

Policy

HARASSMENT, INTIMIDATION, BULLYING

I. Legal Conformity [N.J.S.A. 18A:37-15(b)(1) and N.J.A.C. 6A:16-7.9(a)(2)(i)]

- A. The Camden Board of Education (hereinafter the “Board”) is committed to enforcing federal and state laws and local policies that prohibit the harassment, intimidation and bullying of students and employees. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe and disciplined environment. The Board is committed to providing all students and staff with a safe and civil school environment in which all members of the school community are treated with dignity and respect. Since students 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. To that end, the Board enacts policies, regulations and procedures that are designated to reduce and eliminate harassment, intimidation and bullying as well as processes and procedures to deal with incidents of bullying, intimidation and harassment. Bullying and harassment of students by students, school employees, and volunteers who have direct contact with students, will not be tolerated by this Board.

- B. The Board prohibits harassment, intimidation and bullying or any other victimization of students based on any of the following actual or perceived traits or characteristics: age, color, creed, national origin, race, religion, civil union status, marital status, sex, sexual orientation, gender identity and expression, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status. Harassment against employees based upon race, color, creed, civil union status, marital status, domestic partnership status, sex, sexual orientation, gender identity and expression, national origin, religion, age or physical or sensory handicap is also prohibited.

- C. This policy is in effect while students or employees are on school grounds as defined by N.J.A.C. 6A:16-1.3 including but not limited to while on school-owned/leased or school-operated vehicles or while attending or engaged in school-sponsored activities. Further, this policy is in effect while students or employees are not on school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or School District consistent with the Code of Student Conduct.

II. Definitions [N.J.S.A. 18A:37-14, N.J.S.A. 18A:37-15(b)(2) and N.J.A.C. 6A:16-7.9(a)(2)(ii)]

- A. "Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or conduct or any use of electronic communication, whether it be a single incident or a series of incidents, 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 disability, or by any other distinguishing characteristic, that takes place on District property, at any school-/district-sponsored function, on a school bus, or on a District owned/leased or school-operated vehicle, or off school grounds as provided for in section 16 of P.L. 2010, c.122 (C.18A:37-15.3) that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:
- a) a reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property;
 - b) has the effect of insulting or demeaning any student or group of students;
 - c) creates a hostile education environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.
- B. "Electronic Communications" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means, including but not limited to telephone, electronic mail, internet-based communications, pager service, cellular phones, computer, electronic text messaging, or similar technologies.
- C. "Bullying" means any gesture or written, verbal, physical act, or conduct or any use of electronic communication inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as: unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, offensive, or unreasonably interference with the individual's school performance or participation, and is often characterized by an imbalance of power.
- D. "Cyberbullying" is defined as any act of harassment, intimidation or bullying, as defined above, of a person(s) through the use of digital technologies, including, but not limited to, email, blogs, social websites (e.g., MySpace, Facebook), chat rooms and instant messaging.
- E. "Cyberstalking" is defined as engagement 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 or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

- F. “Accused” is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student or other person on District property, at school-sponsored events, on school vehicles, and who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing, of bullying.
- G. “Complainant” is defined as any District employee, consultant, contractor, agent, visitor, volunteer, student, parent or other person who formally or informally makes a report of bullying, orally or in writing.
- H. “Volunteer” is defined as an individual who has regular and significant contact with students, without remuneration and who has been appropriately screened pursuant to school policy and statute.

III. Behavior Expected From Students [N.J.S.A. 18A:37-15(b)(3) and N.J.A.C. 6A:16-7.9(a)(2)(iii)]

- A. The Board 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, consistent with the Code of Student Conduct.
- B. The Board believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school administrators, school employees, school volunteers and students of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.
- C. Students are expected to behave in a way that creates a supportive learning environment. The district board of education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use instances of violations of the code of student conduct as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior.
- D. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students’ abilities to grow in self-discipline.
- E. The Board expects that students will act in accordance with the student behavioral expectations described below:
 - a. Student responsibilities (e.g., requirements for students 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);
 - b. Appropriate recognition for positive reinforcement for good conduct, self-

- discipline, and good citizenship;
 - c. Student rights; and
 - d. Sanctions and due process for violations of the code of student conduct.
- F. Students are encouraged to support other students who walk away from these acts when they see them, constructively attempt to stop them, and are expected to report these acts to school personnel.

IV. Consequences and Remedial Actions For Violations of This Policy [N.J.S.A. 18A:37-15(b)(4) and N.J.A.C. 6A:16-7.9(a)(2)(iii)]

- A. Students found to be in violation of this Policy shall be disciplined by consequences and appropriate remedial actions that may range from positive behavioral interventions up to, and including, suspension and expulsion of students, as set forth in the Board's approved Code of Student Conduct, and pursuant to N.J.A.C. 6A:16-7.1. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of student conduct. Intervention measures shall be designed to correct the problem, prevent another occurrence of the problem, and protect the victim of the act. The Board requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying. *See Attached Regulation for Examples of Consequences and Remedial Actions.*
- B. Informal remedies may be utilized when appropriate and with the consent of the complainant and/or parent/guardian if the complainant is a minor. Informal remedies are determined on a case-by-case basis and may include (1) an opportunity for the complainant to explain to the alleged harasser that the conduct is unwelcome, disruptive, or inappropriate, either in writing or a face-to-face conversation which is facilitated by a trained school employee or by a designated harassment complaint officer; (2) a statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated; or (3) a general public statement from an administrator in a building reviewing the district harassment, intimidation, and bullying policy without identifying the complainant. The results of an informal resolution shall be reported by the facilitator, in writing, to the Superintendent and to the School Principal. If the complaining student, the alleged harasser, or the school employee/harassment complaint official chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, s/he may proceed to the formal procedure.
1. If a voluntary conversation is utilized, both the complaining student and the alleged harasser may be accompanied by a person of their choice for support and guidance. The complaining party retains the right to terminate this informal process at any time and proceed with the formal investigation procedure. If the complaining student and

the alleged harasser feel that a resolution has been achieved, then the conversation may remain confidential.

- C. Employees found to be in violation of this policy shall be disciplined by appropriate measures up to, and including termination.
- D. Volunteers found in violation of this policy shall be subject to appropriate measures up to, and including, exclusion from school grounds.

V. Reporting Acts of Harassment, Intimidation or Bullying [N.J.S.A. 18A:37-15(b)(5) and [N.J.A.C. 6A:16-7.9(a)(2)(vii)]

- A. The Board requires the principal at each school to be responsible for receiving all complaints alleging violations of this policy. All Board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged violations of this policy to the principal or the principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All board of education members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the school principal within two (2) school days of the verbal report. Failure to report will result in action(s) or discipline, up to and including termination of employment, or service.
- B. Students, parents, and visitors are encouraged to report alleged violations of this policy to the principal on the same day when the individual witnessed or received reliable information regarding any such incident.
- C. The principal is required to inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services; providing information regarding the incident as it relates to their child/legal charge only.
- D. The Principal of each school in the District shall implement and prominently publicize this Policy including the reporting process to students, staff, volunteers, and parents as provided in Section X and the attached Regulations.
- E. Any student (and/or parent on that complainant's behalf if the complainant is a minor) who believes he/she is a victim of bullying (or any individual, including any student who has knowledge of any incident(s) involving bullying of students) must report the incident(s) to their parent(s)/guardian(s) or to a school official as prescribed in the attached regulations. A complainant (including school employees, volunteers, students, parents/guardians and community members) may file a complaint to the Building Principal. Complaints should be filed as soon as possible and reported to the NJDOE's Electronic Violence and Vandalism Reporting System, pursuant to N.J.S.A. 18A:17- 46 and N.J.A.C. 6A:16- 5.3 as delays in reporting may hinder the school administration's ability to investigate the matter and

provide appropriate relief. *See Attached Regulations for further guidance.*

- F. A Board member, or District employee 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 the Camden City School District.
- G. Administrator(s)/Principal(s)/Designee(s) shall document in writing and/or via a specified data system of the District all complaints regarding bullying, as with all infractions of the Code of Student Conduct, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
- H. Students, parents, and visitors may report an act of harassment intimidation or bullying anonymously. Formal action for violations of the code of student conduct may not be taken solely on the basis of an anonymous report. Anonymous reports may be made utilizing the District's Anonymous Bullying Report Form. This report form shall be made available on the District's website www.camden.k12.nj.us, at each school's front office, counseling department and library, and the District central offices. Anonymous reports may be hand-delivered or mailed to the Principal's office, the schools reporting box, Affirmative Action Officer or the District's Resolution Center. Anonymous tips may also be provided via phone to the Principal, Affirmative Action Officer, or the District's Solution Center, 966-2507. Formal disciplinary action shall NOT be based solely on the basis of an anonymous report or tip.
- I. The name(s) of the target(s) of harassment or perpetrators and witnesses of harassment shall be held in strict confidence, except if release is necessary to investigate specific incidents.

VI. Investigation Procedures [N.J.S.A. 18A:37-15(b)(6) and N.J.A.C. 6A:16-7.9(a)(2)(viii)]

- A. The Board requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the principal or the principal's designee and conducted by the school anti-bullying specialist appointed by the principal. The principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. The principal shall submit the name of specialist and other additional personnel appointed to the Superintendent prior to the beginning of each school year. A thorough record of the ensuing investigation will be retained by the Principal in a secure location as a confidential document. Investigators shall respect individual process rights, and other protections as stipulated in federal and state laws, regulations and caselaw, collective bargaining agreements and District policies.
- B. The Superintendent shall report the results of each investigation to the Board.

- C. 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 who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

VII. Range of Responses to Complaints [N.J.S.A. 18A:37-15(b)(7) and N.J.A.C. 6A:16-7.9(a)(2)(ix)]

- A. The Board authorizes the principal of each school to define the range of ways in which school staff will respond once an incident of harassment, intimidation or bullying is confirmed, and the Superintendent shall respond to confirmed harassment, intimidation and bullying, according to the parameters described below and in this policy.
- B. The Board recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school/District officials respond appropriately to the individual(s) committing the act. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or District levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits 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.
- C. In considering whether a response beyond the individual 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 continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based HIB prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers. *Please refer to the attached Regulations for guidance in developing the appropriate response.*
- D. This policy and the code of student conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation or bullying occurring off school grounds when:
 - a. The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students; and either

- b. A reasonable person should know, under the circumstances, that the alleged behavior will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; or
 - c. The alleged behavior has the effect of insulting or demeaning any student or group of students; or
 - d. The alleged behavior 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.
- E. The Superintendent shall ensure that the appropriate support for victims of harassment, intimidation or bullying as required by N.J.A.C. 6A:16-7.9(a)(ix)(1). *Please refer to the attached Regulations for more information.*
- F. The Superintendent shall ensure that staff is aware of the Memorandum of Agreement Between Education and Law Enforcement Officials (N.J.A.C. 6A:16-6.2(b)(13)) which defines the conditions under which school officials are required to report suspected hate crimes or bias-related acts to law enforcement authorities. *Please refer to said Memorandum of Agreement for more information.*
- G. The Superintendent shall ensure that all incidents of harassment, intimidation or bullying, including related offender and victim information, is reported to the NJDOE's Electronic Violence and Vandalism Reporting System, pursuant to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.

VIII. Prohibition Against Retaliation [N.J.S.A. 18A:37-15(b)(8) and N.J.A.C. 6A:16-7.9(a)(2)(x)]

The Board prohibits a Board member, school employee, contracted service provider who has contact with students, school volunteer or student from engaging in reprisal, retaliation or false accusation against a victim, witness, one with reliable information or any other person who has reliable information about an act of harassment, intimidation or bullying or 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 administrator 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.

IX. False Accusations [N.J.S.A. 18A:37-15(b)(9) and N.J.A.C. 6A:16-7.9(a)2xi]

- A. The District prohibits any person from falsely accusing another as a means of retaliation or harassment, intimidation or bullying.
 - 1. The consequences and appropriate remedial action for a student found to have falsely accused another 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, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

2. The consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students that has falsely accused another shall be disciplined in accordance with District policies, regulations and contractual agreements.

3. Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of retaliation or harassment, intimidation or bullying shall be determined by the Principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials or other legal actions, removal of building or grounds privileges, or prohibiting contact with students or the provision of student services.

X. Public Dissemination Policy [N.J.S.A. 18A:37-15(b)(10), N.J.S.A. 18A:37-15.2 and N.J.A.C. 6A:16-7.9.2(xii)]

- A. The Superintendent shall ensure the annual and additional dissemination, as needed, of this policy/regulation to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled in a school in the school district, along with a statement explaining that it applies to all applicable acts of harassment, intimidation and bullying, pursuant to N.J.S.A. 18A:37-14, that occur on property within the jurisdiction of the Board; school-owned/leased or school-operated vehicles/buses; school-sponsored activities; and as appropriate, acts that occur off school grounds consistent with the Code of Student Conduct.
- B. The Superintendent shall ensure that this policy/regulation is prominently posted on the District home page of its website and also notify students and parents that it is available on the website. Information concerning this policy shall be periodically publicized on the District's cable T.V. channel.
- C. The Superintendent shall post the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the school district's Website. Each principal shall post the name, school phone number, school address and school email address of both the school anti-bullying specialist and the district anti-bullying coordinator on the home page of each school's Website.
- D. The Superintendent shall ensure that notice of the District's policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures and standards for schools within the school district. The Superintendent shall ensure that this policy is available to students and staff at all District facilities. At the very least, copies shall be made available at the Principal's Office, Library and counseling Department.

- E. This policy/regulations and procedures shall be made available in alternative formats for individuals with disabilities and provided, in a meaningful manner, for persons who are not proficient in the English language.
- F. A short summary of the District's anti-harassment policy and complaint procedure, written in easy to understand language, shall be included in regularly printed District publications (e.g. calendar) and posted prominently at each school. The summary shall include the specific contact person(s), phone number(s) for further information and shall set forth the grievance procedures.
- G. This policy, and any subsequent amendments, shall be transmitted to the County Superintendent of Schools. [N.J.S.A. 8A:37-15.1(a)]

XI. Training Board Members, Administrators, Staff and Volunteers [N.J.A.C. 6A:16-7.9(d)(3)]

- A. The Superintendent and the principals shall provide training on the District's harassment, intimidation, or bullying policies to school employees, contracted service providers and volunteers who have significant contact with students. The training shall include 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. The school district's employee training program shall include information regarding the school district policy against harassment, intimidation or bullying, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students. Training shall be based, in part, on data related to the frequency and types of incidents and any weaknesses identified by staff.
- B. The Superintendent shall develop and implement a process for annually discussing the District policy on harassment, intimidation and bullying with students. The Superintendent and the principals shall annually conduct a re-evaluation, reassessment, and review of the harassment, intimidation and bullying policy, with input from the school anti-bullying specialists, and recommend revisions and additions to the policy as well as to harassment, intimidation and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

XII. Student Education Efforts [N.J.A.C. 6A:16-7.9(d)(2)]

- A. The Superintendent shall ensure that all schools develop a process for annually discussing the School District's harassment, intimidation, and bullying policy with pupils.
- B. Said discussion shall enable students to identify harassment, intimidation and bullying, understand its causes and effects, learn methods of opposing harassment, intimidation and bullying and feel more comfortable reporting instances of same.

XIII. Harassment, Intimidation and Bullying Prevention Program [N.J.S.A. 8A:37-17 & N.J.A.C. 6A:16-7.9]

- A. The Board is committed to the elimination of harassment, intimidation and bullying in the District. It is clear that anti-harassment policies and regulations by themselves will not prevent this type of behavior. A much broader education based plan is needed to heighten students' and staff's awareness of the dangers of prejudice and harassment, ameliorates antagonisms or fears, counteracts stereotypes, enriches student relations, and prepares students to be positive participants in a diverse adult culture. The Board directs that the District's goal of eliminating harassment, intimidation and bullying is reflected in all appropriate District curriculum, activities and initiatives.
- B. The Board shall annually review the effective implementation of this policy, regulation, procedures, programs and initiatives on the basis of data, information and reports provided by the Superintendent and Affirmative Action Officer.
- C. The result of the annual review shall also be used to annually review and update the Student Code of Conduct.
- D. Information regarding the District's policy against harassment, intimidation and bullying shall be incorporated into the District's annual employee training programs.
- E. Volunteers are also to be made aware of the content of this policy and they shall acknowledge agreement to adhere to the policy via a signed statement.
- F. The Superintendent shall ensure that all schools implement a process whereby students are given an opportunity to discuss this policy.

XIV. Classified Students

- A. Classified pupils are subject to the same disciplinary procedures as non-classified pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:
 - 1. The pupil's behavior is not primarily caused by his/her educational disability;
 - 2. The program that is being provided meets the student's needs.
- B. Prior to affecting any discipline which would result in a significant change in placement, the child study team shall conduct a reevaluation. Staff shall comply with state and federal law and the regulations of the New Jersey Administrative Code in dealing with discipline and/or suspension of all pupils with disabilities.
- C. Special care shall be taken to ensure that information provided to classified students is

conveyed in a manner that takes into account their particular classification status. Classified students are to be given clear direction as to the specific person(s) they can complain to if they feel they are the target of harassment, intimidation or bullying, or, if they witness an act of harassment, intimidation or bullying.

XV. State Financial Assistance [N.J.S.A. 18A:37-19]

A. The Board encourages the Superintendent to apply to the Commissioner of Education for additional costs related to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

TAKE NOTE: A victim of harassment, intimidation or bullying is not prevented from seeking redress under any other available law either civil or criminal. [N.J.S.A. 18A:37-18]

Adopted: June 24, 1985
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Key Words

Harassment, Intimidation, Bullying, Conduct, Discipline

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:12-1 Definition of assault
N.J.S.A. 2C:33-19 Paging devices, possession by students
N.J.S.A. 2C:39-5 Unlawful possession of weapons
N.J.S.A. 18A:6-1 Corporal punishment of pupils
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:25-2 Authority over pupils
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification
N.J.S.A. 18A:37-1 et seq. Discipline of Pupils

See particularly:

N.J.S.A. 18A:37-15
N.J.S.A. 18A:40A-1 et seq. Substance Abuse
N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.3,-1.4,-4, -5, -6., -6, -7.1 through -7.6 et seq.

N.J.A.C. 6:32-12.1 Reporting requirements

N.J.A.C. 6:32-12.2 School-level planning

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school harassment, intimidation or bullying

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners' Decisions indexed under Pupils Punishment in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.A.S. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division of Civil Rights.

Manual for the Evaluation of Local School Districts

A Uniform State Memorandum of Agreement Between Education and Law

Enforcement Officials (1999 Revisions)

Possible

Cross References: *1220 Ad hoc advisory committees
*1410 Local units
3517 Security

- *3541.33 Transportation safety
- *4131/ Staff development; in-service education/visitation
- 4131.1 conferences
- 4148 Employee protection
- *4231/ Staff development; in-service education/visitation conferences
- 4231.1
- 4248 Employee protection
- 5000 Concepts and roles in pupil personnel
- 5010 Personal goals and objectives for pupils
- *5020 Role of parents/guardians
- *5113 Absences and excuses
- *5114 Suspension and expulsion
- *5124 Reporting to parents/guardians
- *5127 Commencement activities
- *5131.5 Vandalism/violence
- *5131.6 Drugs, alcohol, tobacco (substance abuse)
- *5131.7 Weapons and dangerous instruments
- 5132 Dress and grooming
- 5145 Rights
- 5145.2 Freedom of speech/expression
- *5145.4 Equal educational opportunity
- *5145.6 Pupil grievance procedure
- *5145.11 Questioning and apprehension
- *5145.12 Search and seizure
- *6145 Extracurricular activities
- *6164.4 Child study team
- *6171.4 Special education
- *6172 Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Regulation

The Board requires that all complaints of harassment, intimidation or bullying be investigated promptly by the building principal or his/her designee. Refer to Policy 5131.9, Section II, for definitions of harassment, intimidation and bullying. If the building principal receives a complaint that is not harassment, intimidation and/or bullying, this Regulation may not apply. Instead he/she shall address and resolve the matter in accordance with Board policies and Student Code of Conduct based upon his/her professional judgment.

I. Reporting Acts of Harassment, Intimidation and Bullying

- A. A complaint, which may be utilized by any complainant, is a written and signed statement, which will result in (1) an investigation of the alleged harassment, intimidation or bullying and (2) provide a resolution to the complaint. The complaint must include:
 - i. An allegation that the District Harassment, Intimidation and Bullying Policy has been violated setting forth the specific acts, conditions or circumstances alleged to have occurred that may constitute harassment, intimidation or bullying as defined in Policy 5131.9. Specifically, the complaint must include (1) person(s) involved, (2) number of times and places of the alleged conduct, (3) the target of the prohibited behavior(s), and (4) the names of any potential student or staff witness. (See Exhibit A).
 - ii. The complaint may also be a verbatim transcript of a verbal complaint in which the complainant and/or parent/legal guardian reviewed and signed.
 - iii. In those cases where students, parents/guardians, visitors or community members need anonymity to report danger or problems, they may use the Anonymous Bullying Report Form in accordance with Policy 5131.9. (See Exhibit B). The anonymous complaints shall be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation and/or bullying.
 - iv. The Building Principal will notify the District’s Affirmative Action Officer of the report/complaint prior to conducting a preliminary investigation.
 - v. Students who make complaints may request that their name be maintained in confidence by the school staff member(s) and administrator(s) who receive the complaint. Staff should explain to complainants that confidentiality

cannot be guaranteed because of potential legal and/or criminal implications in connection with the matter. Efforts should be made to increase the confidence and trust of the person making the complaint. The District will fully implement the anti-retaliation provisions of Policy 5131.9 to protect complainant(s), victim(s) and witness(es).

II. Complaint Investigation

- A. The investigation shall be initiated by the Building Principal or the Principal's designee within one (1) school day of the verbal report of the incident. The investigation shall be completed and the written findings submitted to the Building Principal as soon as possible, but not later than ten (10) school days from the date of the written report of the alleged incident of harassment, intimidation or bullying. Should information regarding the reported incident and the investigation be received after the end of the ten (10)-day period, the school anti-bullying specialist or the Building Principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.
- a. The District Administrators may take interim measures during an building principal and/or designee's investigation of a formal complaint in order to alleviate any immediate harm and/or threat of harm to any student.
 - b. While the District prefers to have a parent or legal guardian present during the investigatory interviews of their child, a parent's refusal to participate will not impede the District's investigation. If a parent or legal guardian is not available or willing to be present, the parent/legal guardian may execute a written waiver. Failure to respond to the District's notice will also act as the parent/guardian's waiver to participate in their child's interviews.
 - c. The building principal, Affirmative Action Officer or designee will provide a copy of the Board Policy and Regulation on Harassment, Intimidation, and Bullying to all involved persons, including but not limited to the victim, complainant, witness(es) and to any other person he/she feels should be served by a copy of such documents. In addition, the building principal, Affirmative Action Officer or designee conducting the interviews will explain the formal investigation procedure, including a description of the complaint procedure, seriousness of offense, anti-retaliation policy, and remedies and consequences available for instances of harassment, intimidation and bullying.
- B. The Building Principal and/or designee's investigation may include, but is not limited to, (1) interviews with all persons with potential knowledge of the alleged behavior; and (2) any other reasonable information gathering to substantiate the allegations.

- a. Any person interviewed by the building principal or designee may be provided with an opportunity to present witnesses and other evidence.
- C. In determining whether an act of harassment, intimidation and/or bullying occurred, the following types of information may be helpful in resolving the dispute:
 - a. Statements made by any witnesses to the alleged incident.
 - b. Evidence about the relative credibility of the alleged accused or alleged victim.
 - c. Evidence that the alleged victim's reaction or behavior after the alleged act(s).
 - d. Evidence about whether the pupil claiming behavior against them filed a complaint or took other action to protect the conduct after the alleged incident occurred.
- D. The Building Principal or Affirmative Action Officer will recommend to the Superintendent when/if law enforcement should be contacted. After Solicitor review and in accordance with the Memorandum of Agreement Between Education and Law Enforcement Officials (N.J.A.C. 6A:16-6.2(b)(13)), the Superintendent must contact law enforcement agencies at any stage of the investigation if there is potential criminal conduct by any party.
- E. The Building Principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings. The Building Principal shall submit the report to the Superintendent within two (2) school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). This report must also be forwarded to the Affirmative Action Officer. As appropriate to the findings from the investigation, the Superintendent shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.
- F. The Superintendent shall report the results of each investigation to the Board no later than the date of the regularly scheduled Board meeting following the completion of the investigation. The Superintendent's report also shall include information on any consequences imposed under the code of student conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the Superintendent.
- G. Parents of students who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and

regulation. The information to be provided to parents includes the nature of the investigation, whether the District found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation or bullying. The information shall be provided in writing within five (5) school days after the results of the investigation are reported to the Board.

- H. A parent or guardian may request a hearing before the Board after receiving the information. When a request for a hearing is granted, the hearing shall be held within ten (10) school days of the request. The Board shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the Board may hear testimony from and consider information provided by the school anti-bullying specialists and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.
- I. At the regularly scheduled Board meeting following its receipt of the report or following a hearing in executive session, 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 N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety (90) days after the issuance of the Board's decision.

III. Range of Responses to Complaints

For *any* incident of harassment, intimidation or bullying, the District will respond appropriately to the individual who committed the act. The following are the range of responses, including individual, classroom, school or district responses to student offenders, as appropriate:

- A. Individual responses may include but are not limited to positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, out-of-school suspension, expulsion);
- B. Support for victims may include but are not limited to supportive student intervention, including participation of the intervention and referral services team, counseling, modification of schedules and adjustment of hallway traffic;
- C. Classroom responses may include but are not limited to class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- D. School responses may include but are not limited to theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets

or newsletters explaining acceptable uses of electronic and wireless communication devices; and

- E. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health, health services, health facilities, law enforcement).

Please also refer below to the section entitled, Consequences and Remedial Actions for Violations of This Policy.

IV. Consequences and Remedial Actions for Acts of Harassment, Intimidation or Bullying

A. Pupils:

Consequences and appropriate remedial actions for a pupil who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including short and long-term suspension or expulsion, as permitted by law. Appropriate consequences and remedial actions for a student who commits an act of harassment, intimidation or bullying shall be determined on a case by case basis, depending on the seriousness of the act.

1. The following factors may be considered in determining consequences:

- Age, developmental and maturity levels of the parties involved;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and
- Context in which the alleged incidents occurred.

Personal

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation; and
- Academic performance.

Environmental

- School culture;

School climate;
Student-staff relationships and staff behavior toward the student;
General staff management of classrooms or other educational environments;
Staff ability to prevent and manage difficult or inflammatory situations;
Social-emotional and behavioral supports;
Social relationships;
Community activities;
Neighborhood situation; and
Family situation.

2. The consequences and remedial measures may include, but are not limited to:

a. Consequences:

- i. Admonishment;
- ii. Temporary removal from the classroom;
- iii. Deprivation of privileges;
- iv. Detention;
- v. In-school suspension during the school week or the weekend;
- vi. After-school programs;
- vii. Out-of-school suspension (short-term or long-term);
- viii. Legal Action; and
- ix. Expulsion.

b. Remedial Measures:

x. Personal:

1. Restitution and restoration;
2. Mediation;
3. Corrective instruction or other relevant learning or service experience;
4. Supportive student interventions, including participation of the intervention and referral services team;
5. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
6. Behavioral management plan, with benchmarks that are closely monitored; or
7. Student counseling;

xi. Environmental (Classroom, School Building or School District):

1. School and community surveys or other strategies for determining 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 student routes or patterns traveling to and from school;
9. Supervision of students before and after school, including school transportation;
10. Targeted use of monitors (e.g. hallway, cafeteria, locker room, playground, school perimeter, bus);
11. Teacher aides;
12. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
13. General professional development programs for certificated and non-certificated staff;
14. Professional development plans for involved staff;
15. Disciplinary action for school staff who contributed to the problem;
16. Supportive institutional interventions, including participation of the intervention and referral services team;
17. Parent conferences;
18. Family counseling; and
19. Involvement of parent-teacher organizations.

B. Staff:

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. Appropriate consequences and remedial actions for a staff member who commits an act of harassment, intimidation or bullying shall be determined on a case by case basis, depending on the seriousness of the act and in accordance with the appropriate collective bargaining agreement or employment contract and New Jersey statute and code. The consequences and remedial measures may include, but are not limited to:

1. Consequences:
 - i. Admonishment;
 - ii. Temporary removal from the classroom;
 - iii. Deprivation of privileges;
 - iv. Referral to disciplinarian;
 - v. Withholding of Increment;
 - vi. Suspension;
 - vii. Legal action; and
 - viii. Termination.
2. Remedial Measures:
 - i. Personal:
 1. Restitution and restoration;

2. Mediation;
 3. Support group;
 4. Recommendations of behavior or ethics council;
 5. Corrective action plan;
 6. Behavioral Assessment or evaluation;
 7. Behavioral management plan, with benchmarks that are closely monitored;
 8. Counseling; or
 9. Conferences;
- ii. 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. Supervision;
 8. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
 9. General professional development programs for certificated and non-certificated staff;
 10. Professional development plans for involved staff;
 11. Disciplinary action;
 12. Supportive institutional interventions, including participation of the intervention and referral services team;
 13. Conferences; and
 14. Referral to EAP (Employee Assistance Program).