

# POLICY GUIDE

STUDENTS

5512/page 1 of 43

Harassment, Intimidation, **or** **and** Bullying

Oct 22

**M**

[See POLICY ALERT Nos. 179, 180, 181, 182, 183, 188, 193, 194, 200, 216, 227, and 229]

## 5512 HARASSMENT, INTIMIDATION, **OR** **AND** BULLYING

### Table of Contents

<u>Section</u>	<u>Section Title</u>
A.	<b>Prohibiting Harassment, Intimidation, or Bullying</b> <b>Policy Statement</b>
B.	<b>Definition of</b> Harassment, Intimidation, <b>or</b> <b>and</b> Bullying <b>Definition</b>
C.	Student <b>Behavior</b> <b>Expectations</b>
D.	Consequences and <b>Appropriate</b> Remedial Actions
E.	<b>Reporting</b> Harassment, Intimidation, <b>or</b> <b>and</b> Bullying <b>Reporting Procedure</b>
F.	Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety/School Climate Team(s)
G.	<b>Investigating Allegations of</b> Harassment, Intimidation, <b>or</b> <b>and</b> Bullying <b>Investigation</b>
H.	<b>Responding</b> <b>Range of Responses</b> to <b>an Incident of</b> Harassment, Intimidation, or Bullying
I.	Reprisal or Retaliation <b>Prohibited</b>
J.	<b>Consequences and Appropriate Remedial Action for False Accusations of Harassment, Intimidation, or Bullying</b>
K.	<b>Additional Policy Requirements</b> <b>Harassment, Intimidation, and Bullying Policy Publication and Dissemination</b>



# POLICY GUIDE

STUDENTS

5512/page 2 of 43

Harassment, Intimidation, ~~or~~ and Bullying

L. Harassment, Intimidation, ~~or~~ and Bullying Training and Prevention Programs

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

~~MN.~~ Reports to Board of Education and New Jersey Department of Education

~~NE.~~ School and District Grading Requirements

~~OE.~~ Reports to Law Enforcement

~~PQ.~~ Collective Bargaining Agreements and Individual Contracts

~~QR.~~ Students with Disabilities

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

A. **Prohibiting Harassment, Intimidation, or Bullying** ~~Policy Statement~~

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. **The Board has determined that a** ~~A~~ safe and civil environment in school is necessary for students to learn and achieve high academic standards; ~~h~~ ~~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. Harassment, intimidation, or 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.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s); adoptive parent(s); legal guardian(s); **resource family** ~~foster~~ parent(s); or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the



# POLICY GUIDE

STUDENTS

5512/page 3 of 43

Harassment, Intimidation, **or** **and** Bullying

person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided parental rights have not been terminated by a court of appropriate jurisdiction.

B. **Definition of** Harassment, Intimidation, **or** **and** Bullying **Definition**

“Harassment, intimidation, or bullying” means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either 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;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. 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 their person or damage to their property; or
  - b. Has the effect of insulting or demeaning any student or group of students; or
  - c. 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.



# POLICY GUIDE

STUDENTS

5512/page 4 of 43

Harassment, Intimidation, **or** ~~and~~ Bullying

The Board recognizes that bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. Recognizing “a real or perceived power imbalance” may assist school officials in identifying harassment, intimidation, or bullying within the context and relative positions of the alleged aggressor and target.

“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or remotely activating paging device (N.J.A.C. 6A:16-1.3).

In accordance with the Board of Education’s Code of Student Conduct and this Policy, all acts of harassment, intimidation, or bullying that occur off school grounds, such as “cyber-bullying” (e.g., the use of electronic means to harass, intimidate, or bully) is addressed in this Policy.

~~Schools are required to address harassment, intimidation, and bullying occurring off school grounds, when there is a nexus between the harassment, intimidation, and bullying and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).~~

~~“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to: a telephone, cellular phone, computer, or pager.~~

## C. Student ~~Expectations~~ **Behavior**

The Board **of Education** 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.



# POLICY GUIDE

STUDENTS

5512/page 5 of 43

Harassment, Intimidation, **or** **and** Bullying

The Board believes that standards for student behavior must be set cooperatively through interaction among the **students**, parents **and other community representatives**, school **administrators** **employees**, school **employees** **administrators**, school volunteers, **and students of the school district** **and community representatives**, 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 school district and community property on the part of students, staff, and community members.

Students are expected to behave in a way that creates a supportive learning environment. The Board believes 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** **to help** students learn to assume and accept responsibility for their behavior and the consequences of their behavior. 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.

The Board expects **that** students will act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, **or** **and** bullying, including:

1. Student responsibilities (e.g., requirements for students to conform to reasonable standards of socially accepted behavior; respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Student rights; and
4. Sanctions and due process for violations of the Code of Student Conduct.



# POLICY GUIDE

STUDENTS

5512/page 6 of 43

Harassment, Intimidation, **or** **and** Bullying

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, **school employees, volunteers, students, and community representatives** instructional staff, student support services staff, school administrators, and school volunteers, as well as community organizations, such as faith based, health and human service, business and law enforcement, in the development of this Policy.

**Pursuant to N.J.A.C. 6A:16-7.1,** ~~Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2,~~ the Board **developed** ~~must develop~~ guidelines for student conduct, **taking** ~~pursuant to N.J.A.C. 6A:16-7.1.~~ **These guidelines for student conduct will take into consideration the nature of the behavior; the nature of the student's disability, if any and to the extent relevant; the developmental ages of students; the severity of the offenses and students' histories of inappropriate behaviors; and the mission and physical facilities of the individual school(s) in the district.** This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the Superintendent **shall** ~~must~~ annually provide to students and their parents the rules of the district regarding student conduct. Provisions shall be made for informing parents whose primary language is other than English.

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. **The school district will** ~~Students are encouraged to~~ support ~~other~~ students who:

1. Walk away from acts of harassment, intimidation, **or** **and** bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Provide support to students who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, **or** **and** bullying to the designated school staff member.



# POLICY GUIDE

STUDENTS

5512/page 7 of 43

Harassment, Intimidation, **or** **and** Bullying

## D. Consequences and **Appropriate** Remedial Actions

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for 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.**

~~The following factors, at a minimum, shall be given full consideration by the school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.~~

**In every incident found to be harassment, intimidation, or bullying, the school Principal, in consultation with appropriate school staff, may apply disciplinary consequences and/or remedial actions, such as the provision of counseling, behavioral interventions, or other measures.**

**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; the nature of the student's disability, if any and to the extent relevant; and the students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.**

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

### **Factors for Determining Consequences**

- **Age, disability (if any and to the extent relevant), developmental and maturity levels of the parties involved and their relationship to the school district;**
- **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 incidences occurred.**



# POLICY GUIDE

STUDENTS

5512/page 8 of 43

Harassment, Intimidation, **or** **and** Bullying

## Factors for Determining Remedial Measures

### Personal:

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation;
- Academic performance;
- Relationship to peers; and
- Relationship between student/family and the school district.

### 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;
- Availability of programs to address student behavior;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and
- Family situation.

## Examples of Consequences and Remedial Measures

The consequences and remedial measures may include, but are not limited to, the examples listed below:





# POLICY GUIDE

STUDENTS

5512/page 9 of 43

Harassment, Intimidation, **or** **and** Bullying

## Examples of Consequences:

- Admonishment;
- Temporary removal from the classroom (any removal of .5 days or more must be reported in the Student Safety Data System);
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- Out-of-school suspension (short-term or long-term);
- Reports to law enforcement or other legal action;
- Expulsion; and
- Bans from receiving certain services, participating in school-district-sponsored programs or being in school buildings or on school grounds.

## Examples of Remedial Measures

### Personal:

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



# POLICY GUIDE

STUDENTS

5512/page 10 of 43

Harassment, Intimidation, **or** **and** Bullying

- Parent conferences;
- Alternative placements (e.g., alternative education programs);
- Student treatment; and
- Student therapy.

## **Environmental (Classroom, School Building, or School District):**

- School and community surveys or other strategies for determining the conditions contributing to HIB;
- School culture change and school climate improvement;
- Adoption of research-based, systemic bullying prevention programs;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Modifications in student routes or patterns traveling to and from school;
- Supervision of student before and after school, including school transportation;
- Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- Teacher aides;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;
- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
- Parent conferences;
- Family counseling;
- Involvement of parent-teacher organizations;
- Involvement of community-based organizations;
- Development of a general bullying response plan;
- Recommendations of a student behavior or ethics council;



# POLICY GUIDE

STUDENTS

5512/page 11 of 43

Harassment, Intimidation, ~~or~~ ~~and~~ Bullying

- Peer support groups;
- Alternative placements (e.g., alternative education programs);
- School transfers; and
- Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct, pursuant to N.J.A.C. 6A:16-7.1.

~~The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students.~~

## ~~Consequences—Students~~

~~Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying are those that are varied and graded according to the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance consistent with the Board's approved Code of Student Conduct and N.J.A.C. 6A:16-7, Student Conduct. The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.~~

## ~~Factors for Determining Consequences—Student Considerations~~

- ~~1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;~~
- ~~2. Degrees of harm;~~



# POLICY GUIDE

STUDENTS

5512/page 12 of 43

Harassment, Intimidation, **or** **and** Bullying

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 Consequences—School Considerations

1. School culture, climate, and general staff management of the learning environment;
2. Social, emotional, and behavioral supports;
3. Student staff relationships and staff behavior toward the student;
4. Family, community, and neighborhood situation; and
5. Alignment with Board policy and regulations/procedures.

## 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;
7. Out-of-school suspension (short-term or long-term);
8. Reports to law enforcement or other legal action; or
9. Expulsion.

In accordance with N.J.S.A. 18A:37-15.b.(4), the consequences for a student who commits an act of harassment, intimidation, or bullying may vary depending on whether it is the first act of harassment, intimidation, or bullying by a student, the second act, or third or subsequent acts. If it is the third or subsequent act of harassment, intimidation, or bullying by a student, **The Principal, in consultation with appropriate school staff, shall develop an individual student intervention plan when a student is found to be an offender in three harassment, intimidation, or bullying incidents and each subsequent incident occurring within one school year. The student intervention plan may include disciplinary consequences and/or remedial actions and may require the student, accompanied by a parent, to satisfactorily complete a class or training**



# POLICY GUIDE

STUDENTS

5512/page 13 of 43

Harassment, Intimidation, **or** **and** Bullying

**program to reduce harassment, intimidation, or bullying behavior. Each student intervention plan must be approved by the Superintendent** ~~which shall be approved by the Superintendent or designee, and may require the student, accompanied by a parent, to complete in a satisfactory manner a class or training program to reduce harassment, intimidation, or bullying behavior.~~

**While the majority of incidents may be addressed solely by school officials, the Superintendent or designee and the Principal shall report a harassment, intimidation, or bullying incident to law enforcement officials if the conduct rises to the level of a mandatory report as outlined in the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.**

## **Appropriate Remedial Actions — Students**

~~Appropriate remedial action for a student who commits an act of harassment, intimidation, or bullying that takes into account the nature of the behavior; the nature of the student's disability, if any, and to the extent relevant; the developmental age of the student; and the student's history of problem behaviors and performance. The appropriate remedial action may also include a behavioral assessment or evaluation including, but not limited to, a referral to the Child Study Team as appropriate; and supportive interventions and referral services, including those at N.J.A.C. 6A:16-8.~~

## **Factors for Determining Remedial Measures**

### **Personal**

- ~~1. Life skill deficiencies;~~
- ~~2. Social relationships;~~
- ~~3. Strengths;~~
- ~~4. Talents;~~
- ~~5. Interests;~~
- ~~6. Hobbies;~~
- ~~7. Extra-curricular activities;~~
- ~~8. Classroom participation;~~
- ~~9. Academic performance; and~~
- ~~10. Relationship to students and the school district.~~



# POLICY GUIDE

STUDENTS

5512/page 14 of 43

Harassment, Intimidation, **or** **and** Bullying

## Environmental

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
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.

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

## Examples of Remedial Measures

### Personal—Student Exhibiting Bullying Behavior

1. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways they can solve the problem and change behaviors;
2. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;
3. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;
4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
5. Meet with school counselor, school social worker, or school psychologist to decipher mental health issues (e.g., what is happening and why?);
6. Develop a learning plan that includes consequences and skill building;



# POLICY GUIDE

STUDENTS

5512/page 15 of 43

Harassment, Intimidation, **or** **and** Bullying

7. Consider wrap-around support services or after-school programs or services;
8. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;
9. Arrange for an apology, preferably written;
10. Require a reflective essay to ensure the student understands the impact of their actions on others;
11. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;
12. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
13. Explore age appropriate restorative (i.e., healing, curative, recuperative) practices; and
14. Schedule a follow-up conference with the student.

## Personal Target/Victim

1. Meet with a trusted staff member to explore the student's feelings about the incident;
2. Develop a plan to ensure the student's emotional and physical safety at school;
3. Have the student meet with the school counselor or school social worker to ensure they do not feel responsible for the bullying behavior;
4. Ask students to log behaviors in the future;
5. Help the student develop skills and strategies for resisting bullying; and
6. Schedule a follow-up conference with the student.

## Parents, Family, and Community

1. Develop a family agreement;
2. Refer the family for family counseling; and
3. Offer parent education workshops related to bullying and social-emotional learning.



# POLICY GUIDE

STUDENTS

5512/page 16 of 43

Harassment, Intimidation, **or** **and** Bullying

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

1. Analysis of existing data to identify bullying issues and concerns;
2. Use of findings from school surveys (e.g., school climate surveys);
3. Focus groups;
4. Mailings—postal and email;
5. Cable access television;
6. School culture change;
7. School climate improvement;
8. Increased supervision in “hot spots” (e.g., locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);
9. Adoption of evidence based systemic bullying prevention practices and programs;
10. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
11. Professional development plans for involved staff;
12. Participation of parents and other community members and organizations (e.g., Parent Teacher Associations, Parent Teacher Organizations) in the educational program and in problem solving bullying issues;
13. Formation of professional learning communities to address bullying problems;
14. 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;
15. School policy and procedure revisions;
16. Modifications of schedules;
17. Adjustments in hallway traffic;
18. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;
19. Modifications in student routes or patterns traveling to and from school;
20. Supervision of student victims before and after school, including school transportation;
21. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
22. Targeted use of teacher aides;





# POLICY GUIDE

STUDENTS

5512/page 17 of 43

Harassment, Intimidation, **or** **and** Bullying

23. Disciplinary action, including dismissal, for school staff who contributed to the problem;
24. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
25. Parent conferences;
26. Family counseling;
27. Development of a general harassment, intimidation, and bullying response plan;
28. Behavioral expectations communicated to students and parents;
29. Participation of the entire student body in problem solving harassment, intimidation, and bullying issues;
30. Recommendations of a student behavior or ethics council;
31. Participation in peer support groups;
32. School transfers; and
33. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.

## Consequences and Appropriate Remedial Actions – Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but not be limited to: verbal or written reprimand; increment withholding; legal action; disciplinary action; 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 be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

## Target/Victim Support

Districts should identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.



# POLICY GUIDE

STUDENTS

5512/page 18 of 43

Harassment, Intimidation, **or** **and** Bullying

Sufficient safety measures should be undertaken to ensure the victim's 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 harassment, intimidation, and bullying include:

1. Teacher aides;
2. Hallway and playground monitors;
3. Partnering with a school leader;
4. Provision of an adult mentor;
5. Assignment of an adult "shadow" to help protect the student;
6. Seating changes;
7. Schedule changes;
8. School transfers;
9. Before and after school supervision;
10. School transportation supervision;
11. Counseling; and
12. Treatment or therapy;

## E. **Reporting** Harassment, Intimidation, **or** **and** Bullying **Reporting Procedure**

The Board of Education requires the Principal at each school to be responsible for receiving **all** complaints alleging **harassment, intimidation, or bullying committed by an adult or youth against a student** 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 acts of harassment, intimidation, or bullying** 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 **New Jersey Department of Education-approved HIB 338 Form** report in writing to the Principal within two school days of the verbal report. **Failure to make the required report(s) may result in disciplinary action.** The written report shall be on a numbered form developed by the New Jersey Department of Education in accordance with N.J.S.A. 18A:37-15.b.(5). A copy of the form shall be submitted promptly by the Principal to the



# POLICY GUIDE

STUDENTS

5512/page 19 of 43

Harassment, Intimidation, ~~or~~ ~~and~~ Bullying

~~Superintendent.~~ The HIB 338 Form shall be kept on file at the school, but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal Law.

The district may not fail to initiate an investigation of harassment, intimidation, or bullying solely because written documentation was not provided. Failing to conduct a harassment, intimidation, or bullying investigation solely because a parent or student did not submit written documentation violates the Anti-Bullying Bill of Rights Act and this Policy. If a parent makes a verbal allegation of harassment, intimidation, or bullying to a district staff member, but does not complete and submit the HIB 338 Form, the staff member or a designee must complete and submit the HIB 338 Form.

The Principal or designee is required to ~~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 keep a written record of the date, time, and manner of notification to the parents.~~ Pursuant to N.J.A.C. 6A:16-7.7(a)2.viii.(2), when providing notification to the parents of all students involved, ~~t~~he 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 or designee shall keep a written record of the date, time, and manner of notification to the parents.

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 ~~acts violations~~ of harassment, intimidation, or bullying ~~this Policy~~ to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident. The school district shall provide a person an online means to complete the HIB



# POLICY GUIDE

STUDENTS

5512/page 20 of 43

Harassment, Intimidation, **or and** Bullying

**338 Form to anonymously report an act of harassment, intimidation, or bullying. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.**

~~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. The district shall provide a means for a parent to complete an online numbered form developed by the New Jersey Department of Education to confidentially report an incident of harassment, intimidation, or bullying.~~

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

**The Principal shall promptly submit a copy of each completed HIB 338 Form to the Superintendent.**

~~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, **in addition to making the HIB 338 Form available online**, 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, **or and** bullying **or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14** ~~from a district employee,~~ and fails to initiate or conduct an investigation, or who should have known of an incident of



# POLICY GUIDE

STUDENTS

5512/page 21 of 43

Harassment, Intimidation, **or** **and** Bullying

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. **The district also should consider procedures and disciplinary action when it is found that someone had information regarding a harassment, intimidation, or bullying incident, but did not make the required report(s).**

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

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of students;
- b. Collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of students in the district;
- c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of students;
- d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
- e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, **or** **and** bullying in the district.



# POLICY GUIDE

STUDENTS

5512/page 22 of 43

Harassment, Intimidation, **or** **and** Bullying

2. The Principal in each school shall appoint a school Anti-Bullying Specialist. The Anti-Bullying Specialist shall be a guidance counselor, school psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety/School Climate Team as provided in N.J.S.A. 18A:37-21;
  - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
  - c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
3. A School Safety/School Climate Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going systemic operational procedures and educational practices in the school, and to address issues such as harassment, intimidation, or bullying that affect school climate and culture. Each School Safety/School Climate Team shall meet, at a minimum, two times per school year. The School Safety/School Climate Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a student in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety/School Climate Team.

The School Safety/School Climate Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;



# POLICY GUIDE

STUDENTS

5512/page 23 of 43

Harassment, Intimidation, **or** **and** Bullying

- b. Receive copies of all reports prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- e. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. The School Safety/School Climate Team shall be provided professional development opportunities that may address effective practices of successful school climate programs or approaches; and
- g. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.

Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety/School Climate Team shall not participate in the activities of the team set forth in 3. a., b., or c. above or any other activities of the team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Student Records and N.J.A.C. 6A:14-2.9, Student Records.

G. **Investigating Allegations of Harassment, Intimidation, or Bullying**  
**Harassment, Intimidation, and Bullying Investigation**

**The Board requires a thorough and complete investigation to be conducted for each report of violations and complaints which either identify harassment, intimidation, or bullying or describe behaviors that indicate harassment, intimidation, or bullying.**



# POLICY GUIDE

STUDENTS

5512/page 24 of 43

Harassment, Intimidation, **or** **and** Bullying

information that could result in the identification of any student other than the child of the parents being notified.

A parent may request a hearing before the Board after receiving the information. Any request by the parents for a hearing before the Board concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A.

## Principal's Preliminary Determination

Prior to initiating an investigation regarding a reported incident or complaint, the Principal or designee, in consultation with the anti-bullying specialist, shall make a preliminary determination as to whether a reported incident or complaint, assuming all facts are presented as true, is a report within the scope of N.J.S.A. 18A:37-14.

Should the Principal or designee, in consultation with the anti-bullying specialist, determine that a reported incident or complaint, assuming all facts presented are true, is not a report within the scope of N.J.S.A. 18A:37-14, the incident will be addressed through the Board's Code of Student Conduct policy. The HIB 338 Form shall be completed, even if a preliminary determination is made not to conduct an investigation of harassment, intimidation, or bullying because the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and must be submitted to the Superintendent. The Principal will provide the parents of the alleged offender(s) and victim(s) with formal notice of the decision not to initiate a harassment, intimidation, or bullying investigation.

The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

The Superintendent may require the Principal to conduct a harassment, intimidation, or bullying investigation of the incident if the Superintendent determines that the incident is within the scope of harassment, intimidation, or bullying and shall notify the Principal of





# POLICY GUIDE

STUDENTS

5512/page 25 of 43

Harassment, Intimidation, **or** **and** Bullying

**this determination in writing. Should the Superintendent require the Principal to conduct a harassment, intimidation, or bullying investigation, the Principal will immediately initiate an investigation of harassment, intimidation, or bullying by referring the matter to the school anti-bullying specialist.**

**Additionally, any preliminary determination that finds the incident or complaint is a report outside the scope of N.J.S.A. 18A:37-14 may be appealed to the Board, pursuant to the Board policies and procedures governing student grievances, and thereafter to the Commissioner (N.J.A.C. 6A:16-7.7(a)ix(1) and (a)ix(1)(A)). Should the preliminary determination not to conduct an investigation of harassment, intimidation, or bullying be overturned, the Principal will immediately initiate an investigation of harassment, intimidation, or bullying by referring the matter to the school anti-bullying specialist.**

**The Board requires a thorough and complete investigation to be conducted for each reported incident or complaint, assuming all facts presented are true, that is determined to be a report within the scope of N.J.S.A. 18A:37-14. The investigation shall be initiated by the Principal or designee within one school day of the verbal report of the incident. The investigation shall be 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. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation. The anti-bullying specialist may not participate in an investigation regarding their supervisor or staff at a higher administrative level.**

**The investigation shall be completed, and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying or ten school days from the date of the written notification from the Superintendent to the Principal to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school anti-bullying specialist or the Principal shall amend the original report of the results of the investigation to**



# POLICY GUIDE

STUDENTS

5512/page 26 of 43

Harassment, Intimidation, **or** **and** Bullying

ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Superintendent within two 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.). 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, including seeking further information as necessary.

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.

Parents of the 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. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board.

A parent may request a hearing before the Board after receiving the information. Any request by the parents for a hearing before the Board concerning the written information about a harassment, intimidation, or bullying investigation, pursuant to N.J.S.A. 18A:37-15(b)(6)(d), must be filed with the Board Secretary no later than sixty calendar days after the written information is received by



# POLICY GUIDE

STUDENTS

5512/page 27 of 43

Harassment, Intimidation, **or and** Bullying

the parents. The hearing shall be held within ten business days of the request. Prior to the hearing, the Superintendent shall confidentially share a redacted copy of the HIB 338 Form that removes all student identification information with the Board. 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 specialist 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.

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, no later than ninety days after the issuance of the Board's decision.

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

The Board also requires the thorough investigation of complaints or reports of harassment, intimidation, or bullying, occurring on district school buses, at school-sponsored functions, and off school grounds involving a student who attends an approved private school for students with disabilities. The investigation will be conducted by the Board's anti-bullying specialist in consultation with the approved private school for students with disabilities.]

## **[Option—Principal's Preliminary Determination**

~~However, prior to initiating the investigation, the Principal or designee, in consultation with the Anti-Bullying Specialist, may make a preliminary determination as to whether the reported incident or complaint, assuming~~



# POLICY GUIDE

STUDENTS

5512/page 28 of 43

Harassment, Intimidation, **or** **and** Bullying

~~all facts presented are true, is a report within the scope of the definition of harassment, intimidation, and bullying under the Anti Bullying Bill of Rights Act, N.J.S.A. 18A:37-14.~~

~~The Principal shall report to the Superintendent if a preliminary determination is made that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying. The Superintendent may require the Principal to conduct an investigation of the incident if the Superintendent determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, and bullying. The Superintendent shall notify the Principal of this determination in writing. An investigation required by the Superintendent must be completed as soon as possible, but not later than ten school days, from the date of the written notification from the Superintendent to the Principal.~~

~~The Principal shall complete the written report form developed by the New Jersey Department of Education, in accordance with N.J.S.A. 18A:37-15.b.(5), even if a preliminary determination is made that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying pursuant to N.J.S.A. 18A:37-14. This written report form shall be kept on file at the school, but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal law.~~

~~The Principal or designee, upon making a preliminary determination the incident or complaint is not within the scope of the definition of harassment, intimidation, and bullying, shall inform the parents of the parties involved, who may appeal the preliminary determination to the Board of Education and thereafter to the Commissioner of Education in accordance with N.J.A.C. 6A:3.~~

~~A Board hearing shall be held within ten business days of receipt of the request for a Board hearing. If the preliminary determination, upon review of the facts presented in the reported incident or complaint, is to continue with the harassment, intimidation, and bullying investigation, the investigation shall be completed in accordance with N.J.S.A. 18A:37-15.b.(6) and this Policy.~~



# POLICY GUIDE

STUDENTS

5512/page 29 of 43

Harassment, Intimidation, **or** **and** Bullying

~~The Superintendent shall provide annually to the Board of Education information on the number of times a preliminary determination was made that an incident or complaint was outside the scope of the definition of harassment, intimidation, or bullying for the purposes of the State's monitoring of the school district pursuant to N.J.S.A. 18A:17-46.]~~

~~The investigation shall be initiated by the Principal or the Principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist in coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist with the investigation. Investigations or complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation. The Superintendent or designee will appoint a staff member to complete investigations involving allegations against a staff member serving in a supervisory or administrative position.~~

~~The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the incident. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school Anti-Bullying Specialist 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.~~

~~The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Superintendent within two 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.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Student Conduct has been implemented and may decide to provide intervention services, order counseling as a result of the finding of the investigation, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, or take or recommend other appropriate action, including seeking further information, as necessary.~~



# POLICY GUIDE

STUDENTS

5512/page 30 of 43

Harassment, Intimidation, **or** **and** Bullying

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report shall include information on any consequences imposed under the Code of Student Conduct, any services provided, training established, or other action taken or recommended by the Superintendent.

Parents of involved student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, and whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.

A parent may request a hearing before the Board of Education after receiving the written information about the investigation. Any request for such a hearing shall be filed with the Board Secretary no later than sixty calendar days after the written information is provided to the parents. The hearing shall be held within ten business days of the request. The Board of Education 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 Specialist and others, as appropriate, regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination. A redacted copy of the completed written report form developed by the New Jersey Department of Education that removes all student identification information shall be confidentially shared with the Board of Education after the conclusion of the investigation if a hearing with the Board of Education is requested by the parents pursuant to N.J.S.A. 18A:37-15.b.(6)(d).

At the regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of the investigations to the Board or following a hearing in executive session, the Board shall



# POLICY GUIDE

STUDENTS

5512/page 31 of 43

Harassment, Intimidation, **or** ~~and~~ Bullying

~~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 days after issuance of the Board of Education's decision.~~

~~A parent, student, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).~~

## H. **Responding to Harassment, Intimidation, or Bullying** ~~Range of Responses to an Incident of Harassment, Intimidation, or Bullying~~

The Board **of Education** authorizes the Principal of each school to **define the range of ways in which school staff will respond once an incident of** ~~shall establish a range of responses to~~ harassment, intimidation, **or** ~~and~~ bullying **is confirmed, and the Superintendent shall respond to confirmed harassment, intimidation, or bullying, according to the parameters described below and in this Policy.** ~~incidents and the Principal and the Anti-Bullying Specialist shall appropriately apply these responses once an incident of harassment, intimidation, or bullying is confirmed. The Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The range of ways in which school staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other programs.~~ The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring **that** the school officials respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building, or school 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, 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:16-7.4, Expulsions.**



# POLICY GUIDE

STUDENTS

5512/page 33 of 43

Harassment, Intimidation, **or** **and** Bullying

In considering whether a response beyond the individual is appropriate, school officials 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. 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 harassment, intimidation, or bullying 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.

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.

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include ~~consistent and appropriate~~ positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) **and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion, law enforcement report or other legal action)** ~~intended to remediate the problem behaviors.~~
2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying, role plays ~~(when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying),~~ research





# POLICY GUIDE

STUDENTS

5512/page 34 of 43

Harassment, Intimidation, **or** ~~and~~ Bullying

projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.

3. School responses can include theme days, learning station programs, ~~“acts of kindness” programs or awards, use of student survey data to plan prevention and intervention programs and activities, social norms campaigns, posters, public service announcements, “natural helper” or peer leadership programs, “upstander” programs, parent programs~~ **and information disseminated to students and parents, such as fact sheets or newsletters** ~~the dissemination of information to students and parents~~ explaining acceptable uses of electronic and wireless communication devices **or strategies for fostering expected student behavior**, ~~and harassment, intimidation, and bullying prevention curricula or campaigns.~~
4. District-wide responses can **include community involvement in policy review and development; professional development programs; adoption of curricular and school-wide programs, coordination** ~~comprise of adoption of school-wide programs, including enhancing the school climate, involving the community in policy review and development, providing professional development coordinating~~ with community-based organizations (e.g., mental health, health services, health facilities, law enforcement **officials**, faith-based organizations); **and disseminating information on the core ethical values adopted by the Board’s Code of Student Conduct, per N.J.A.C. 6A:16-7.1(a)2** ~~launching harassment, intimidation, and bullying prevention campaigns.~~

**In providing support for victims of harassment, intimidation, or bullying, the district should identify a range of strategies and resources, which may include, but is not limited to, the following actions for individual victims:**



# POLICY GUIDE

STUDENTS

5512/page 35 of 43

Harassment, Intimidation, **or** **and** Bullying

- **Counseling;**
- **Teacher Aides;**
- **Hallway and playground monitors;**
- **Schedule changes;**
- **Before and after school supervision;**
- **School transportation supervision;**
- **School transfers; and**
- **Therapy.**

## I. Reprisal or Retaliation **Prohibited**

The Board **of Education** 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, **or 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. **All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances.**

**Examples of consequences and remedial measures for students who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.**

**Examples of consequences for a school employee or a contracted service provider who has contact with students who engage in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, 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 be limited to: in or out of school counseling, professional development programs, and work environment modifications.**



# POLICY GUIDE

STUDENTS

5512/page 36 of 43

Harassment, Intimidation, **or** **and** Bullying

~~Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.~~

J. **Consequences and Appropriate Remedial Action for False Accusations of Harassment, Intimidation, or Bullying**

The Board **of Education** prohibits any person from falsely accusing another as a means of ~~retaliation or as a means of~~ harassment, intimidation, or bullying.

1. Students - Consequences and appropriate remedial action for a student **could** ~~found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation may~~ 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 Students** and as set forth in N.J.A.C. 6A:16-7.2, Short-term ~~s~~Suspensions, N.J.A.C. 6A:16-7.3, Long-term ~~s~~Suspensions, and N.J.A.C. 6A:16-7.4, Expulsions; ~~and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.~~
2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students ~~found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation~~ could entail discipline in accordance with district policies, procedures, and agreements; **and** ~~which may include, but not be 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 be limited to: in or out of school counseling, professional development programs, and work environment modifications.~~



# POLICY GUIDE

STUDENTS

5512/page 37 of 43

Harassment, Intimidation, **or** **and** Bullying

3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer ~~found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation~~ could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with students or the provision of student services. ~~Remedial measures may include, but not be limited to: in or out of school counseling, professional development programs, and work environment modifications.~~

K. **Additional Policy Requirements** ~~Harassment, Intimidation, and Bullying~~  
~~Policy Publication and Dissemination~~

The Board of Education requires the Superintendent to annually disseminate this Policy 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 this Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14, 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 post a link to this Policy that is prominently displayed on the home page of the school district's website. The Superintendent shall ensure that notice of this 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 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. Additionally, the Superintendent shall post the contact information for the School Climate State Coordinator on the school district home page alongside this Policy.



# POLICY GUIDE

STUDENTS

5512/page 38 of 43

Harassment, Intimidation, **or** **and** Bullying

**Each Principal or designee 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.**

**The Superintendent shall post the New Jersey Department of Education's Guidance for Parents on the Anti-Bullying Bill of Rights Act on the district homepage and on the homepage for each school in the district with a website.**

**The Superintendent and the Principal(s) shall provide training on the school 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.**

**The Superintendent shall develop and implement a process for annually discussing this Policy on harassment, intimidation, or bullying with students. The Superintendent and the Principal(s) shall annually conduct a re-evaluation, reassessment, and review of this Policy and any report(s) and/or finding(s) of the school safety/school climate team, with input from the school anti-bullying specialists, and recommend revisions and additions to this Policy as well as to harassment, intimidation, or bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.**



# POLICY GUIDE

STUDENTS

5512/page 39 of 43

Harassment, Intimidation, **or** **and** Bullying

This Policy will be disseminated annually by the Superintendent 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 district, along with a statement explaining the Policy applies to all acts of harassment, intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14 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 that notice of this 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 or designee shall post a link to the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.

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, address, and school email address of both the Anti Bullying Specialist and the district Anti Bullying Coordinator on the home page of each school's website. The Superintendent or designee shall post the contact information for the New Jersey School Climate State Coordinator on the school district's and on each school's website in the same location as this Policy is posted.

The Superintendent or designee shall post on the school district's and each school's website the current version of "Guidance for Parents on the Anti Bullying Bill of Rights Act" developed by the New Jersey Department of Education.



# POLICY GUIDE

STUDENTS

5512/page 40 of 43

Harassment, Intimidation, **or and** Bullying

L. Harassment, Intimidation, **or and** Bullying Training and Prevention Programs

~~The Superintendent and Principal(s) shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees; including administrators, instructors, student support services, administrative/office support, transportation, food service, facilities/maintenance; contracted service providers; and 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 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.~~

Each public school teacher and educational services professional shall be required to complete at least two hours of instruction in harassment, intimidation, **or and** bullying prevention within each five year professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22.d. The required two hours of suicide prevention instruction shall include information on the risk of suicide and incidents of harassment, intimidation, or bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

Each newly elected or appointed Board member must complete, during the first year of the member's first term, a training program on harassment, intimidation, **or and** bullying in accordance with the provisions of N.J.S.A. 18A:12-33.

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

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, **or and** bullying as required in N.J.S.A. 18A:26-8.2.



# POLICY GUIDE

STUDENTS

5512/page 41 of 43

Harassment, Intimidation, ~~or~~ ~~and~~ Bullying

The school district shall annually observe a “Week of Respect” beginning with the first Monday in October. In order to recognize the importance of character education, the school district will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, ~~or~~ ~~and~~ bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district will provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the **New Jersey Student Learning Core Curriculum Content** Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district will annually establish, implement, document, and assess harassment, intimidation, ~~or~~ ~~and~~ bullying prevention programs or approaches, and other initiatives in consultation with school staff, students, administrators, volunteers, parents, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, ~~or~~ ~~and~~ bullying in accordance with the provisions of N.J.S.A. 18A:37-17.

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

~~The Superintendent shall develop and implement a process for annually discussing the school district’s Harassment, Intimidation, and Bullying Policy with students.~~

~~The Superintendent, Principal(s), and the Anti Bullying Coordinator, with input from the schools’ Anti Bullying Specialists, shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, and any report(s) and/or finding(s) of the School Safety/School Climate Team(s). The Superintendent shall recommend to the Board necessary revisions and additions to the Policy consistent with N.J.S.A. 18A:37-15.c., as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.~~





# POLICY GUIDE

STUDENTS

5512/page 42 of 43

Harassment, Intimidation, **or and** Bullying

## **MN.** Reports to Board of Education and New Jersey Department of Education

The Superintendent shall report two times each school year, between September 1 and January 1 and between January 1 and June 30 at a public hearing all acts of violence, vandalism, and harassment, intimidation, **or and** bullying which occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46.

## **Ne.** School and District Grading Requirements

Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with the provisions of N.J.S.A. 18:37-13 et seq. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

## **Op.** Reports to Law Enforcement

The Superintendent or designee and the Principal shall consult law enforcement, as appropriate, pursuant to the provisions of the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials, if the student's behavior may constitute a possible violation of the New Jersey Code of Criminal Justice.

Some acts of harassment, intimidation, **or and** bullying may be bias-related-acts and school officials must report to law enforcement officials any bias related acts, in accordance with N.J.A.C. 6A:16-6.3.(e), and pursuant to the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

## **Pe.** Collective Bargaining Agreements and Individual Contracts

Nothing in N.J.S.A. 18A:37-13.1 et seq. may be construed as affecting the provisions of any collective bargaining agreement or individual contract of



# POLICY GUIDE

STUDENTS

5512/page 43 of 43

Harassment, Intimidation, **or** ~~and~~ Bullying

employment in effect on the Anti-Bullying Bill of Rights Act's effective date (January 5, 2011). N.J.S.A. 18A:37-30.

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.

## **QR.** Students with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. 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. N.J.S.A. 18A:37-32.

## **S.** ~~Approved Private Schools for Students with Disabilities (APSSD)~~

~~In accordance with the provisions of N.J.A.C. 6A:16-7.7(a).2.ix.(2), the Board of Education shall investigate a complaint or report of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-7.7(a).2.ix. and Section G. of this Policy, 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. The investigation shall be conducted by a Board of Education Anti Bullying Specialist, in consultation with the APSSD.~~

The school district shall submit all subsequent amended Harassment, Intimidation, **or** ~~and~~ Bullying Policies to the Executive County Superintendent of Schools within thirty days of Board adoption.

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

N.J.A.C. 6A:16-7.1 **through 6A:16-7.9** ~~et seq.~~

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses – **August 2022** ~~April 2014~~ – New Jersey Department of Education  
~~Memorandum – New Jersey Commissioner of Education – Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act – December 16, 2014~~

**1<sup>st</sup> Reading: 27 October 2022**

Adopted:

