

**PROHIBITION OF HARASSMENT  
INTIMIDATION AND BULLYING**

The Board of Education prohibits acts of harassment, intimidation, or bullying of a pupil. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe and disciplined environment. Since pupils learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

Harassment, intimidation or bullying" is defined as a single or series of incidents, including any gestures, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus or off school grounds:

1. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
2. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school; or
3. Results in one student or group of students exercising power and control over another student(s) either in isolated incidents or patterns of harassing or intimidating behavior.
4. Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.
5. "Electronic communication" means communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.

This Policy may impose consequences for acts of harassment, intimidation, or bullying that occur off school grounds, such as cyber-bullying (e.g., the use of electronic or wireless devices to harass, intimidate, or bully), to the extent this Policy complies with the provisions

of N.J.A.C. 6A:16-7.6, Conduct Away from School Grounds, and the district's code of pupil conduct, pursuant to N.J.A.C. 6A:16-7.1. In all instances of harassment, intimidation, or bullying behavior occurring off school grounds, the consequences only may be exercised when it is reasonably necessary for the pupil's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other pupils, staff or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of a proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. All acts of harassment, intimidation, or bullying that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provisions of N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.9, harassment, intimidation, and bullying, whether the subject or recipient of the bullying is on or off school property.

### **Expected Behavior**

The Board expects pupils to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the code of pupil conduct.

The Board believes the best discipline is self-imposed, and it is the responsibility of school district staff to use instances of violations of the code of pupil conduct as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent pupil conduct problems and foster pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the Superintendent, in conjunction with school staff, and approved by the Board. These guidelines will be developed based on accepted core ethical values from a community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, pupils and administrators. These guidelines for pupil conduct will be suited to the developmental ages of pupils, the severity of the offenses and pupils' histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the district. This Policy requires all pupils in the district to adhere to these rules and guidelines and to submit to the remedial and consequential measures that as are appropriately assigned for infractions of these rules and guidelines.

The District prohibits active or passive support for acts of harassment, intimidation, or bullying. Pupils are encouraged to support other pupils who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Principal or designee.

Pupils are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to school district teaching, support and administrative staff. Each Principal will develop and provide a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

### **Consequences and Appropriate Remedial Actions**

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for pupils and staff members who commit one or more acts of harassment, intimidation, or bullying, consistent with the code of pupil conduct. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by pupils. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), and consider the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors, per the code of pupil conduct.

### **Factors for Determining Consequences**

1. Age, developmental and maturity levels of the parties involved;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

### **Factors for Determining Remedial Measures**

#### ***Personal***

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;

4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation; and
10. Academic performance.

***Environmental***

1. School culture;
2. School climate;
3. Pupil-staff relationships and staff behavior toward the pupil;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the Board adopted Pupil Discipline/Code of Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the pupil and the pupil's history of problem behaviors and performance, and must be consistent with the district's code of pupil conduct. Remedial measures shall be designed to correct the

problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, and bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

**Examples of Consequences**

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Detention;
5. Out-of-school suspension (short-term or long-term); consider Behavior Manifestation
6. Legal action; and/or reports to law enforcement; and
7. Expulsion.

**Examples of Remedial Measures - Personal**

1. Restitution and restoration;
2. Supportive student interventions, including participation of the intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
3. Behavior assessment or evaluation including but not limited to, a referral to the Child Study Team, as appropriate;
4. Corrective instruction or other relevant learning or service experience;
6. Behavioral management plan, with benchmarks that are closely monitored;
7. Pupil counseling;
8. Parent/district conferences;
9. Pupil treatment/Therapy

**Examples of Remedial Measures - Environmental (Classroom, School Building or School District)**

1. School climate improvement;
2. Adoption of research-based, systemic bullying prevention programs;
3. School policy and procedures revisions;
4. Modifications of schedules;
5. Adjustments in hallway traffic;
6. Modifications in pupil routes or patterns traveling to and from school;
7. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
8. Disciplinary action for school staff who contributed to the problem;
9. Parent conferences;
10. Referral to Family counseling;
11. Development of a general bullying response plan;
12. Involvement of community based organization;
13. School transfers;
14. Law enforcement involvement; and
15. Alternate interdistrict placement.

N.J.A.C. 6A:16-7.9(a) 2.vi requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying. The consequences may include, but not be limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, and/or termination. Remedial measures may include, but not be limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

### **Reporting Procedure**

All acts of harassment, intimidation or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation or bullying shall be reported to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation or bullying. N.J.S.A 18A:37-15(b) (5)

A school employee who promptly reports an incident of harassment, intimidation, or bullying in accordance with this Policy, and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16.c.

### **Investigation**

The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;

The results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act" P.L.1968, c.410(c.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;

The results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed or other action taken or recommended by the superintendent;

Parents of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with Federal and State law and

regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation or bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board;

A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing, the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

At the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision;

A school administrator who receives a report of harassment, intimidation or bullying from a district employee and fails to initiate or conduct an investigation, or should have known of an incident of harassment, intimidation or bullying may be subject to disciplinary action. N.J.S.A. 18A:37-16(d).

### **Response to an Incident of Harassment, Intimidation, or Bullying**

An immediate appropriate response will be provided to the individual who commits any incident of harassment, intimidation, or bullying. Some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that require a response either at the classroom, school building or school district level or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

In considering whether a response beyond the individual level is appropriate, the administrator shall, in consultation with the school anti-bullying specialist, identify the range of ways in which a school will respond, consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s)



occurred. The school district's responses can range from surveys to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff. The district's responses may also include participation of parent(s) or legal guardian(s) and other community members and organizations, small or large group presentations for fully addressing the actions and the school district's response to the actions, in the context of acceptable pupil and staff member behavior and the consequences of such actions, and the involvement of law enforcement officers, including school resource officers. The district will also make resources available to individual victims of harassment, intimidation, and bullying, including but not limited to school counseling services and environmental modifications.

#### **Reprisal or Retaliation Prohibited**

Acts of reprisal or retaliation can have a chilling effect on a school environment, and can create an atmosphere where alleged violations of this policy are not reported. It is important to establish and maintain a school culture that supports the norm that all suspected acts of reprisal or retaliation are taken seriously and appropriate responses are made in accordance with the totality of the circumstances. Inconsistent applications of appropriate responses to acts of reprisal or retaliation can contribute to the culture of violence and abuse that this policy is intended to prevent.

#### **Consequences for False Accusation**

Students: Consequences and appropriate remedial action for a student could range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C.6A:16-7.2, Short-term suspensions, N.J.A.C.6A:16-7., Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions;

School Employees: Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with district policies, procedures and agreements;

Visitors or Volunteers: Consequences and appropriate remedial action for a visitor or volunteer could be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including law enforcement reports or other legal actions, removal of building or grounds privileges, or prohibiting contact with students or the provision of student services.

#### **Policy Publication**

This Policy will be disseminated annually to all school staff, pupils, parent(s) or legal guardian(s) to all applicable acts of harassment, intimidation, and/or bullying that occur on school property, at school-sponsored functions, or on a school bus. The Superintendent shall ensure notice of this Policy appears in any publication of the school district that sets

forth the comprehensive rules, procedures, and standards for schools within the district, and in any pupil handbook that includes the pupil code of conduct. This notice shall also indicate the district's Harassment, Intimidation, and Bullying Policy is available on the district's website.

### **Harassment, Intimidation, and Bullying Prevention Programs**

The chief school administrator shall direct a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions. N.J.S.A. 18A:37-15(b) (10).

The chief school administrator shall require a link to the policy prominently posted on the home page of the school's website and distributed annually to parents and guardians who have children enrolled in the school district. N.J.S.A. 18A:37-15(b) (11).

The chief administrator shall require the name, school phone number, school address and e-mail address of the district anti-bullying specialist and anti-bullying coordinator be listed on the home page of the school's district website. N.J.S.A. 18A:37-15(b) (12).

The chief school administrator shall ensure that notice of the district's policy shall appear in any publication of the school district that sets forth the comprehensive rules, procedures and standards for schools within the school district, and in any student handbook. N.J.S.A. 18A:37-15.1(a).

The chief administrator shall transmit a copy of the revised harassment, intimidation and bullying policy to the appropriate executive county superintendent of schools within 30 days of each revision. The first revised policy following the effective date of N.J.S.A. 18A:37-13.1 et seq. transmitted to the executive county superintendent of schools by September 1, 2011. N.J.S.A. 18A:37-15(c).

The chief administrator shall annually conduct a re-evaluation, reassessment and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment and review. N.J.S.A. 18A:37-15(b) (12).

The chief administrator shall provide training on the school district's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with students and ensure that the training includes instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A-37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying. N.J.S.A. 18A:37-17(b).

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to

full time and part-time staff, volunteers who have significant contact with students, and those persons contracted by the district to provide services to students. N.J.S.A. 18A:37-17(c).

The school district shall develop a process for discussing the district's harassment, intimidation or bullying policy with students. N.J.S.A. 18A:37-17(b).

N.J.S.A. 18A:37-13 through 18A:37-19

N.J.A.C. 6A:16-7.9 et seq.

Adopted 5/25/05

Revised 1/23/08, 4/2/08, 1/6/10, 05/26/11