

Harassment, Bullying, Abuse, and Hazing Policy

Delbarton School has been and is committed to providing an educational atmosphere that is free of any conduct that can be considered harassing, abusive, disorderly, or disruptive. The school recognizes and will endeavor to protect the right of all students, faculty, and staff members to be treated with respect, courtesy, and tact. Actions or comments by staff, instructors, administrators, supervisors, staff, or students, whether intentional or unintentional, that result in harassment of students or other faculty or staff members will not be tolerated. Such conduct where reported and substantiated may result in disciplinary action, up to and including separation from Delbarton School or discharge from employment at Delbarton School.

The School will also report any and all concerns to appropriate civil authorities in fulfillment of the law. Delbarton is committed to providing a working/learning environment that is free of insult, ridicule, intimidation, and abuse. The Headmaster shall instruct all employees of this School to recognize and correct speech and behavior patterns that may be offensive (sexually or otherwise) with or without the intent to offend.

Actions, words, jokes, or comments based upon sex, sexual preference, gender, race, ethnicity, age, or religious identification have no place in the School and will not be tolerated. That the abuser only intended to be funny or believed that the recipient of his conduct welcomed it or seemingly accepted it, will not in any way constitute an excuse.

Any member of the Delbarton community who believes that this policy has been violated must report the violation to the appropriate school representative. For students, this includes any teacher, counselor or administrator, up to and including the Headmaster. For any employee, this includes any supervisor or administrator, up to and including the Headmaster. All complaints will be investigated fully and confidentially and all persons are assured that no retaliation or reprisals of any kind will be taken against them for reporting any incident or possible violation of this policy. If those reporting violations request that they not be identified to the person accused of violating the policy or to others, every effort will be made to honor the request, although it is not always possible given the need to investigate all complaints thoroughly. Anonymous complaints may also be made by writing directly to the Headmaster. Nevertheless, once an investigation has begun, all employees are required to cooperate with the investigation.

No one at St. Mary's Abbey or Delbarton School involved in the operations of the School whether a priest, cleric or layperson, is excused from strict adherence to this policy.

Harassment

Title VII of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, religion, sex, or national origin in all employment practices including conditions

of employment. Both the federal courts and the Equal Employment Opportunity Commission (EEOC) in its November 1980 Sexual Harassment guidelines have ruled that sexual harassment of employees constitutes unlawful sex discrimination and is thus a violation of Title VII. The EEOC guidelines require that employers affirmatively address the issue of sexual harassment in the workplace and devise and adopt appropriate procedures for maintaining a working atmosphere free of sexual pressure or intimidation.

Under the guidelines, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a nature which constitutes harassment when:

- submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment

The primary statute that prohibits sex discrimination against students is Title IX of the Education Amendments of 1972. While Title IX does not directly address sexual harassment per se, it can be readily construed.

Allegations of harassment in any form will be subject to a review by the supervisors of the alleged victim(s) and perpetrator(s), findings of which will be submitted to appropriate Senior Management. In the event that "fair and reasonable" evidence supports any allegation of harassment that is considered to be "egregious" in nature, the employee who is found to be in violation of the harassment policy will be immediately terminated. A definition of "egregious" will conform to reasonable standard such as may be defined in civil and criminal law. In the event that "fair and reasonable" evidence supports an allegation of harassment that is not considered to be "egregious" in nature, the employee who is found to be in violation of the harassment policy will be suspended from employment for a two day period without pay, if the infraction is the employee's first violation of the policy. If the employee is found in violation a second time after "fair and reasonable" review, the employee will be terminated.

Bullying

Bullying is a physical, verbal, or other intimidating act or pattern of behavior that causes physical or emotional harm to an individual or group. Online or cyberbullying is defined as an intentional electronic written or graphic act or series of acts by an individual directed at others that is severe, persistent, or pervasive. Bullying creates a threatening school environment, may interfere with a student's education, and in general disrupts the orderly operations of the School. In compliance with New Jersey's

“Anti-Bullying Bill of Rights Act (C.18A:37-13 et seq.), employees are instructed to report acts of bullying to a supervisor. Upon learning of an act of bullying, the faculty member/adult staff will meet with the Assistant Headmaster to discuss a plan of response. All complaints will be investigated and no reprisal will be taken against those who report such acts. For more information regarding bullying, see the **Student Handbook, Bullying**.

Hazing

Delbarton School prohibits hazing. Hazing is defined as an action or situation that recklessly or intentionally endangers the mental or physical health or safety of another person for the purpose of membership, advancement, or continued good standing in any organization recognized by the School. In addition, any requirement by a member that compels another member to participate in any activity that is against the Delbarton School Code of Conduct or New Jersey State Law is defined as hazing.

Hazing behaviors include but are not limited to the following:

- Forcing or requiring an individual to drink alcohol or use other substances or consume unreasonable amounts of food.
- Participating in morally degrading or humiliating games and activities.
- Participating in or creating situations that cause physical harm or emotional strain, such as causing a member or non-member to be the object of malicious amusement or ridicule.
- Using brutality or force.

Any of these activities, if a condition, either directly or indirectly, of membership, advancement, or good standing in a School recognized organization, shall be presumed to be a forced activity, the willingness of an individual to participate in such activity notwithstanding. The School may treat the action of even one member of a group as constituting hazing by the entire group. Executive leaders of an organization found responsible for hazing are also subject to disciplinary action.

Hazing is a violation of the New Jersey State Law when such action by a group or organization recklessly or intentionally endangers mental or physical health or involves the forced consumption of liquor or drugs for the purpose of initiation or affiliation with any organization. Any individual, group, or organization found responsible for hazing will be subject to disciplinary action, which may result in probation, suspension, or separation from the School.

Abuse

Child abuse, particularly child sexual abuse, is a grave and far-reaching problem. New Jersey Law requires all persons, whether teachers, administrators, staff, or clergy, to report known or suspected incidents of child abuse to the Division of Child Protection and Permanency (DCP&P) of the State of New Jersey. For purpose of state law and this policy, “child abuse” is defined very broadly to include any physical, mental, or emotional injury or neglect of a person under the age of 18 caused by a person who has

assumed responsibility for the care, custody, or control of such child. Obviously, this definition includes parents and other guardians. It also includes every person employed by Delbarton School, in any capacity.

What to do if you suspect child abuse: see REPORTING OF PROBLEMS that follows:

Any person who makes a report of suspected child abuse, and does so in “good faith”, is immune from any liability, criminal or civil, regardless of whether the allegation was deemed substantiated or unfounded. With respect to Delbarton School employees, reporters of suspected child abuse who do so in “good faith” will not be disciplined or discriminated against for reporting said abuse. Any person who has a reasonable cause to believe that a child has been subjected to abuse and fails to report it is in violation of the law (“disorderly person”) and subject to criminal penalties and discipline by Delbarton School, up to and including termination of employment. Discipline for making malicious reports or reports known to be false may also be subject to penalties by the School.

Reporting of Problems

- **Reporting Suspected Abuse by an Adult**

- Faculty/Staff Response

- Faculty or Staff must report any suspected abuse or neglect of a youth whether on or off Delbarton property or whether perpetrated by a Delbarton employee or others. If you have reasonable cause to believe that a student has been subjected to abuse (a student reports abuse and/or there are signs of abuse), notify the Assistant Headmaster and the Dean of Guidance. Do not wait to obtain corroborative evidence. Trust your instincts and report the suspected abuse immediately. It is recommended that you be present when the information is reported to the DCP&P (Division of Child Protection and Permanency for the State of New Jersey) State Central Registry (SCR).
- If this is an emergency and it is not feasible to first contact the Assistant Headmaster or Dean of Guidance, you may contact the DCP&P before reporting your suspicions to School authorities. The number for the DCP&P is 1-877-652-2873 (1-877 NJ ABUSE). If the risk of harm or further abuse appears imminent, call the police (911) before you contact School authorities.
- If you are not able to report suspected abuse to the Assistant Headmaster or Dean of Guidance before contacting state authorities, you must do so as soon as possible so that immediate and proper steps may be taken to ensure the safety of alleged victims and others who may be at risk.

- If after reporting up, you do not hear back from the Administration and/or you are not satisfied that the allegations have been taken seriously, as a mandatory reporter in the State of New Jersey, you may report to the next level of administration and/or call DCP&P at 1-877-652-2873 (1-877 NJ ABUSE). Reporting up does not discharge your duty to report.

• *Additional Guidelines for Faculty/Staff Response to Incidents or Allegations of Abuse*

- If you witness abuse, interrupt the abuse immediately.
- If abuse is disclosed to you, tell the individual disclosing that he or she was correct to disclose to you. Remain calm.
- Be sure to document the incident, disclosure, or circumstances causing your suspicion of abuse.
- It is not your job to investigate the incident.
- If you have a reasonable suspicion of child abuse, do not allow that young person or other individuals to return to a potentially dangerous environment (e.g., the custody of a parent or guardian alleged to have abused the child) until School administrators and the proper authorities have been notified and advised of the situation.

• *Administrator Response to Abuse*

In addition to the above response procedures, Administrators should ensure the following documenting each step when appropriate:

- The immediate needs of the alleged victim are determined.
- The accused is suspended and removed from access to students. The accused will be suspended with pay during the investigation.
- As much information as possible is collected regarding the incident or allegation. Among the determinations that must be made:
 - Are the allegations credible?
 - Is there evidence to support the allegations?
 - Did the alleged action occur?
 - Did the employee violate any of the School's policies or procedures?
 - If there was misconduct or inappropriate behavior, what is the appropriate remedial action?
- If warranted, Administrators contact the authorities. At this time, it is advisable that the employee who originally reported the abuse be present. Authorities may advise that the School perform an internal investigation or authorities may perform their own investigation. Delbarton will decide how the internal investigation should be completed. If authorities request that the School take no action, the School will proceed in accordance with their request, making sure to document their request. If authorities do not require that the School take no action, the School will proceed with an internal investigation.
- Administrators continue to communicate with authorities.

- If abuse of a student is confirmed, the employee will be subject to termination.
- Legal counsel is sought throughout the process.
- A media response is prepared. All faculty and staff should be reminded of media contact policies.
- Headmaster will determine what is communicated to students, student families, and faculty/staff.
- The Administration of St. Mary's Abbey and the Lay Board of Trustees will be informed of reports of sexual abuse against School personnel.

- **Reporting Faculty or Staff Inappropriate Behavior with Students**

In the event that faculty or staff observes any suspicious or inappropriate behaviors on the part of other employees, it is their personal responsibility to immediately report their observations. Examples of suspicious or inappropriate behaviors could include policy violations, neglectful supervision, poor role modeling, excessive swearing, or making suggestive comments to students. All reports of suspicions or inappropriate behavior with students will be taken seriously. Delbarton procedures will be carefully followed to ensure that the rights of all those involved are protected.

- Faculty/Staff Response

In the event that an employee witnesses suspicious or inappropriate behaviors or policy violations from a co-worker, the employee is instructed to do the following:

- Interrupt the interaction and remind the co-worker of the correct policy or procedure for interacting with students.
- Report the behavior to the Dean of Faculty (or an immediate supervisor who will in turn report up to the Dean of Faculty or the appropriate supervisor).

- Administration Response

After gathering information regarding an accusation of misconduct with a student, the designated Administrator will:

- Determine disciplinary action to be taken if a policy violation against a student is confirmed.
- Notify authorities if after gathering information there is a possibility abuse.
- Advise the person who reported the behavior that the report is being taken seriously.

- **Closure**

Following the resolution of reported incidents, the School will determine what can be done to prevent like events in the future, including:

- Review the supervision.
- Review policies and procedures.
- Review the need for additional training.