



# PEMBERTON TOWNSHIP SCHOOLS

**KIMBERLY FERLAUTO**  
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## H.I.B. (Harassment, Intimidation and Bullying)

### Frequently Asked Questions

#### 1. **What is the ABR / Anti-Bullying Bill of Rights Act?**

New Jersey's Anti-Bullying Bill of Rights Act (ABR) is commonly referred to as the Harassment, Intimidation, and Bullying (HIB) law. The purpose of the law is to strengthen the standards by which school districts prevent, report, investigate and respond to incidents of bullying.

#### 2. **What is Harassment, Intimidation & Bullying?**

HIB is defined in both the law and Board policy as:

Any gesture or written, verbal or physical act or any electronic communication which is

- (i) motivated by any actual or perceived characteristic such as race, color, religion, ancestry, nation origin, gender, sexual orientation, gender identity and expression, or disability, or any other distinguishing characteristic(s); and
- (ii) which takes place on school property, on a school bus, at a school sponsored or related event or even off school grounds in certain circumstances.

And that:

- a. A reasonable person should know, under the circumstances, that the actions will physically or emotionally harm the student or damage the student's property, that the actions would place a student in reasonable fear of physical or emotional harm to his person or property; or
- b. has the effect of insulting or demeaning the student or groups of students, or
- c. interferes with the student's education, or is severe or pervasive enough that it causes physical or emotional harm to a student.

Bullying is also unwanted, aggressive behavior that may involve a real or perceived power imbalance.



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### 3. Are all conflicts bullying?

Conflicts at school will occur. However, conflict and bullying are very different. Conflict is considered mutual, meaning all participants play some part in initiating, continuing or engaging in the disagreement. Bullying, on the other hand, is one-sided. There is no mutual participation in the actions. It may or may not involve several people. Although not all incidents will fall under the definition of HIB this does not mean that the situation will not be dealt with appropriately. All conduct infractions are subject to student Code of Conduct.

#### **HIB**

- Behavior that is intended to cause some kind of harm
- PURPOSEFUL
- ALWAYS an imbalance of power (physical or social or strength) between the person doing the bullying and the target of the behavior
- One-sided
- Serious with threats of physical or emotional harm. Intent to hurt through humiliation or exclusion affects social status and relationships
- Strong emotional reaction from target/victim; little or no reaction from bully
- Seeking power and control, often aggressive
- No remorse from bully, often manipulative, will blame target/victim and/or discount feelings
- No attempt or willingness to solve/acknowledge problem

#### **SOCIAL CONFLICT**

- Struggle between two or more people who perceive they have incompatible goals or desires
- Conflict occurs naturally between people
- Less serious, part of growing up
- Equal emotional reaction
- Not seeking power, attention or things
- Feels remorse and/or takes responsibility
- Efforts to solve the problem
- “Butting heads”
- “He said, she said”
- Both people are “equally telling their side of the story”
- Arise in the moment because people of the same amount of power see the same situation differently



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## **4. What are the requirements for addressing HIB that occurs off school grounds?**

School districts are responsible for addressing HIB that occurs off school grounds when a school employee is made aware of the HIB, and the HIB substantially disrupts or interferes with the orderly operation of the school or the rights of other students. The responses to HIB that occurs off school grounds shall be consistent with the BOE's code of student conduct, and with other provisions of the BOE's HIB policy.

## **5. Do parents have the right to deny school staff the permission to interview their child as a part of an HIB investigation?**

No. The ABR does not address the issue of parent presence during interviews. Therefore, the school district determines the procedures for conducting investigations, including interviews. Since the ABR does not establish new or amended requirements regarding parent involvement in student interviews, pre-existing requirements apply, meaning that schools have the right to interview students without parents being present.

## **6. What should a parent do if they believe their child is being bullied?**

If you suspect that your child is being bullied at school, report the matter to school officials, fill out HIB 338 form and assure your child that school personnel will assist in helping to resolve the problem. HIB 338 form can be found on the District website.

## **7. If an incident is determined not to be HIB, does that mean that the school won't look into the matter?**

No. Many incidents that do not fall under the law's definition will violate the School's Code of Conduct. In such a case, consequences will be imposed even before an HIB investigation is initiated.

## **8. What should I do if my child is accused of harassment, intimidation or bullying?**

Stay calm. Students, particularly young students, may pick up on a parent's anxiety over the situation. Conflict resolution, coping skills and learning about differences among peers are part of the educational process that the ABR seeks to strengthen in school districts. The ABR is not a criminal statute and students are treated with respect and care by administrators, teachers, and the ABS throughout the process. Encourage your student to be truthful and reassure them that staff members are present to help them and all students feel safe and secure when attending school.



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## **9. What if the investigation determines that the student's actions constitute HIB?**

The student will receive consequences at the school level, and/or counseling and support, as applicable. Examples of consequences and/or services include, but are not limited to, individual or small group counseling, social skills instruction, peer support groups, written or verbal apology, classroom instruction aligned to the goals of the ABR, detention, demerits, or suspension.

## **10. What happens to my child's records if it is determined that my child has engaged in an act of HIB?**

Reports of HIB investigations are kept at the school and district level. Investigation reports are NOT kept in the student's cumulative file. If a student receives a consequence that is reported as a detention or suspension, that information is recorded in our SIS. The District is legally required to transfer a student's disciplinary file to any other New Jersey public school district to which a student transfers at the time the transfer occurs. Information that is contained in the discipline file of a high school student will not be provided to any college, recruiting agency or other individual unless specifically requested by the college, agency or other individual and consented to by the student. Additionally, the District will not provide the college, agency or other individual with any explanation of any detentions, suspensions or other disciplinary information in the file but will rather refer the college, agency or individual back to the student for explanation.

## **11. What happens after parents are told about the results of the investigation?**

After the Principal and ABS confer on the report, the report is sent to the Superintendent for review. The Superintendent will determine whether the supports and remedial actions were appropriate or if further actions are warranted. This also allows the Superintendent to ensure that schools are interpreting HIB consistently and that resources and services are being efficiently and effectively administered. It provides a high level review of each school's climate and culture. The Superintendent will provide a summary to the Board at the next Board meeting of any HIB reports completed in the preceding month. Once the summary information is reviewed by the Board, the Superintendent will forward a letter to the parents of the involved students advising them of the findings of the investigation and resulting consequences and/or services for their child.