

**HARASSMENT, INTIMIDATION, BULLYING, AND
ELECTRONIC COMMUNICATIONS**

The Chesterfield Board of Education prohibits acts of Harassment, Intimidation or Bullying, including Electronic Communications (HIB). A safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and since students learn by example, school administrators, faculty, staff, visitors, and volunteers should be commended for knowing the expectations which promote a positive school culture, demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying, including Electronic Communications.

The Chesterfield 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.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/guardians, staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.

The Board believes that the best discipline is self-imposed and that it is the responsibility of staff to use disciplinary situations as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members, guests, and volunteers who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to grow in self-discipline.

Specifically, each student is expected to adhere to the following rules:

Rules for a Peaceful School

1. Respect each other, yourself, and your school

2. Make good choices

3. Be responsible for your actions

Because respect for self and others is paramount to a safe and respectful school, acts violating others' rights in the areas of harassment, intimidation and bullying are especially egregious. To be clear in terms and definition:

"Harassment, intimidation or bullying" (HIB) which is defined as any gesture or written, verbal or physical act that is reasonable perceived as being motivated by any actual or perceived distinguishing characteristic and has the effect of causing harm to a student or damage to the students' property, or reasonable fear of harm or property damage, or of insulting a student or group of students in a way that substantially interferes with the orderly operation of a school (source: ACLU of NJ).

Such actions, including all forms of electronic communication, can occur on school property, at any school-sponsored function or on a school bus or off school grounds. HIB occurs when behavior

- A. is motivated by any actual or perceived characteristic, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity expression, religion, mental, physical, or sensory disability, or socioeconomic status; or
- B. by any other distinguishing characteristic; and
- C. a reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student or damaging the student's property, or placing a student in a reasonable fear of harm to his person or damage to his property; or
- D. has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

In all instances of harassment, intimidation or bullying behavior occurring off school grounds (including incidents of cyber-HIB), the consequences will be exercised to promote student's physical or emotional safety and well-being, to promote the safety and well-being of other students, staff or school grounds, and to promote appropriate discipline in the operation of the school. All acts of harassment, intimidation or bullying, including electronic communication that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provisions of *N.J.S.A. 18A:37-15* and *N.J.A.C. 6A:16-7.9*, whether the subject or recipient of the bullying is on or off school property.

Students who engage in harassment, intimidation and bullying, including electronic communications will be subject to consequences delineated in the code of conduct, which is developed to reinforce desired behaviors and to promote a safe school climate. On an annual basis, the effectiveness of the code of conduct will be evaluated for effectiveness in reducing incidents of and responding appropriately to harassment, intimidation and bullying, including electronic communications.

The chief school administrator shall provide annually to students and parents/guardians the code of conduct and harassment, intimidation and bullying, including electronic communication guidelines. These shall be posted on the school's web-site.

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The code of conduct and harassment, intimidation and bullying, including electronic communication guidelines have been established to:

- A. Describe student responsibilities, including the requirements for students to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority;
- B. Address appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success;
- C. Explain student rights; and
- D. Identify disciplinary sanctions and due process.

Moreover, since bystander support of harassment, intimidation or bullying, including electronic communication can support these behaviors, the Chesterfield Board of Education prohibits active or passive support for such acts. The district encourages students to support students who walk away from these acts when they see them, constructively attempt to stop them and report them to the designated authority. In their attempts to prevent bullying, however, students should refrain from becoming involved in physical incidents, instead reporting the incident as quickly as possible to an adult. Chesterfield school administrators, faculty, staff and community members have developed procedures that ensure *both* the appropriate consequences *and* remedial responses to a student or staff member who commits one or more acts of harassment, intimidation or bullying, including electronic communication. As outlined in the Remediation and Consequence Guideline chart (B), these factors, at a minimum, shall be given full consideration by school administrators in determining appropriate *remedial* measures and consequences for each act of harassment, intimidation or bullying.

Consequences and appropriate remedial actions for a student or staff member may range from positive behavioral interventions up to and including suspension. Consequences for a student who commits an act of harassment, intimidation or bullying, including electronic communication shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance. Remedial measures shall be designed to *correct the problem behavior; prevent another occurrence of the problem; identify and correct any cultural factors contributing to the act; and protect the victim* of the act.

The chief school administrator or a designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the chief school administrator or a designee. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy. Incident reporting forms shall be made available by the school district's central office. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. All reports will be investigated promptly by the building principal or designee.

The chief school administrator and/or a designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the chief school administrator and/or a designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The administrator/designee shall maintain a record of the incident to monitor the numbers and types of offenses and the offender. Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under *N.J.S.A. 18A:37-1*, Discipline of Pupils.

In considering whether a response beyond the individual level is appropriate, the administrator will consider the nature and circumstances of the act, the level 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. These considerations are summarized on the attached chart B. In addition, the district may make counseling or other resources available to individual victims in a manner that does not stigmatize victim(s). School district and classroom responses for addressing victimization, such as Character Education, will be provided on a continuing basis. Finally, as per *Memorandum of Agreement Between Education and Law Enforcement Officials (N.J.A.C. 6A:16-6.2(b)13)* regarding potential hate or bias crimes, school officials *must report* to law enforcement officials either serious acts or those which may be part of a larger pattern.

The Chesterfield School District prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature and severity and circumstances of the act, in accordance with case law, federal and state statutes, and regulations and in accordance with the Code of Conduct.

The Chesterfield Township Board of Education prohibits *any* person from falsely accusing another as a means of harassment, intimidation or bullying. The consequences and appropriate remedial action for *a student* found to have falsely accused another as a means of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under *N.J.S. A. 18A:37-1*, Discipline of Pupils and as set forth in *N.J.A.C. 6A:16-7.2*, Short-term suspensions, *N.J.A.C. 6A:16-7.*, Long-term Suspensions and *N.J.A. C. 6A:16-7.5*, Expulsions. Consequences and appropriate remedial action for *a school employee* found to have falsely accused another as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies, procedures and agreements. Consequences and appropriate remedial action for a *visitor or volunteer*, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

The Board of Education requires school officials to make this HIB policy available to all school staff, students and parents, along with a statement explaining that it applies to all applicable acts of harassment, intimidation, and bullying, including electronic communication that occur on school property, at school-sponsored functions, or on a school bus. Employees shall be informed of the policy and free access to the policy will be publicized annually (e.g., by web site, school calendar, etc.). The chief school administrator, teachers, staff, and Character Education Committee shall develop an annual process for discussing the school district policy on harassment, intimidation and bullying with students.

Legal References:

<u>N.J. S.A. 18A:37-13-15</u>	Harassment and bullying prevention
<u>N.J.A.C. 6A:16-7.9</u>	Intimidation, harassment, & bullying
<u>N.J.A.C. 6A:16-7.1-7.9</u>	Student conduct
<u>N.J.A.C. 6A:16-6.2(b)13</u>	Agreement with law enforcement
<u>N.J.S.A. 2C:12-1</u>	Definition of assault
<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
<u>N.J.S.A. 18A:1 1-1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A:25-2</u>	Authority over pupils
<u>N.J.S.A. 18A:37-1 et sec</u>	Discipline of Pupils

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