

HARASSMENT, INTIMIDATION AND BULLYING

RESOURCE GUIDE

III: POLICY 5512 AT-A-GLANCE

Harassment, Intimidation and Bullying

The following section is an “at-a-glance” summary of Policy 5512 (Harassment, Intimidation and Bullying):

Section A: Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and meet high academic standards. Harassment, intimidation, and bullying, like other disruptive or violent behaviors, are behaviors that disrupts both a student’s ability to learn and a school’s ability to educate its students in a safe and disciplined environment. Harassment, intimidation and bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. 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, in any form.

Section B: Harassment, Intimidation and Bullying Definition

Harassment, intimidation and bullying (HIB) refers to any gesture, any written, verbal or physical act, or any electronic communication whether it be a single incident or a series of incidents, that:

1. Is motivated either by any actual or perceived characteristic, including but not limited to, race, color, gender, religion, disability, or by any other distinguishing characteristic
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds

There is a 3-part test to determine if an incident is considered HIB:

1. Does it cause disruption or interference with the orderly operation of school or student’s rights?
2. Is it motivated by a distinguishing characteristic?
3. Does it include one of the following:
 - Results in physical or emotional harm or fear of harm to student or property
 - Insults or belittles a student or group of students
 - Creates a hostile educational environment which interferes with a student’s education or threatens or causes physical or emotional harm

Section C: Student Expectations

1. Students are expected to behave in a way that creates a supportive learning environment.
2. Students will act in accordance with student behavioral expectations and standards regarding HIB and the Student Code of Conduct.

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3. Students are encouraged to support other students who:
 - Walk away from acts of HIB
 - Constructively attempt to stop acts of HIB
 - Provide support to students who have been victims of HIB
 - Report acts of HIB

Section D. Consequences and Appropriate Remedial Actions

This section of the policy deals with consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, as described in the Student Code of Conduct*. Consequences for students who commit one or more acts of HIB may range from positive behavioral interventions up to suspension.

*Please note that there are several levels referred to in the Student Code of Conduct. There are several factors taken into consideration when determining consequences, such as, but not limited to:

1. Student Consideration
 - Age, developmental and maturity levels
 - Degree of harm
 - Severity of the behavior
 - Continuing patterns of behavior
2. School Consideration
 - School culture and climate
 - Social emotional and behavioral supports
3. Personal Consideration
 - Life skill deficiencies
 - Social relationships
 - Hobbies
 - Extra-curricular activities
 - Academic performance
4. Environmental Consideration
 - Family, community and neighborhood situation
 - Classroom management
 - Social emotional behavioral supports

Once the above have been considered, remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, and protect and provide support for the victim of the act.

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Examples of consequences include, but are not limited to:

1. Temporary removal from the classroom
2. Detention
3. In-School or Out-of-School Suspension
4. Counseling

Examples of Remedial Measures

1. Personal – Students Exhibiting Bullying Behavior
 - Sign behavior contracts
 - Meet with parents to discuss expectations
 - Meet with school counselor
 - Provide training on social skills, anger management, problem solving, etc.
2. Example of Target/Victim – Remedial Measure
 - Have the student meet with the school counselor or school social worker to ensure he or she does not feel responsible for the bullying behavior
 - Schedule a follow-up conference with the student
3. Parents, Family and Community
 - Develop a family agreement
 - Refer the family for family counseling (i.e. Perform Care)
4. Environmental
 - Analysis of existing data to identify bullying issues and concerns
 - Increased supervision in “hot spots” (hallways, cafeterias, playground, recess)
 - Parent conferences
 - Family counseling

Consequences and Appropriate Remedial Actions for Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of HIB of a student. The consequences may include, but are not limited to:

1. Written reprimand
2. Withholding of increment
3. Legal action
4. Disciplinary action
5. Termination
6. Out of school counseling
7. Professional development

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Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive and civil educational environment.

Examples of support for student victims of HIB:

1. Schedule changes
2. Counseling
3. Adult mentor
4. Treatment or therapy

Section E. Harassment, Intimidation and Bullying Reporting Procedure

The Board of Education requires the Principal at each school to be responsible for receiving 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 members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the Principal within two school days of the verbal report.

The Principal or designee will inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Principal or designee shall take into account the circumstances of the incident when providing notification to parents of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense. The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

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.

A person may report, verbally or in writing, an act of harassment, intimidation, or bullying committed by an adult or youth against a student anonymously. The Board will not take formal disciplinary action based solely on the anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth

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in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.

A school administrator who receives a report of harassment, intimidation, and 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.

Section F. Anti-Bullying Coordinator, Anti-Bullying Specialist and School Safety/School Climate Team(s)

1. The Superintendent shall appoint a district Anti-Bullying Coordinator.
2. The district Anti-Bullying Coordinator shall be responsible for coordinating and strengthening the school district's policies, collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and address harassment, intimidation and bullying of students.
3. The Principal in each school shall appoint a school Anti-Bullying Specialist who will chair the School Safety/School Climate Team, lead the investigation and act as the primary school official in preventing, identifying and responding to incidents of HIB.
4. The School Safety Team/School Climate Team shall identify and address patterns of HIB, review and strengthen school climate and the policies of the district and educate all stakeholders to prevent and address HIB.

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Section G. Harassment, Intimidation, and Bullying Investigation

Principal Harassment, Intimidation and Bullying Investigation Flow Chart

The principal at each school is responsible for receiving complaints of HIB. Anyone who has contact with students is required to verbally report alleged violations on the same day when the individual witnessed or received information regarding any such incident. A written report shall be submitted to the principal within two school days.
The Principal will decide if the incident is a case of HIB in consultation with the Anti-Bullying Specialist (ABS). In some cases it is not. If so, there will be an investigation completed by ABS.
The Principal must inform the parents or guardians of all students involved in alleged incidents if an investigation is taking place.
The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation as outlined in the student's code of conduct.
Within one day of reporting the alleged HIB incident, the Principal initiates the investigation. The Anti-Bullying Specialist conducts the investigation. A written report of the findings whether founded or unfounded is required within 10 days of incident to the Principal.
The Principal will review decision and send the report to the Assistant Superintendent within two days of completion of the investigation and its findings. The Superintendent may add additional remedial actions and submits to the Board for review.
The school board receives a monthly report outlining the investigations and information on actions taken to address the incident(s). The Board will accept or reject the findings.
Parents of students are informed by letter the results of the investigation after the Board reviews the HIB report for the month. Parents may appeal the outcome of the investigation and request an appeal hearing from the Board. There is no specific timeline to request an appeal.
After the appeal hearing, the Board will issue a written decision affirming, rejecting or modifying the results of an appealed HIB investigation.

Section H. Range of Response to an Incident of Harassment, Intimidation or Bullying

1. For every incident of HIB, school officials must respond to the individual who committed the act to remediate the problem behavior(s).
2. The Principal and the Anti-Bullying Specialist must apply responses once a HIB incident has been confirmed. The range of responses can include a combination of counseling, support services, intervention services and other programs.
3. Some incidences may require classroom, school buildings, and school district or law enforcement remediation.

The range of responses include:

- I. Individual response
 - Positive behavior intervention
 - Peer mentoring
 - Short and long-term counseling
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2. Classroom responses
 - Class discussion about HIB
 - Role-playing
 - Research projects
 - Conflict management
3. School responses
 - Theme days (Acts of Kindness)
 - Use of student survey data to plan prevention and intervention
 - Campaigns
 - Dissemination of information to students and parents explaining acceptable use of electronic and wireless devices
4. District responses
 - District-wide programs involving the community and policy review
 - Providing professional development
 - Coordinating with community-based organizations, (e.g. mental health, law enforcement, and faith-based organizations)

Section I. Reprisal or Retaliation Prohibited

The Board prohibits Board members, school employees, contracted service providers who have contact with students, school volunteers, or students from engaging in reprisal, retaliation, or false accusation against a victim, any other person who has reliable information, or the person reporting an act.

Consequences will be determined by the administrator based upon the nature, severity, and circumstances of the act.

Consequences for school employees and service providers may include, but not limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and bans from providing services, participating in school district sponsored programs, or being in school buildings or on school grounds.

Consequences for students are listed and described in section D (Page 5) of this document.

Consequences for Board members may include reprimand, legal action, or other action authorized by statute or administrative code.

Remedial measures may include counseling, professional development programs, and work environment modifications.

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Section J. Consequences and Appropriate Remedial Action for False Accusation

The Board prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation or bullying. This outlines those consequences and remedial actions for each of the following groups:

1. Students – Consequences may range from positive behavioral interventions up to and including consequences such as, suspension or expulsion, as permitted under Chapter N.J.S.A. 18A and 6A.
2. School employees and contracted service provider – Consequences may include but not limited to, reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds.
Remedial measures may include, but not limited to, in or out-of-school counseling, professional development programs, work environment programs and work environment modifications.
3. Visitors or Volunteers – Consequences may be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or legal actions, removal of buildings or ground privileges, or prohibiting contact with students or the provision of student services.
Remedial actions may include but are not limited to, in or out-of-school counseling, professional development programs, work environment programs and work environment modifications.

Section K. Harassment, Intimidation and Bullying Policy Publication and Dissemination

This policy will be disseminated annually by the Superintendent to all Board members, school employees, contracted service providers who have contact with students, school volunteers, students, and parents who have children enrolled in a school in the district, along with a statement explaining that the policy applies to all acts of HIB according to N.J.S.A. Chapter 18A that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.

The Superintendent shall ensure the following:

1. Notice of the policy appears in the student handbook and all other pertinent district publications;
2. There is a link to the district's HIB policy that is prominently displayed on the homepage of the school district's website and notify parents and students of its availability;

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3. The name, school phone number, address, and email of the district Anti-Bullying Coordinator are posted on the home page of the school districts website. Each Principal shall do the same on their school's homepage website including the school's Anti-Bullying Specialist and the district Anti-Bullying Coordinator.

Section L. Harassment, Intimidation and Bullying Training and Prevention Programs

The Superintendent and Principal(s) shall provide training on the school district's HIB Policy to all current and new school employees; contracted service providers; newly elected or appointed Board members (during first term); volunteers who have significant contact with students; and persons contracted by the district to provide services to students. The training shall include instruction on preventing bullying the protected categories and other distinguishing characteristics that may incite incidents of discrimination and HIB.

Within each required five-year term for professional development, each teacher and education services professional will complete at least two hours of instruction on HIB. The required two hours of suicide prevention shall include information on the risk of suicide and incidents of HIB, and ways to reduce the risk of suicide for students who are considered high risk.

The school district shall provide time during the usual school schedule for the Anti-Bullying Coordinator and each Anti-Bullying Specialist to participate in HIB training programs.

A school leader shall complete training that includes information on the prevention of HIB as required in N.J.S.A. Chapter 18.

In order to recognize the importance of character education, the district will provide age-appropriate instruction focusing on the prevention of HIB as defined in Chapter 18, and the school district will observe "The Week of Respect" during the month of October. Throughout the school year the district will provide on-going age-appropriate instruction on HIB prevention in accordance to New Jersey Student Learning Standards (NJSLS).

Annually, the school district and each school, in consultation with stakeholders, will establish, implement, document and assess HIB prevention programs and other initiatives associated with HIB. These programs or initiatives are designed to create school-wide conditions to prevent and address HIB.

Section M. Harassment, Intimidation and Bullying Policy Reevaluation, Reassessment and Review

The Superintendent, Principals, and the district Anti-Bullying Coordinator and Specialists will annually reevaluate & reassess the policy and report findings to the School Safety/Culture and Climate Teams. These teams will consider the findings when organizing prevention programs.

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Section N. Reports to Board of Education and New Jersey Department of Education

The Superintendent will report all acts of violence, vandalism, and harassment, intimidation, and bullying that occurred during the previous reporting period at a public hearing two times a year; once between September 1 and January 1, and again between January 1 and June 30.

Section O. School District and Grading Requirements

The Anti-Bullying Bill of Rights (ABR) grade received by a school and district must be reported on the school and district website. In addition, a link to the report that was submitted by the Superintendent to the Department of Education should be posted on the district's and schools' websites within 10 days.

Section P. Reports to Law Enforcement

Whenever HIB is identified as a bias act or crime, it must be report to Law Enforcement. These would include the following as referenced in the Memorandum of Understanding between Law Enforcement and Education:

1. A threat to commit serious violence.
2. An act that involves any sexual assault and/or sexual contact on school grounds.

Parents who wish report an incident to law enforcement should not be discouraged.

Section Q. Collective Bargaining Agreements and Individual Contracts

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

Section R. Students with Disabilities

Nothing may alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special education services and supports.

Section S. Approved Private Schools for Students with Disabilities (APSSD)

The Board of Education Anti-Bullying Specialist shall investigate any complaints or reports of harassment, intimidation, or bullying occurring on Board of Education school buses, at Board of Education school-sponsored functions and off-school grounds involving a student who attends an APSSD.

See Appendix J for full Policy 5512