HARASSMENT, INTIMIDATION AND BULLYING

**Section 1**

Statement Prohibiting Harassment, Intimidation and Bullying

In accordance with N.J.S.A. 18A:37-15(b)(1), the district board of education prohibits acts of harassment, intimidation or bullying of a student. The district board of education has determined that 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 and disciplined environment. 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.

Statement of Purpose

The board of education that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of students, employees, visitors, contractors, and volunteers. The board of education expects students to conduct themselves in keeping with their level of maturity, with a proper regard for the rights and welfare of other students, for school personnel, for the educational purpose underlying all school activities, and for the care of school facilities and equipment. The board expects the same level of respect to be exhibited by all employees, visitors, contractors, and volunteers.

**Section 2**

Definition of Harassment, Intimidation and Bullying

As defined in N.J.S.A. 18A:37-14, N.J.S.A. 18A:37-15(b)(2) and N.J.S.A. 18A:37-15.3:

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by 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, that takes place on school grounds**,** at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that is unwanted, aggressive behavior that may involve a real or perceived power imbalance and that:

A. A reasonable person should know, under the circumstances, 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 his/her person or damage to his/her 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 the student's education or by severely or pervasively causing physical or emotional harm to the student.

"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.

**Section 3**

Code of Conduct/Behavioral Expectations for Students

The board of education believes that standards of student behavior must be set cooperatively by interaction among the students, parents/guardians, staff and community, producing an atmosphere that encourages students to grow in self-discipline. Such an atmosphere must include respect for self and others, as well as for district and community property.

The Board 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.

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

Students are expected to behave in a way that creates a supportive learning environment. The Board believes that 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 an opportunity for helping 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 described herein, including, but not limited to:

A. 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;

B. Appropriate recognition for positive reinforcement for good conduct, self-discipline and good citizenship;

C. student rights; and

D. sanctions and due process for violations of the Code of Student Conduct.

This board policy shall be aligned with the board approved code of student conduct which establishes standards, policies and procedures for positive student development and student behavioral expectations on and off school grounds, including on a school bus or at school sponsored functions. The chief school administrator has the right and authority to impose a consequence on a student for conduct away from school grounds that is consistent with the board's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6.

This authority of the chief school administrator shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security and well-being or for reasons relating to the safety, security and well-being of other students, staff on and off school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2 or when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. The board shall direct development of detailed regulations suited to the age level of the students and the physical facilities of the individual schools.

Board policy requires each student of this district to adhere to the rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The chief school administrator shall provide to students and their parents/guardians the rules of this district regarding student conduct and the sanctions that may be imposed for breach of those rules. Provisions shall be made for informing parents/guardians whose primary language is other than English.

The standards and procedures to implement this policy shall be aligned with the board approved code of student conduct and accepted board approved core ethical values. Policies, standards and procedures shall be based on parents, staff, students, volunteers, and community involvement which represents, where possible, the composition of the schools and community, in accordance with N.J.A.C. 6A:16-7.1.

The chief school administrator shall establish the degree of order necessary to the educational program in which students are engaged.

Annual Policy Review

A. This policy shall be reviewed annually and updated along with the code of student conduct. This process shall include:

    1. Parent, student and community involvement which represents, where possible, the composition of the schools and community;
    2. Consideration of the findings of the annual reports of student conduct, suspensions and expulsions; and incidences reported under the Electronic Violence and Vandalism Reporting System.

B. The chief school administrator shall annually:

    1. Disseminate the code of student conduct to all staff, students and parents;
    2. Report on the implementation of the code of student conduct to the board of a education at a public meeting in accordance with N.J.A.C. 6A:16-7.1(a) 5, i-iv
    3. Report to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

Chronic and Severe Behavior

Students who display chronic behavioral or academic problems may be referred to the child study team by the chief school administrator for an evaluation to determine disability or the need for other services. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Students so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A student whose presence poses a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be suspended in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.5, following due process. However, one incident alone is not sufficient cause for an expulsion.

Any student who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a board member, teacher, administrator or other employee of the board of education shall be suspended from school immediately according to procedural due process, and suspension in accordance with N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.3 or expulsion in accordance with N.J.A.C. 6A:16-7.5. However, one incident alone is not sufficient cause for an expulsion. Proceedings shall begin no later than 30 calendar days from the date of the student's suspension.

**Section 4**

Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students and staff members 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 school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of these offense(s), and consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of conduct and N.J.A.C. 6A:16-7.

Students

Consequences and remedial measures for a student who commits an act of harassment, intimidation or bullying shall be 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. Consequences shall be consistent with the board approved code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

A. Correct the problem behavior;

B. Prevent another occurrence of the problem;

C. Protect and provide support for the victim of the act; and

D. Take corrective action for documented systemic problems related to harassment, intimidation or bullying.

Consequences and Remediation

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 short and long-term suspension or expulsion, as permitted by law.

Factors for Determining Consequences and Remediation

In determining the consequences and remedial measures the following shall be considered includeing but not limited to::

A. Factors for Determining Consequences

1. Age, developmental and maturity levels of the parties involved;
2. Degree of harm; 3. Surrounding circumstances;
3. Nature and severity of the behavior(s);
4. Incidences of past or continuing patterns of behavior;
5. Relationships between the parties involved; and
6. Context in which the alleged incidents occurred.

B. Factors for Determining Personal Remedial Measures:

1. Life skill deficiencies;

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

C. Factors for Determining Environmental Remedial Measures:

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;
6. Social relationships;
7. Community activities;
8. Neighborhood situation; and
9. Family situation.

Examples of Consequences and Remediation

Consequences and appropriate remedial action for students who commit acts of harassment and intimidation or bullying may range from positive behavioral interventions up to and including suspension and expulsion, as set forth in the Board adopted Student Discipline/Code of Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying 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, and must be consistent with the district's code of student conduct. 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, and bullying.

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

A. 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 during the school week;
7. After-school programs;
8. Out-of-school suspension (short term or long term);
9. Legal action;
10. Expulsion
11. Reports to law enforcement and other legal action; and
12. Bans from providing services, participating in school-district-sponsored programs or being in school buildings or on school grounds.

B. Examples of Personal Remedial Personal

1. Restitution and restoration;
2. Mediation;
3. Peer support group;
4. Recommendations of a student behavior council or counselors;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive student interventions, including participation of the Intervention and Referral Services Team, as appropriate;
7. Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
8. Behavioral management plan, with benchmarks that are closely monitored;
9. Assignment of leadership responsibilities (i.e. hallway or bus monitor);
10. Involvement of school disciplinarian;
11. Student counseling;
12. Parent conferences;
13. Student treatment;
14. Alternative placements; or
15. Student therapy.

C. Examples of Environmental Remedial Measures (Classroom, School Building, or School District):

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Adjustments in hallway traffic;
8. Modification in student routes or patterns traveling to and from school;
9. Targeted use of monitors (i.e. hallway, cafeteria, bus);
10. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
11. General professional development programs for certificated and non-certificated staff;
12. Professional development plans for involved staff;
12. Disciplinary action for school staff who contributed to the problem;
13. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
14. Parent conferences;
15. Family counseling;
16. Involvement of parent-teacher organizations;
17. Involvement of community-based organizations;
18. Development of a general bullying response plan;
19. Recommendations of a student behavior council or counselors;
20. Peer support groups;
21. School transfers; and
22. Law enforcement (i.e. school resource officer, juvenile officer) involvement.

Classifies Students

Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEPs. However, before disciplining a classified student, it must be determined that:

A. The student's behavior is not primarily caused by his/her educational disability;

B. The program that is being provided meets the student's needs.

Staff

Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Referral to disciplinarian;
5. Withholding of increment
6. Suspension;
7. Legal action; and
8. Termination

B. Personal Remedial Measures

1. 2. Restitution and restoration;
2. Mediation;
3. Support group;
4. Recommendations of behavior or ethics council;
5. Corrective action plan;
6. Behavioral assessment or evaluation;
7. Behavioral management plan, with benchmarks that are closely monitored;
8. Involvement of supervisor and/or chief school administrator;
9. Counseling;
10. Conferences;
11. Treatment; or
12. Therapy.

C. Environmental Remedial Measures (Classroom, School Building or School District)

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;
7. Supervision;
8. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
9. General professional development programs for certificated and non-certificated staff;
10. Professional development plans for involved staff;
11. Disciplinary action;
12. Supportive institutional interventions, including participation of the intervention and referral services team;
13. Conferences;
14. Counseling;

**Section 5**

Reporting Harassment, Intimidation and Bullying Behavior

The chief school administrator, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

The board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation and bullying committed by an adult or youth against a student:

A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;

B. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. The principal shall keep a written record of the date, time, and manner of notification to the parents or guardians; and

C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

The written report shall be on a numbered form developed by the Department of Education. The form is available at https://www.nj.gov/education/safety/sandp/hib/docs/HIB_Incident_Form_ForLEAs.pdf

A copy of the form shall be submitted promptly by the principal to the chief school administrator. The form shall be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14). The report 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. A redacted copy of the form that removes all student identification information shall be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian.

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

The principal shall report to the chief school administrator if a preliminary determination is made under the board policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying, and the chief school administrator may require the principal to conduct an investigation of the incident, if the chief school administrator determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation, or bullying. The chief school administrator shall notify the principal of this determination in writing.

A board member, school employee, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

A board member or a school employee who promptly reports an incident of harassment, intimidation or bullying,

to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

The school administrator shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident. The circumstances of the incident shall be considered conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense.

District Anti-Bullying Coordinator

The chief school administrator shall appoint a district anti-bullying coordinator. The chief school administrator 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, and bullying of students;

B. Collaborate with school anti-bullying specialists in the district, the board of education, and the chief school administrator to prevent, identify, and respond to harassment, intimidation, and bullying of students in the district;

C. Provide data, in collaboration with the chief school administrator, to the Department of Education regarding harassment, intimidation, and bullying of students; and

D. Execute such other duties related to school harassment, intimidation, and bullying as requested by the chief school administrator.

The district anti-bullying coordinator shall meet at least twice a school year with the school anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.

School Anti-Bullying Specialist

The principal in each school shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed at the school, the principal shall appoint that individual to be the school anti-bullying specialist. If not individual meeting these criteria is currently employed in the school, the principal shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

A. Chair the schools safety/school climate team;

B. Lead the investigation of incidents of harassment, intimidation and bullying in the school; and

C. Act as the primary school official responsible for preventing, identifying and addressing incidents of harassment, intimidation and bullying in the school.

School Safety/School Climate Team

The board shall form a school safety/school climate team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to

address school climate issues such as harassment, intimidation or bullying. The school safety team shall meet at least two times per school year.

The school safety/school climate team shall consist of the principal and his/her designee; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members determined by the principal. The school anti-bullying specialist shall serve as the chair of the schools safety team.

The school safety/school climate team shall:

A. Receive any complaints of harassment, intimidate or bullying that have been reported to the principal;

B. Receive copies of any report prepared after an investigation 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 policies of the school in order to prevent and address harassment, intimidation or bullying or 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;

G. Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district-wide policies to prevent and address harassment, intimidation or bullying of students; and

H. Execute such other duties related to harassment, intimidation and bullying as requested by the principal or district anti-bullying coordinator.

A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall note participate in activities that may compromise a student's confidentiality. Other members of the school safety/school climate team who are not authorized to access student records (see board policy 5125 Student Records) shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

**Section 7**

Investigating Reported Harassment, Intimidation and Bullying

To protect the victim, the chief school administrator shall take into account the circumstances of the incident when communicating with parents/guardians and when following the investigation procedures.

The principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary determination prior to initiating an investigation, as to whether a reported incident or complaint, assuming all facts presented are true, is a report that qualifies as harassment, intimidation and bullying according to the law (within the scope of N.J.S.A. 18A:37-14).

If the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the incident or complaint is a report outside the scope of the law (N.J.S.A. 18A:37-14) and does not qualify as harassment, intimidation and bullying, this determination may be appealed to the board of education according to the appeal process detailed below, The determination of the board may be appealed to the commissioner of education in accordance with law (N.J.A.C. 6A:3).

When a preliminary determination is made on whether a reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, or bullying pursuant to section 2 of P.L.2002, c.83 (C.18A:37-14), the chief school administrator shall also 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 that definition for the purposes of the State's monitoring of the school district.

When the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the reported incident qualifies as harassment, intimidation and bullying, the report shall be investigated promptly and in accordance with law and the following procedures:

A. All investigations shall be thorough and complete, and documented in writing, and shall include, but not be limited to:

   1. Taking of statements from victims, witnesses and accused;
   2. Careful examination of the facts;
   3. Support for the victim; and
   4. Determination if alleged act constitutes a violation of this policy.

B. The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.

C. The investigation shall be completed as soon as possible, but not later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying or from the date of the written notification from the chief school administrator to the principal to initiate an investigation. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.

D. The results of the investigation shall be reported to the chief school administrator within two school days of the completion of the investigation, and in accordance with law and board policy. The chief school administrator may initiate intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action including seeking further information.

E. The results of each investigation shall be reported to the board of education no later than the date of the next board meeting following the completion of the investigation, and include:

   1. Any services provided;
   2. Training established;
   3. Discipline imposed; or
   4. Other action taken or recommended by the chief school administrator.

F. The chief school administrator or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation in accordance with federal and State law and regulation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:

   1. The nature of the investigation;
   2. Whether the district found evidence of harassment, intimidation, or bullying; or
   3. Whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

G. 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.

   A. The results of each investigation shall be reported to the board of education no later than the date of

the next board meeting following the completion of the investigation and include:

a. Any services provided;

b. Training established;

c. Discipline imposed; or

d. Other action taken or recommended by the chief school administrator.

B. The chief school administrator or his or her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board and include:

a. The nature of the investigation;

b. Whether the district found evidence of harassment, intimidation or bullying; or

c. Whether the discipline was imposed or services provided to address the incident of harassment, intimidation or bullying.

C. 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.

**Section 8**

Range of Ways to Respond to Harassment, Intimidation or Bullying

The district 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 harassment, intimidation or bullying is confirmed, and the chief school administrator shall respond to confirmed harassment, intimidation and bullying, according to the parameters described below in this policy. The district board of education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals 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- 1, Discipline of Students 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:16-7.5, Expulsions.

In considering whether a response beyond the individual is appropriate, school officials shall consider the nature and circumstances of the act, degree of harm, the nature and severity of the behavior, past incidences or past 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-based HIB 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 (see board policy 5131 Conduct and Discipline) shall apply to instances when a school employee is made aware of alleged harassment, intimidation or bullying occurring

HARASSMENT, INTIMIDATION AND BULLYING (continued)

off school grounds:

A. The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students; and either;

B. A reasonable person should know, under the circumstances, that the alleged behavior 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 his person or damage his property; or

C. The alleged behavior has the effect of insulting or demeaning any student or group of students; or

D. The alleged behavior 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.

Instructional Responses

For school staff to address HIB that occurs off school grounds there must be reason to believe, at a minimum, that the alleged HIB has substantially disrupted or interfered with the orderly operation of the school or the rights of other students. Once this determination has been made, school staff must implement the district board of education's HIB policy and code of student conduct. Institutional (i.e., classroom; school building; school district) responses include:

A. School and community surveys;

B. Mailings; C. Focus groups;

C. Adoption of research-based bullying prevention program models

D. Training of 2 hours duration each PD period for certificated and non-certificated staff;

E. Participation of parents and other community members and organizations;

F. Small or large group presentations for staff, students, and the community for fully addressing an positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school community;

G. The involvement of law enforcement officers, including school resource officers, as per the MOA (N.J.A.C. 6A:16-6.2(b)13).

Response to Individuals who Commit and Act of Harassment, Intimidation and Bullying

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include:

A. Individual responses can include 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);

B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;

C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

E. For every incident of harassment, intimidation or bullying, the district shall respond to the subject of the HIB. Responses may include:

1. Counseling;
2. Teacher aides;
3. Hallway and playground monitors;
4. Schedule changes;
5. Before and/or after school supervision • School transportation supervision;
6. School transfers; and
7. Therapy.

**Section 9**

Retaliation and Reprisal Prohibited

The Board prohibits board members, school employees, and/or contracted services providers who have contact with students, school volunteers and staff from engaging in reprisal, retaliation or false accusation against a victim, witness, 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 consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determines by the chief school 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.

**Section 10**

Consequences for Retaliation and Reprisal

Any act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, volunteer or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any state or federal law has allegedly been violated, the local law enforcement agency shall be notified.

A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying 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, and shall be consistent with this policy. Consequences may include positive behavioral interventions, notification of the parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law;

B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including suspension or dismissal from service;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

C. Board Members

Consequences and appropriate remedial action for a board member found to have committed an act of harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

D. Visitors or Volunteers, Contracted Service Providers, and All Other Persons

Consequences and appropriate remedial action for a visitor, volunteer, contracted service providers and all other persons found to have engaged in harassment, intimidation or bullying; or engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation or bullying shall be determined by the superintendent after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and appropriate remedial action for students and employees who commit an act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying shall be consistent with the consequences and remedial actions for committing any act of harassment, intimidation and bullying as detailed in the **Section 4** of this policy.

Consequences and Appropriate Remedial Action for a Visitor or Volunteer or Other Persons

Consequences and appropriate remedial action for board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaging in retaliation, reprisal and/or false accusations may include the following:

A. Consequences

1. Removal from the classroom or school;
2. The visitor or volunteer may be banned from school buildings and grounds;
3. Immediate suspension and/or expulsion from classrooms or school property;
4. Termination of volunteer privileges;
5. Legal action.

B. Remedial measures to reestablish visitor, volunteer, contracted service providers, assembly/board members or all other persons, privileges may include:

1. Conference with the principal or chief school administrator;
2. Personal action such as a letter of apology;
3. Restitution and restoration.

Visitors, volunteers, contracted service providers, board members or all other persons in violation of this policy shall not be permitted on school property without the approval of the chief school administrator.

**Section 11**

Appeal Process

The parent or guardian may request a hearing before the board after receiving the information from the chief school administrator regarding the investigation concerning the written information about a harassment, intimidation and/or bullying investigation. The request for a board hearing shall be filed with the board secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 days of this request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing, the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

At the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing to affirm, reject or modify the chief school administrator's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the law, no later than 90 days after the issuance of the board's decision.

A parent, student, guardian, or organization may file a complaint with the Division of Civil Rights within 180 days of the occurrence or any incident of harassment, intimidation or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

**Section 12**

Approved Private Schools with Student With Disabilities (PSSDs)

The board is committed to ensuring that all district students that require placement in approved private schools for students with disabilities (PSSDs) have the safe and civil environment in their school placement necessary for students to learn and achieve high academic standards. All approved PSSDs receiving students with disabilities from this district shall be committed to treating their students with civility and respect, and shall refuse to tolerate harassment, intimidation or bullying.

When an approved PSSD receives a complaint or report of an act of harassment, intimidation or bullying involving a district student place in the approved PSSD that occurred on a district school bus, at a district school-sponsored function and off school grounds, the approved PSSD shall notify the anti-bullying coordinator of the report or complaint.

The chief school administrator shall assign a school anti-bullying specialist to investigate a complaint or report of harassment, intimidation or bullying, occurring on district school buses, at district school-sponsored events, and off school grounds involving a student who attends an approved PSSD. The investigation conducted by the district anti-bullying specialist shall be in consultation with the approved PSSD.

The full time non-teaching principal of the approved PSSD shall report to the anti-bullying coordinator and the Child Study Team director, any complaint or report of an act of harassment, intimidation or bullying involving a district student placed in the approved PSSA that occurred at the PSSD or an activity sponsored by the PSSD. The report shall include the names of the district students who are parties to the harassment, intimidation and/or bullying investigation and the results of the investigation. The principal of the approved PSSD shall make this report to the district's anti-bullying coordinator and to the parents/guardians no later than five school days following the investigation's completion. The report to the district shall include information on any service(s) provided; training established; and discipline imposed or other action taken or recommended by the full-time non-teaching principal of the PSSD.

Once an incident of harassment, intimidation or bullying is identified, the full time non-teaching principal of the approved PSSD shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate staff as necessary. The approved PSSD shall not, pursuant to N.J.A.C. 6A:14-7.6(f), unilaterally implement disciplinary action involving removal to an interim or alternative educational setting, suspension of more than 10 consecutive or cumulative school days in a school year or termination of placement. Disciplinary action involving suspension and expulsion from the approved PSSD shall be implemented in conjunction with the district and according to law (N.J.A.C. 6A:14-2.8) and board policies 5114 Suspension and Expulsion and 6171.4 Special Education.

Parents or guardians of students who are parties to harassment, intimidation or bullying investigations conducted by this district or an approved PSSD in which their child is placed may request a hearing before the board of education concerning the information received about an investigation. Any request for a hearing before the board of education shall be filed within 60 calendar days after the written information about the harassment, intimidation or bullying investigation is received by the district and the parents or guardians. The hearing before the board shall be scheduled in collaboration with the approved PSSD and held by the board within 10 business days of the request. The approved PSSD and the board shall coordinate the policies and procedures for conducting such hearings.

**Section 13**

Week of Respect

The week beginning the first Monday in October of each year is designated as a "Week of Respect" in the State of New Jersey. The district, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying as defined by law (N.J.S.A. 18A:37-14). Throughout the school year the district shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation and bullying in accordance with the New Jersey Student Learning Standards.

**Section 14**

Training

A. School Leaders

Any school leader who holds a position that requires the possession of a chief school administrator, principal, or supervisor endorsement shall complete training on issues of school ethics, school law and school governance as part of the professional development for school leaders required in accordance with State Board of Education regulations. This training shall also include information on the prevention of harassment, intimidation and bullying (N.J.S.A. 18A:26-8.2).

B. Teaching Staff Development

Each public school teaching staff member shall complete at least two hours of instruction in suicide prevention to be provided by a licensed health care professional with training and experience in mental health issues in each professional development period. The instruction in suicide prevention shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation and 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 (N.J.S.A. 18A:6-112).

C. Board Members

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation and bullying in schools, including a school district's responsibilities by law (N.J.S.A. 18A:37-13 et seq.). A board member shall be required to complete the training program only once (N.J.S.A. 18A:12-33).

D. Staff, Student and Volunteer Training

The school district shall:

1. Provide training on the school district's harassment, intimidation and bullying policy to school employees and volunteers who have significant contact with students;
2. Provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying; and
4. Develop a process for discussing the district's harassment, intimidation or bullying policy with students.

The board shall annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation and bullying policies, procedures, programs and initiatives of the district board of education and implement training

programs for school employees and volunteers who have significant contact with students. The annual examination of training needs shall take into consideration the findings of annual review and update of the student code of conduct.

Information regarding the school district policy against harassment, intimidation or bullying shall be incorporated into a school's employee training program and shall be provided to full-time and part-time staff volunteers who have significant contact with students and those persons contracted by the district to provide services to students.

Throughout the school year, the district shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the New Jersey Student Learning Standards.

**Section 15**

Reporting to the Board

Two times each year between Sept. 1 – Jan. 1 and Jan. 1 – June 30, the school board shall hold a public hearing at which the chief school administrator will report to the board of education all acts of violence, vandalism, harassment, intimidation or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the schools, the status of all investigations, the nature of HIB, and other data required by law.

A. The number of reports of harassment, intimidation or bullying;
B. The status of all investigations;
C. The nature of the bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 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;
D. The names of the investigators;
E. The type and nature of any discipline imposed on any student engaged in harassment, intimidation or bullying; and
F. Any other measures imposed, training conducted, or programs implemented, to reduce harassment, intimidation or bullying.

Reporting to the Department of Education

The information, including but not limited to, oral reports, written reports or electronic reports shall also be reported once during each reporting period between September 1 to January 1 and between January 1 to June 30, to the Department of Education. The report shall include:

A. Data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation and bullying (any gesture; any written, verbal or physical act; or any electronic communications, whether it be a single or series of incidents); and
B. Data broken down by each school in the district, in addition to district-wide data.

The report shall be used to grade each school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.). The district shall receive a grade determined by averaging the grades of all the schools in the district.

Each school shall post the grade received by the school and the overall district grade on the homepage of the district's website. The district shall post all of the grades for each school of the district and the overall district's grade on the homepage of the district's website. A link to the report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by the school and district.

It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The chief school administrator will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting System (EVVRS). The chief school administrator shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment, intimidation and bullying within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

The State Board of Education shall impose penalties on any school employee who knowingly falsifies the report. Therefore, the chief school administrator shall make a reasonable effort to verify the reports of violence, vandalism, and harassment, intimidation and bullying. The board shall provide ongoing staff training, in cooperation with the Department of Education, in fulfilling the reporting requirements. The majority representative of the school employees shall have access monthly to the number and disposition of all reported acts of school violence, vandalism and harassment, intimidation and bullying.

**Section 16**

Program Assessment and Review

Each school and the school district shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members. The program or approaches shall be designed to create school-wide conditions to prevent and address harassment, intimidation and bullying.

Policy Development and Review

The district harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators and community representatives.

The district shall annually conduct a re-evaluation, reassessment and review of this policy, any report(s) and/or finding(s) of the school safety/school climate team(s). The board shall making also make any necessary revisions and additions to this policy as required by law. The board shall include input from the school anti-bullying specialists in conducting its re-evaluation, reassessment and review. The district shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 school days of the revision (beginning Sept. 2, 2011.)

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|---|---|
| Adopted: | February 22, 2010 |
| Readopted: | August 29, 2011 |
| Readopted: | September 23, 2014, January 2024, August 2025 |
| NJSBA Review/Update: | August 2016, September 2018 |
| Revised: | September 27, 2016, June 9, 2025 |

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Key Words

Harassment, Intimidation, Bullying, False Accusation, Retaliation, Reprisal, Conduct, Discipline, Student Conduct

**Legal References:**

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|---|---|
| N.J.S.A. 2A:4A-60 et al. | Disclosure of juvenile information; penalties for disclosure |
| N.J.S.A. 10:5-1 et seq. | Law Against Discrimination |
| N.J.S.A. 18A:6-112 | Instruction on suicide prevention for public school teaching staff |
| N.J.S.A. 18A:11-1 | General mandatory powers and duties |
| N.J.S.A. 18A:12-33 | Training program; requirements |
| N.J.S.A. 18A:17-46 | Reporting of certain acts by school employee; annual report; public hearing (acts of violence) |
| N.J.S.A. 18A:25-2 | Authority over students |
| N.J.S.A. 18A:26-8.2 | School leader defined; training as part of professional development |
| N.J.S.A. 18A:36-19 | Student records; creation, maintenance and retention, security and access; regulations; nonliability |
| N.J.S.A. 18A:36-19a | Student records (Newly enrolled students; transfers of records, identification) |
| N.J.S.A. 18A:37-1 et seq. | Submission of Students to Authority (Discipline) |
| N.J.S.A. 18A:37-13 et seq. | Anti-Bullying Bill of Rights Act |
| See particularly: | |
| N.J.S.A. 18A:37-14, -15, -17 | Harassment, intimidation, and bullying |
| N.J.S.A. 18A:54-20 | Powers of board (county vocational schools) |
| N.J.A.C. 6A:14-2.8 | Discipline/suspension/expulsions (students with disabilities) |
| N.J.A.C. 6A:16-1.1 et seq. | Programs to support student development (includes student conduct code) |
| See particularly: | |
| N.J.A.C. 6A:16-7.1, -7.5, -7.7 | |
| N.J.A.C. 6A:30-1.4 et seq. | Evaluation process for the annual review |

Gebser v. Lago Vista Independent School District 524 U.S. 274 (1989) United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX --requires actual notice and deliberate indifference.

Davis v. Monroe County Board of Education 526 U.S. 629 (1999) United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively offensive."

Saxe v. State College Area School District 240 F.3d 200 (3rd Cir 2001) A Pennsylvania school district's anti-harassment policy was overly broad and therefore violated the Constitutional guarantee of freedom of speech.

L. W. v. Toms River Regional Schools Board of Education 189 N.J. 381 (2007) The New Jersey Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for hostile work environment cases. A district will be

HARASSMENT, INTIMIDATION AND BULLYING (continued)

judged by whether the district's response met the “reasonable person” test: what would a reasonable person (teacher, supervisor, vice principal, principal, etc.) do in a similar situation. School districts will be shielded from liability under NJLAD when their preventive and remedial actions are reasonable in light of the totality of the circumstances.

**Possible Cross References:**

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| *1220 | Ad hoc advisory committees |
| *1410 | Local units |
| 3517 | Security |
| *3541.33 | Transportation safety |
| *4131/4131.1 | Staff development; inservice education/visitation conferences |
| 4148/4248 | Employee protection |
| *4231/4231.1 | Staff development; inservice education/visitation conferences |
| 5000 | Concepts and roles for students |
| 5010 | Goals and objectives for students |
| *5020 | Role of parents/guardians |
| *5113 | Attendance, absences and excuses |
| *5114 | Suspension and expulsion |
| *5124 | Reporting to parents/guardians |
| *5131 | Conduct and discipline |
| *5131.5 | Vandalism/violence |
| *5131.6 | Drugs, alcohol, tobacco (substance abuse) |
| *5131.7 | Weapons and dangerous instruments |
| 5132 | Dress and grooming |
| *5142 | Student safety |
| 5145 | Rights |
| 5145.2 | Freedom of speech/expression |
| *5145.4 | Equal educational opportunity |
| *5145.6 | Student grievance procedure |
| *5145.1 | Questioning and apprehension |
| *5145.1 | Search and seizure |
| *6145 | Extracurricular activities |
| *6164.4 | Child study team |
| *6171.4 | Special education |
| *6172 | Alternative educational programs |

*Indicates policy is included in the Critical Policy Reference Manual.