

District Policy

5512.01- HARASSMENT, INTIMIDATION AND BULLYING (M)

Section: Pupils

Date Created: April, 2003

Date Edited: November, 2007

M

Policy Statement

The Board of Education prohibits acts of **harassment**, intimidation, or **bullying**. 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 environment; **and** 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**" means any gesture, written, verbal or physical act that takes place on school property, at any school-sponsored function or on a school bus **and** that:

1. Is motivated 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 disability; or
2. By any other distinguishing characteristic; **and**
3. 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
4. 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.

[Optional

Acts of **harassment**, intimidation, or **bullying** may also be a pupil exercising power **and** control over another pupil, either in isolated incidents (e.g., intimidation, **harassment**) or patterns of harassing or intimidating behavior (e.g., **bullying**.)

The Policy will 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 pupil code of student 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 offending 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.

The Board believes that **standards** for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), staff **and** community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self **and** others, as well as for school district **and** community property on the part of pupils, staff **and** community members.

The Board believes the best discipline is self-imposed, **and** it is the responsibility of school district staff to use disciplinary situations 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 discipline problems **and** encourage pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the _____ **[Superintendent or Chief School Administrator]**, in conjunction with school staff, **and** approved by the Board. These guidelines will be developed based on accepted core ethical values from a broad 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 age level of the pupils **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 such disciplinary measures as are appropriately assigned for infraction of these rules **and** guidelines.

The district prohibits active or passive support for **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 Building 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 school 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.

The _____ [**Superintendent or Chief School Administrator**] will provide annually to pupils **and** their parent(s) or legal guardian(s) the rules of the district regarding pupil conduct, pupil's due process **and** other rights. This Policy will appear in all publications of the school district's comprehensive rules, procedures **and** standards of conduct for school(s) within the district, including pupil **handbooks**. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

Consequences **and** Appropriate Remedial Actions

The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences **and** remedial measures for each act of **harassment**, intimidation, or **bullying**:

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. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, **and** protect the victim of the act. 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. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension;
9. Legal action; **and**
10. Expulsion.

Examples of Remedial Measures – Personal

1. Restitution **and** restoration;
2. Mediation;
3. Peer support group;
4. Recommendations of a pupil behavior or ethics council;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive pupil interventions, including participation of the Intervention **and** Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
7. Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
8. Behavioral management plan, with benchmarks that are closely monitored;
9. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
10. Involvement of school disciplinarian;
11. Pupil counseling;

12. Parent conferences;
13. Pupil treatment; or
14. Pupil therapy.

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

1. School **and** community surveys or other strategies for determining the conditions contributing to **harassment**, intimidation, or **bullying**;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic **bullying** prevention programs;
5. School policy **and** procedures revisions;
6. Modifications of schedules;
7. Adjustments in hallway traffic;
8. Modifications in pupil routes or patterns traveling to **and** from school;
9. Targeted use of monitors (e.g., hallway, cafeteria, bus);
10. Small or large group presentations for fully addressing the behaviors **and** the responses to the behaviors;
11. General professional development programs for certificated **and** non-certificated staff;
12. Professional development plans for involved staff;
13. Disciplinary action for school staff who contributed to the problem;
14. Supportive institutional interventions, including participation of the Intervention **and** Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
15. Parent conferences;
16. Family counseling;

17. Involvement of parent-teacher organizations;
18. Involvement of community-based organizations;
19. Development of a general **bullying** response plan;
20. Recommendations of a pupil behavior or ethics council;
21. Peer support groups; **and**
22. Law enforcement (e.g., school resource office, juvenile officer) involvement.

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**.

Reporting Procedure

Complaints alleging violations of this Policy shall be reported to the Principal or designee. All school employees as well as all other members of the school community including pupils, parent(s) or legal guardian(s), volunteers, **and** visitors are required to report alleged violations of this Policy to the Principal or designee. While submission of an Incident Report Form to the Principal or designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Building Principal or available at the school district's administrative offices. Oral reports will also 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.

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 Principal or designee is responsible for determining whether an alleged act constitutes a violation of this Policy. The Principal or designee shall conduct a prompt, thorough **and** complete investigation of the alleged incident. The Principal or designee will maintain a record of each investigation regarding allegations of **harassment**, intimidation, **and** **bullying**.

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

An 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 to respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part 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** 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 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 school **and** community surveys, to mailings, 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, to 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 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**.

Reprisal or Retaliation Prohibited

The Board prohibits reprisal or retaliation against any person who reports an act of **harassment**, intimidation, or **bullying**. The consequence **and** appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal or designee after consideration of the nature, severity **and** circumstances of the act, in accordance with case law, Federal **and** State statutes **and** regulations **and** district policies **and** procedures.

Consequences for False Accusation

The Board prohibits any person from falsely accusing another as a means of **harassment**, intimidation, or **bullying**. Consequences **and** appropriate remedial action for a pupil found to have falsely accused another as a means of **harassment**, intimidation, or **bullying** range from positive behavioral interventions up to **and** including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., 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.

Consequences **and** appropriate remedial action for a school employee found to have falsely accused another as a means of **harassment**, intimidation, or **bullying** shall be disciplined in accordance with district policies, procedures, **and** agreements.

Consequences **and** appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of **harassment**, intimidation, or **bullying** shall be determined

by the Principal or designee, after consideration of the nature, severity **and** circumstances of the act, including reports to appropriate law enforcement officials.

Policy Publication

This Policy will be disseminated annually to all school staff, pupils, parent(s) or legal guardian(s), along with a statement explaining the Policy applies to all applicable acts of **harassment**, intimidation, **and bullying** that occur on school property, at school-sponsored functions or on a school bus. A range of options may be implemented by the school district for publicizing this Policy to include, but not limited to, publishing in pupil **handbooks** that are provided to pupils **and** parent(s) or legal guardian(s).

Harassment, Intimidation, and Bullying Prevention Programs

Pursuant to N.J.S.A. 18A:37-17.c **and** N.J.A.C. 6A:16-7.9(d)1.i, information regarding the district's **Harassment, Intimidation, and Bullying** Policy shall be incorporated into a school's employee training program.

Pursuant to N.J.A.C. 6A:16-7.9(d)3, the district is required to annually review the extent **and** characteristics of **harassment, intimidation, and bullying** behavior in the schools of the district **and** implement locally determined programmatic or other responses, if determined appropriate by the district Board of Education.

Pursuant to N.J.A.C. 6A:16-7.9(d)1, the school district is required to annually review the training needs of district staff for the effective implementation of the **harassment, intimidation, and bullying** policy, procedures, programs, **and** initiatives of the district Board of Education **and** implement locally determined staff training programs consistent with the annual review of training needs **and** the findings of the annual review **and** update of the code of pupil conduct, pursuant to N.J.A.C. 6A:16-7.1(a)3, as determined appropriate by the district Board of Education.

Pursuant to N.J.A.C. 6A:16-7.9(d)2, the school district is required to develop a process for annually discussing the school district's **harassment, intimidation, and bullying** policy with pupils.

Pursuant to N.J.S.A. 18A:37-19, the school district may apply to the Commissioner of Education for additional costs due to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

N.J.S.A. 18A:37-13 through 18A:37-19
N.J.A.C. 6A:16-7.9 et seq.

Adopted: