - b. Consuming any food, liquor, drug, or other substance; or
 - c. Participating in physical activity that could adversely affect the health and safety of the student.
2. Any brutality of a physical nature, such as whipping, beating, branding, or exposure to the elements.

* Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.

Prohibition of Bullying, Harassment, and Hazing

Haven prohibits the bullying, harassment, or hazing of any student or school employee:

1. During any educational program or activity conducted by Haven;
2. During any school-related or school-sponsored program or activity, or on a Haven school bus;
3. Through the use of any data software or electronic device while on school grounds, or through the use of a computer system or computer network of Haven; or
4. Through the use of any data software, electronic device, or other technology that is accessed at a nonschool-related location, activity, function, or program and which is not owned, leased, or used by Haven or its schools (i.e., personally-owned devices or software used outside of the school environment), if the bullying, harassment, or hazing substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by Haven and its schools, or if the bullying, harassment, or hazing substantially disrupts the education process or orderly operation of Haven or its schools.

Haven also prohibits student hazing activities of any type that occurs off school property at a nonschool-related function if the hazing is connected to activities or organizations that occur on school property. No student shall plan, encourage, or engage in any hazing activities of any type as a condition for membership and/or participation in a Haven club or activity, or a non-Haven sponsored club or activity, or for acceptance by any group of students. No administrator, faculty member, or other Haven employee shall encourage, permit, authorize, condone, or tolerate any hazing activities as a condition for membership and/or participation in a Haven club or activity, or a non-Haven sponsored club or activity, or for acceptance by any group of students.

* While Haven does not assume any liability for incidences that occur at a bus stop or enroute to and from school, a student or witness may file a complaint following the same procedures for bullying/harassment/hazing and the applicable school will investigate and/or provide assistance and intervention as deemed appropriate.

Reporting Violations of this Policy

All Haven employees are required to report any known or alleged bullying, harassment, hazing, or any other violation of this Policy to their respective principal. All other school community members such as students, parents, and friends are strongly encouraged to report alleged violations. **The principal must report any and all complaints of hazing, regardless of the victim, as well as any and all complaints of bullying or harassment which involve a current or former Haven employee to Haven's Human Resources Director and to the CEO within twenty-four (24) hours of the complaint being filed.**

- An in-person or anonymous report may be filed with the applicable school's principal by the victim, anyone who has witnessed the incident, or anyone who has credible information about the incident.
- Any written or oral report shall be considered an official means of reporting. Anonymous reports may be filed and must be investigated by a designated official, but formal disciplinary action shall not be based solely on the basis of an anonymous report.
- The principal or the principal's designee shall report the occurrence of any incident of bullying, harassment, or hazing, as defined by this Policy, to the parent or legal guardian of all students involved **on the same day as the investigation is initiated.** However, such notification shall not be reported to the parent or legal guardian when such notification is not in the best interest, or impairs the safety, of the student(s) involved. Notification may be via telephone, personal conference, and/or in writing. Parent/Guardian notification must be documented by the principal or the principal's designee immediately.
- Students, administrators, and other Haven employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with Florida law.

School Procedures for Investigating Reports

1. The principal or the principal's designee will select an employee or agent of Haven that is trained in investigative procedures to initiate the investigation of all reported acts of bullying, harassment, or hazing that do not involve a current or former Haven employee. The CEO will select an employee or agent of Haven that is trained in investigative procedures to initiate the investigation of all reported acts of bullying, harassment, or hazing that involve a current or former Haven employee. The chosen investigator cannot be the victim, accused perpetrator, or a relative of the accused perpetrator or victim. **No more than ten (10) school days shall pass between the dates of the initial report filing and the completion of the investigation.**

2. The investigator shall interview the alleged victim, the alleged perpetrator, and any witnesses to the conduct, and such interviews must be conducted privately and separately. **Interviews must be documented and must be kept confidential.**
3. The investigator shall collect and evaluate facts, including but not limited to:
 - a. A description of the incidents- nature of the behavior and context in which the alleged incident took place;
 - b. How often the conduct occurred;
 - c. Any past incidents or continuing patterns of behavior;
 - d. The relationship between the parties involved;
 - e. Characteristics of the parties involved (age, grade, etc.);
 - f. Identity and number of all individuals involved in incident;
 - g. Where the alleged incident occurred;
 - h. Whether the conduct adversely affected a student's education or educational environment;
 - i. Whether the alleged victim perceived an imbalance of power as a result of the reported behavior; and
 - j. The date, time and method in which the parents/legal guardians of all parties involved were contacted.
4. The investigator shall file a written report of his or her findings to the principal or the principal's designee (or to the CEO and Human Resources Director when involving a current/former employee), and may recommend potential disciplinary actions.
5. The school principal and/or the CEO shall evaluate the investigator's report and determine whether a violation of this Policy has occurred and, if so, what disciplinary actions are appropriate. Such determination and disciplinary actions must be made based on all the facts and surrounding circumstances, including mitigating factors. If disciplinary measures are not appropriate based on the circumstances, the principal or the CEO should offer steps to remedy the bullying and/or harassing behavior.
6. If a crime has been committed, law enforcement shall be immediately notified.

Consequences and Appropriate Remedial Action

Proper prevention and intervention steps shall be taken based on the level of severity of an infraction, as outlined in this Policy and based on Haven's administrative discretion.

Any alleged acts of hazing that occur at a Haven high school and that meet the criteria established under Section 1006.135(3), Florida Statutes (as may be amended or superseded), shall be reported to local law enforcement immediately.

If a bullying or harassment incident results in the perpetrator being charged with a crime, the principal, or the principal's designee, shall by telephone or in writing by first class mail, inform the parent(s)/legal guardian(s) of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option, which states that “. . . 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, [shall] be allowed to [transfer to] a safe public elementary school or secondary school within the local educational agency.”

Students - Consequences and appropriate remedial action for students who commit acts of bullying, harassment, or hazing may range from positive behavioral interventions to suspension or expulsion. Such consequences and remedial actions are also applicable to those who are found to have wrongfully and intentionally accused another of bullying, harassment, or hazing.

Staff - Consequences and appropriate remedial action for a school employee found to have committed an act of bullying, harassment, or hazing against a student, or who is found to have wrongfully and intentionally accused a student of an act of bullying, harassment, or hazing may be disciplined up to and including termination of employment. Additionally, acts of bullying, harassment, or hazing by certified educators may be reported to the Florida Department of Education and/or to appropriate law enforcement officials.

Visitors/Volunteers - Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying, harassment, or hazing, or who is found to have wrongfully and intentionally accused another of an act of bullying, harassment, or hazing shall be determined by the principal and/or the CEO after consideration of the nature and circumstances of the act. If such actions are believed to violate state law, appropriate law enforcement officials will be contacted.

School Safety Reports

All Haven schools will utilize Florida's School Environmental Safety Incident Reporting (SESIR) on school safety and discipline data, which includes bullying and/or harassment incident codes as well as bullying-related and/or harassment element codes. Hazing should also be included within one of the SESIR incident and element codes.

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

- Alcohol
- Arson
- Battery
- Breaking and Entering

- Disruption on Campus
- Drug Sale/Distribution Excluding Alcohol
- Drug Use/Possession Excluding Alcohol
- Fighting
- Homicide
- Kidnapping
- Larceny/Theft
- Robbery
- Sexual Battery
- Sexual Harassment
- Sexual Offenses
- Threat/Intimidation
- Tobacco
- Vandalism
- Weapons Possession
- Other Major (Other major incidents that do not fit within the other definitions)

All incidents of hazing shall be reported in the school's safety and discipline report as outlined in Section 1006.135(2)(e), Florida Statutes (as may be amended or superseded).

In addition, discipline and referral data will be recorded in the Bay District School's Student Discipline/Referral Action Report and Automated Student Information System. Bay District Schools will then provide such incident, discipline, and referral data to the Florida Department of Education.

First Amendment Rights

Nothing in this Policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.