

Regulation

HARASSMENT, INTIMIDATION, BULLYING

“Harassment, intimidation or bullying” is defined as any gesture, any written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity, ancestry, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

- A. A reasonable person should know, under the circumstances, will have the effect of harming a pupil or damaging the pupil’s property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

“Electronic communication” means a communication that is transmitted by means of an electronic device, including, but not limited to a telephone, cellular phone, computer, or pager takes place on school property, at any school-sponsored function or on a school bus.

The following complaint procedure shall be used for an allegation(s) of harassment, intimidation, bullying and/or hazing behavior:

A. Reporting of Harassment, Intimidation, Bullying and Hazing Behavior

- 1. Any person with any information regarding actual and/or potential harassment, intimidation, bullying and/or hazing of a pupil by any school employee or other pupils must report the information to the principal:
 - a. If the principal deems it appropriate, he/she may immediately notify the parents/legal guardians of the alleged pupil(s) who may be, or was, the victim of this unacceptable behavior and the pupil(s) who may or did this unacceptable behavior;
 - b. The principal will not disclose the name(s) of the alleged harasser/intimidator/bully/hazer or alleged victim(s) to the other party.
- 2. The school district can learn of harassment, intimidation, bullying and hazing behavior through other means such as from a witness to an incident, an anonymous letter or telephone call;
- 3. Nothing in this regulation shall preclude the principal, or designee, from complying with the provisions of Student Conduct and Discipline policy 5131 in order to maintain the health, safety and welfare of staff and/or pupils;
- 4. A report from the principal will be forwarded to the school district affirmative action officer within one working day even if the school principal believes there was not any harassing, intimidating, bullying and/or hazing behavior;
- 5. Upon receipt of an allegation and/or report, the affirmative action officer shall immediately notify the parents/legal guardians of any alleged harasser/intimidator/bully/hazer and victim for which a report has been filed even if the principal has previously notified the parents/legal guardian.
- 6. The affirmative action officer shall notify the parents/legal guardian of all involved pupils and any other involved individuals of the process to be followed in investigating a report or complaint.

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B. Affirmative Action Officer's Investigation

1. Upon receipt of any report of actual or potential harassing, intimidating, bullying or hazing behavior, the affirmative action officer will begin an immediate investigation. The principal, at the discretion of the affirmative action officer, may assist the affirmative action officer in the investigation. The affirmative action officer will promptly investigate all alleged complaints, whether or not a formal complaint is filed, and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed no more than ten working days after receiving notice.
2. When a pupil or the parent/legal guardian of a pupil provides information or complains about harassing, intimidating, bullying and/or hazing behavior of a pupil, the affirmative action officer will initially discuss what actions the pupil or parent/legal guardian is seeking in response to the behavior.
3. The affirmative action officer's investigation may include, but is not limited to, interviews with all persons with potential knowledge of the alleged behavior, interviews with any pupils who may have been harassed, intimidated, bullied or hazed by any school employee or other pupils and any other reasonable methods to determine if this behavior existed.
4. The affirmative action officer will request, if relevant to an investigation, the parent/legal guardian of any pupil involved in the investigation to assist in the investigation to determine if the behavior exist(ed).
5. The affirmative action officer will provide a copy of the board policy and regulation on Harassment, Intimidation, Bullying and hazing to all persons who are interviewed with potential knowledge and to any other person the affirmative action officer feels would be served by a copy of such documents.
6. The affirmative action officer will explain the avenues for formal and informal action, including a description of the complaint procedure that is available for harassment, intimidation, bullying and/or hazing complaints and an explanation on how the procedure works.
7. Any person interviewed by the affirmative action officer may be provided an opportunity to present witnesses and other evidence.
8. The affirmative action officer and/or chief school administrator may contact law enforcement agencies if there is potential criminal conduct by any party.
9. The school district administrators may take interim measures during an affirmative action officer's investigation of a complaint in order to alleviate any condition that prohibits the pupil from assisting in the investigation. If there is a dispute about whether behavior occurred the following types of information may be helpful in resolving the dispute:
 - a. Statements made by any witnesses to the alleged incident.
 - b. Evidence about the relative credibility of the alleged harassed, intimidated, bullied and/or hazed pupil and the alleged harasser, intimidator, bully and/or hazer.
 - c. Evidence that the alleged harasser, intimidator, bully and/or hazer has been found to have harassed, intimidated, bullied and/or hazed others may support the credibility of the pupil claiming the behavior.
 - d. Evidence of the allegedly harassed, intimidated, bullied and/or hazed pupil's reaction or behavior after the alleged behavior.
 - e. Evidence about whether the pupil claiming behavior against them filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.

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10. The scope of a reasonable response also may depend upon whether a pupil or parent/legal guardian reporting the behavior asks that the pupil's name not be disclosed to the harasser, intimidator, bully and/or hazer or that nothing be done about the behavior. The affirmative action officer:
- a. Will provide an overview of the Harassment, Intimidation, Bullying and Hazing policy to the pupil, parent and/or legal guardian which shall include the prohibition of retaliation. In the event the pupil, parent(s) or legal guardian(s), request the pupil's name remain confidential, the affirmative action officer will inform the pupil, parent and/or legal guardian that the request may limit the school district's ability to respond.
 - b. Will evaluate the confidentiality request in the context of its responsibility to provide a safe environment for all pupils. The factors to be considered shall be the seriousness of the alleged behavior, the age of the pupils involved, whether there have been any other complaints or reports. And the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.
 - c. May use other means available to address the behavior. Steps that may be taken to limit the effects of the alleged behavior and prevent its reoccurrence without initiating a formal complaint and revealing the identity of the complainant. These steps may require training at the site where the problem occurred, taking a pupil survey concerning any problems that may exist, or other systematic measures where the alleged behavior occurred.
 - d. By conducting a limited investigation without revealing the name of the pupil harassed, intimidated, bullied and/or hazed, the affirmative action officer may be able to learn about or confirm a pattern of behavior based on claims of different pupils that were harassed, intimidated, bullied and/or hazed by the same individual. The affirmative action officer may place an individual on notice of allegation of behavior and counsel appropriately without revealing, even indirectly, the identity of the pupil who notified the school district.

C. Investigation Results

1. Upon the conclusion of the investigation, but not later than ten working days after reported, the affirmative action officer will prepare a summary of findings to the parties. At the least this shall include the person(s) providing notice to the school district and the pupil(s) who were alleged to be the victim of harassing, intimidating, bullying and/or hazing behavior.
2. The affirmative action officer shall make a determination whether harassing, intimidating, bullying and/or hazing behavior was present.
3. If the affirmative action officer concludes the behavior was not, or is not present when the investigation is concluded.
4. If the affirmative action officer determines the behavior has occurred, the school district administrators and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the harassment, intimidation, bullying and/or hazing such as counseling, warning, and/or disciplinary action, as specified in pupil and/or staff discipline policies and regulations. The steps will be based on the severity of the behavior or any record of prior incidents or both. A series of escalating consequences may be necessary if the initial steps are ineffective in stopping the harassment.
5. The school district administrators may need to deliver special training or other interventions to repair the educational environment. Other measures may include directing the person(s) to apologize to the victim(s) dissemination of information, distribution of new policy statements or other steps to communicate the message that the board does not tolerate harassment, intimidating, bullying and/or hazing and will be responsive to any pupil that reports such conduct.
6. In some situations, the school district administrators may need to provide other services to the victim(s) if necessary to address the effects of the behavior on that pupil, depending on the type of

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behavior found, these additional services may include an independent re-assessment of the pupil's work, re-taking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.

7. The school district administrators will take steps to avoid any further harassment, intimidation, bullying and/or hazing behavior and to prevent any retaliation against the pupil who made the complaint, was the subject of the behavior, or against those who provided the information or were witnesses. The affirmative action officer will inform the victim pupil and his/her parent how to report any subsequent problems and make follow-up inquiries to see if there have been any new incidents or retaliation.
8. All grievances and accompanied investigation notes will be maintained in a confidential file by the Affirmative Action Officer.

D. Affirmative Action Officer's Investigation Appeal Process

1. Any person found by the affirmative action officer's investigation to be guilty of harassment, intimidation, bullying and/or hazing behavior, or any pupil who believes they were harassed, intimidated, bullied and/or hazed, but not supported by the affirmative action officer's investigation, may appeal to the chief school administrator . The chief school administrator will make his/her determination within ten working days of receiving the appeal.
2. Any person who is not satisfied with the chief school administrator's determination may appeal to the board. The board will make its determination within forty-five calendar days of receiving an appeal from the chief school administrator's determination.

E. Office of Civil Rights (OCR) Case Resolution

Parents or pupils not satisfied with the resolution by the school district officials or the board may request the Office of Civil Rights (OCR) of the United States Department of Education to investigate the allegations.

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