

HARASSMENT, INTIMIDATION, AND BULLYING

The Montague Township Board of Education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Since students learn by example, school administrators, faculty, staff, and volunteers are required to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Therefore, the school district will not tolerate acts of harassment, intimidation, or bullying.

The board expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. The board 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 standards of character education are an essential component of the district's code of conduct (see policy 5131 Conduct/Discipline). The board believes that students will achieve the standards of character education with the appropriate infusion of character education into the school curriculum; the modeling of appropriate behavior by adults; and the support and assistance of students in school, community, and home.

The board prohibits acts of harassment, intimidation, or bullying against any student. School responses to harassment, intimidation, and bullying shall be aligned with the board-approved code of conduct which establishes standards, policies, and procedures for positive student development and student behavioral expectations on school grounds, including on a school bus or at school-sponsored functions. The chief school administrator shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation, and bullying committed on school grounds, at school activities, and on school buses. In addition, the chief school administrator shall ensure that this policy is applied to incidents of harassment, intimidation, and bullying that are committed off school grounds in cases where a school employee is made aware of such actions. 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-approved code of conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.5.

This authority shall be exercised only when it is reasonably necessary for the student's physical or emotional safety, security, and wellbeing or for reasons relating to the safety, security, and wellbeing of other students, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and 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 directs the chief school administrator (or his or her appropriately trained and qualified designee) to develop detailed regulations suited to the age level of the students and the physical facilities of the school.

"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 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, 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:

- 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

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of physical or emotional harm to his or her person or damage to his or 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 his or her 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.

Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying*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 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 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 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. 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. Classroom or administrative detention;
5. Referral to the school disciplinarian;
6. In-school suspension during the school week or weekend;
7. After-school programs;
8. Out-of-school suspension (short- or long-term);
9. Legal action; and
10. Expulsion.

B. Remedial Measures

1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Peer support group;
- d. Recommendations of a student behavior or ethics council;
- e. Corrective instruction or other relevant learning or service experience;
- f. Supportive student interventions, including participation of the intervention and referral services team;

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- g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
 - h. Behavioral management plan, with benchmarks that are closely monitored;
 - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
 - j. Involvement of school disciplinarian;
 - k. Student counseling;
 - l. Parent/guardian conferences;
 - m. Student treatment; or
 - n. Student therapy.
2. Environmental (classroom or school)
- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedure revisions;
 - f. Schedule modifications;
 - g. Adjustments in hallway traffic;
 - h. Modifications in student routes or patterns traveling to and from school;
 - i. Supervision of students before and after school, including school transportation;
 - j. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
 - k. Use of teacher aides;
 - l. Small or large group presentations for fully addressing behaviors and responses to behaviors;
 - m. General professional development programs for certified and noncertified staff;
 - n. Professional development plans for involved staff;
 - o. Disciplinary action for school staff who contributed to the problem;
 - p. Supportive institutional interventions, including participation of the intervention and referral services team;
 - q. Parent/guardian conferences;
 - r. Family counseling;
 - s. Involvement of parent/guardian-teacher organizations.

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 or 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 that 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 the school disciplinarian;
 - 5. Withholding of increment;

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6. Suspension;
7. Legal action; and
8. Termination.

B. Remedial Measures

1. Personal

- a. Restitution and restoration;
- b. Mediation;
- c. Support group;
- d. Recommendations of behavior or ethics council;
- e. Corrective action plan;
- f. Behavioral assessment or evaluation;
- g. Behavioral management plan, with benchmarks that are closely monitored;
- h. Involvement of school disciplinarian;
- i. Counseling;
- j. Conferences;
- k. Treatment; or
- l. Therapy.

2. Environmental (classroom or school)

- a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
- b. School culture change;
- c. School climate improvement;
- d. Adoption of research-based, systemic bullying prevention programs;
- e. School policy and procedure revisions;
- f. Schedule modifications;
- g. Supervision;
- h. Small or large group presentations for fully addressing behaviors and responses to behaviors;
- i. General professional development programs for certified and noncertified staff;
- j. Professional development plans for involved staff;
- k. Disciplinary action;
- l. Supportive institutional interventions, including participation of the intervention and referral services team;
- m. Conferences;
- n. Counseling.

Reporting Harassment, Intimidation, and Bullying

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 harassment, intimidation, or bullying, or has reliable information that a student has been subject to harassment, intimidation, or bullying, must report the incident to the principal (or his or her designee).

The following procedures shall apply to the reporting of incidents of harassment, intimidation, and bullying:

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

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- B. The principal shall inform the parents/guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the principal within two school days of when the school employee or contracted service provider witnesses or receives reliable information that a student has been subject to harassment, intimidation, or bullying.

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

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 district to this position. The district anti-bullying coordinator shall:

- A. Be responsible for coordinating and strengthening the district's policies to prevent, identify, and address harassment, intimidation, and bullying of district students;
- B. Collaborate with the board and chief school administrator to prevent, identify, and respond to harassment, intimidation, and bullying of district students;
- C. Provide data, in collaboration with the chief school administrator, to the New Jersey Department of Education regarding harassment, intimidation, and bullying of district 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 specialist 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 shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or other similarly trained individual is currently employed in the school, the principal shall appoint that individual to be the school anti-bullying specialist. If no 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 school safety team;
- B. Lead the investigation of incidents of harassment, intimidation, and bullying in the school; and

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

School Safety Team

The district shall form a school safety team to develop, foster, and maintain a positive school climate by focusing on ongoing, systemic processes 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 team shall be appointed by the principal and shall consist of the principal (or his or her designee who, if possible, shall be a senior administrator); a teacher; the school anti-bullying specialist; a parent/guardian of a student in the school; and other members to be determined by the principal. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety team shall:

- A. Receive any complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
- C. Identify and address patterns of harassment, intimidation, or bullying of students;
- D. Review and strengthen school climate and policies in order to prevent and address harassment, intimidation, or bullying of students;
- E. Educate the community, including students, teachers, administrative staff, and parents/guardians, 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 that the principal or 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 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.

No parent/guardian who is a member of the school safety team shall:

- A. Receive complaints of harassment, intimidation, or bullying of students that have been reported to the principal;
- B. Receive copies of reports prepared after an investigation of a harassment, intimidation, or bullying incident;
- C. Identify and address patterns of harassment, intimidation, or bullying of students; or
- D. Participate in any other activities of the team that may compromise the confidentiality of a student.

Investigating Reported Harassment, Intimidation, and Bullying

All reported incidents of harassment, intimidation, and bullying shall be investigated promptly and in accordance with law and the following procedures:

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- 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 the alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the principal (or his or her 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. 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.
- E. The results of each investigation shall be reported to the board no later than the date of the next board meeting following the completion of the investigation, and shall include any:
 - 1. 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/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 shall 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.

Range of Ways to Respond to Harassment, Intimidation, or Bullying

The board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring that school officials respond appropriately to the individuals committing the acts and provide support programs for victims. Other acts may be so serious or part of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school, or district levels or by law enforcement officials.

In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidents or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school, district) responses include:

- A. School and community surveys;

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- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- E. Training for certified and noncertified staff;
- F. Participation of parents/guardians and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing positive school climate and culture as well as issues surrounding harassment, intimidation, and bullying in the school community; and
- H. Involvement of law enforcement officers, including school resource officers.

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/guardian programs, and information disseminated to students and parents/guardians, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- 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).

The range of ways in which the school shall respond once an incident of harassment, intimidation, or bullying is identified shall be defined by the principal in conjunction with the school anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the New Jersey Commissioner of Education.

Retaliation and Reprisal Prohibited

The board prohibits reprisal, retaliation, or false accusation against any person who witnesses and/or reports an act of harassment, intimidation, or bullying by any student, school employee, board member, contracted service provider, visitor, or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal, retaliation, or false accusation shall be determined by the chief school administrator and/or principal (or their designee) after consideration of the nature, severity, and circumstances of the act, in accordance with case law and board policies and procedures.

Any act of retaliation, reprisal, or false accusation against any person who reports an act of harassment, intimidation, or bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, 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.

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A. Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal, and/or false accusation of 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 parents/guardians, or other intervention, 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 false accusation of 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;

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 false accusation of 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 the filing of ethics charges;

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

Consequences and appropriate remedial action for a visitor, volunteer, contracted service provider, or any other person found to have engaged in harassment, intimidation, or bullying; or found to have engaged in retaliation, reprisal, and/or false accusation of another as a means of harassment, intimidation, or bullying shall be determined by the chief school administrator after consideration of the nature, severity, and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and remediation for students, employees, board members, visitors, volunteers, and contracted service providers engaging in harassment, intimidation, or bullying or engaging in retaliation, reprisal, and/or false accusation of another as a means of harassment, intimidation, or bullying may include the following:

A. Consequences

1. Admonishment;
2. Temporary removal from the classroom or school;
3. Deprivation of privileges;
4. Prohibition from access to school facilities (visitors, vendors, board members, all other people);
5. Classroom or administrative detention;
6. Referral to school disciplinarian;
7. In-school suspension during the school week or weekend;
8. After-school programs;
9. Out-of-school suspension (short- or long-term);
10. Legal action;
11. Withholding of increment;
12. Suspension;
13. Expulsion;
14. Termination;
15. Termination of service agreements or contracts (vendors, volunteers);
16. Public sanction (board members);
17. Ethics charges (some administrators, board members).

B. Remedial Measures

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1. Personal
 - a. Restitution and restoration;
 - b. Mediation;
 - c. Peer support group;
 - d. Recommendations of a behavior or ethics council;
 - e. Corrective instruction or other relevant learning or service experience;
 - f. Supportive interventions, including participation of the intervention and referral services team;
 - g. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
 - h. Behavioral management plan, with benchmarks that are closely monitored;
 - i. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
 - j. Involvement of school disciplinarian;
 - k. Counseling;
 - l. Conferences;
 - m. Treatment; or
 - n. Therapy.

2. Environmental (classroom or school)
 - a. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
 - b. School culture change;
 - c. School climate improvement;
 - d. Adoption of research-based, systemic bullying prevention programs;
 - e. School policy and procedures revisions;
 - f. Schedule modifications;
 - g. Supervision;
 - h. Small or large group presentations for fully addressing behaviors and responses to behaviors;
 - i. General professional development programs for certified and noncertified staff;
 - j. Professional development plans for involved staff;
 - k. Disciplinary action;
 - l. Supportive institutional interventions, including participation of the intervention and referral services team;
 - m. Conferences;
 - n. Counseling;

Appeal Process

The parent/guardian may request a hearing before the board after receiving information from the chief school administrator regarding an investigation of harassment, intimidation, or bullying. The hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of 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.

At the next board 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 in accordance with law no later than the 90 days after the issuance of the board's decision.

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

Week of Respect

The week beginning with the first Monday in October of each year is designated as a "Week of Respect" in

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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 focused 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 focused on preventing harassment, intimidation, and bullying in accordance with the New Jersey Core Curriculum Content Standards (which include the Common Core State Standards for mathematics and language arts and literacy).

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 New Jersey 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

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

D. Staff, Students, and Volunteers

The district shall:

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

Information regarding 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 state's curriculum standards.

Reporting to the Board

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Two times each year (between September 1 and January 1, and between January 1 and June 30), the board shall hold a public hearing at which the chief school administrator will report to the board all acts of violence, vandalism, and harassment, intimidation, or bullying that occurred during the previous reporting period. The report shall include:

- A. The number of reports of harassment, intimidation, or bullying in the school;
- B. The status of all investigations;
- C. The nature of the harassment, intimidation, or bullying based on one of the protected categories identified in N.J.S.A. 18A:37-14 (e.g., race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or 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

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 and January 1, and between January 1 and June 30) to the Department. 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 communication, whether it be a single or series of incidents); and
- B. Data broken down by school and district.

The report shall be used to grade the school's efforts to implement policies and programs consistent with law (N.J.S.A. 18A:37-13 et seq.).

The school shall post the grade received and a link to the report on the homepage of the school website. The information shall be posted on the website 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.

The chief school administrator will annually submit the report to the Department using the state's 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, as well as incidents of harassment, intimidation, and bullying within the district. Any allegations of falsification of data will be reviewed by the district board using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

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

HARASSMENT, INTIMIDATION, AND BULLYING (continued)Program Assessment and Review

The school and district shall annually establish, implement, document, and assess bullying prevention programs or approaches and other initiatives involving school staff, students, administrators, volunteers, parents/guardians, law enforcement, and community members. The programs 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/guardians, school employees, volunteers, students, administrators, and the community.

The district shall annually conduct a reevaluation, reassessment, and review of this policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialist in conducting its reevaluation, 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.

Publication, Dissemination, and Implementation

In publicizing this policy, the community (including students, staff, board members, contracted service providers, visitors, and volunteers) shall be duly notified that the rules detailed within apply to any incident of harassment, intimidation, and bullying that takes place on school grounds, at any school-sponsored function, on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students in accordance with law.

The chief school administrator shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the district website;
- B. Distribute this policy annually to all staff, students, and parents/guardians; and
- C. Print this policy in any district publication that sets forth the comprehensive rules, procedures, and standards of student conduct and in student handbooks;

The district shall notify students and parents/guardians that the policy is available on the district's website. The district shall publish the name, school phone number, school address, and school email address of the district anti-bullying coordinator, and the name, school phone number, school address, and school email address of the school anti-bullying specialist, on the homepage of the district website. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists shall also be maintained on the Department's website.

Additionally, the district shall make available, in an easily accessible location of its website, the Department's guidance document for use by parent/guardians, students, and district staff to assist in resolving complaints concerning student harassment, intimidation, or bullying.

The chief school administrator shall ensure that the rules for this policy are applied consistently with the district code of conduct (N.J.A.C. 6A:16-7) and all applicable laws and regulations. All disciplinary sanctions shall be carried out with necessary due process.

This and all related policies shall be reviewed on a regular basis.

Adopted: September 7, 2011
 NJSBA Review/Update: September 2015
 Readopted:

HARASSMENT, INTIMIDATION, AND BULLYING (continued)Key Words

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

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

HARASSMENT, INTIMIDATION, AND BULLYING (continued)

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

<u>Cross References:</u>	*1220	Ad Hoc Advisory Committees
	*1410	Local Units
	3517	Security and Electronic Surveillance
	*3541.33	Transportation Safety
	*4131/4131.1	Staff Development; In-Service Education/Visitation Conferences
	4147/4247	Employee Protection
	*4231/4231.1	Staff Development; In-Service Education/Visitation Conferences
	5000	Concepts and Roles in Positive School Climate
	*5020	Role of Parents/Guardians
	*5113	Attendance, Absences, and Excuses
	*5114	Suspension and Expulsion
	*5124	Reporting to Parents/Guardians
	*5131	Conduct/Discipline
	*5131.5	Vandalism/Violence
	*5131.6	Drugs, Alcohol, Steroids, Tobacco (Substance Abuse)
	*5131.7	Weapons and Dangerous Instruments
	5132	Dress and Grooming
	*5142	Student Safety
	*5145.4	Equal Educational Opportunity
	*5145.6	Student Grievance Procedure
	*5145.11	Questioning and Apprehension
	*5145.12	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.