

PROHIBITION OF HARASSMENT, INTIMIDATION AND BULLYING

As part of the code of student conduct, the board of education expects pupils to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying. Like other disruptive or violent behaviors, this conduct interferes with a pupil's ability to learn and a school's ability to educate its pupils in a safe environment.

No one including pupils, staff members, vendors, volunteer, or visitors—shall commit an act of harassment/intimidation against any pupil on any of the grounds prohibited by law.

"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, 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, that takes place on school property, at any school-sponsored function or on a school bus.

The 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 of Education believes that standards for student behavior must be set cooperatively through interaction among the students, parents/guardians, and 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 of Education 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 who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to grow in self-discipline.

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Based on broad community involvement (i.e., the use of process that includes representation of parents/guardians and other community representatives, school employees, volunteers, students and administrators, for the purpose of providing input regarding the development and content of the policy that is based on accepted core ethical values), the Board of Education shall develop general guidelines for student conduct and shall direct development of detailed regulations suited to the age levels of the students and the mission and physical facilities of the individual schools. Board policy requires all students in the district to adhere to the rules and regulations established by the school district and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules.

The chief school administrator shall develop appropriate procedures addressing:

- A. A mechanism for reporting acts of harassment, intimidation or bullying, including a means of anonymous reporting. However, no formal disciplinary action shall be based on an anonymous report;
- B. The prompt investigation of reports of such acts, identifying either the principal or the principal's designee as the person responsible for the investigation;
- C. The range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified. Responses, at a minimum, shall include support for victims and corrective actions for documented systemic problems related to harassment, intimidation, or bullying.
- D. Consequences, discipline and remedial action for a student, school employee, volunteer or visitor who commits an act of harassment, intimidation or bullying, who engages in an act of reprisal or retaliation against a person who reports such action, or who falsely accuses another of bullying as a means of harassment, intimidation or bullying.

The board shall annually review the training needs of district staff for the effective implementation of this policy and procedures. The board shall also implement locally determined staff training programs consistent with this review.

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, school administrators should consider the following factors: the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, Federal and State statutes, regulations and policies, and district policies and procedures. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion.

Any school employee, pupil or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriate school official designated by the administration. All other members of the school community, including parents and visitors, are encouraged to report any act that may be a violation of this policy. The reporting party is encouraged to use the report form available from the principal of each building or available at the school district office. Oral and electronically submitted reports also shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

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The principal and/or the principal's designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough and complete investigation of the alleged incident.

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school 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.

In considering whether a response beyond the individual level is appropriate, the administrator should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or 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 of research-based bullying 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 behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

The 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 circumstances of the act, in accordance with case law, federal and state statutes and regulations and district policies and procedures.

Consequences and appropriate remedial action for a student found to have falsely accused another as a means 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. 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 and circumstances of the act, including reports to appropriate law enforcement officials.

The chief school administrator shall take all necessary steps to publicize this policy, and shall inform pupils and staff that harassment, intimidation or bullying is prohibited on school property or any school-sponsored function. The term "school property" applies to all school grounds as defined in N.J.A.C. 6A:16-1.3 and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities: playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land. A process must be developed to annually discuss the policy with students. This information shall also be incorporated into the student handbook, employee training programs, and the district's website. Provisions shall be made for informing parents/guardians whose primary language is other than English.

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The board shall also annually review the extent and characteristics of harassment, intimidation and bullying behavior in the district's schools, and implement locally determined programmatic, or other responses, if appropriate. These programs and other services shall be planned in consultation with parents, and other community members, including appropriate community-based social and health provider agencies, law enforcement officials, school employees, school volunteers, students, and school administrators, as appropriate.

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

- A. The pupil's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the pupil's needs.

Staff shall comply with state and federal law and the regulations of the New Jersey administrative code in dealing with discipline and/or suspension of all pupils with disabilities.

This policy shall be posted on the district website and parents/guardians and students notified that the policy is available on the district website.

The chief school administrator shall ensure that the rules for this policy are applied consistently and uniformly, and that all disciplinary sanctions are carried out with necessary due process.

The board shall review all related policies on a regular basis.

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Key Words

Conduct, Discipline, Pupil Contact, Student Conduct, Harassment, Intimidation, Bullying