

**EMPLOYEES AND STUDENTS HARASSMENT, INTIMIDATION AND BULLYING**

A safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment and/or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and the school's ability to educate its students in a safe environment.

It is the policy of the Medford Lakes Board of Education to maintain a learning environment that is free from all forms of discrimination, including harassment. It will be a violation of this policy for any student or employee of the Medford Lakes Public School district to harass another student or employee through commission of any of the prohibited behaviors listed below.

Harassment as set forth above may include, but is not limited to the following:

- Verbal, physical or written harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, etc;
- Demeaning jokes, stories or activities directed at the student or employee

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

These regulations shall:

- a. Require that students conform to reasonable standards of socially acceptable behavior; respect and the person, property and rights of theirs; obey constituted authority and respond to those who hold that authority;
- b. Establish the degree of order necessary to the educational program in which students are engaged.

The Board believes that the best discipline is self-imposed, and pupils must learn to assume and accept responsibility for their own behavior and for the consequences of their harassing, intimidating or bullying behaviors. Staff members who interact with students shall use preventive disciplinary action and place emphasis on the students' ability to grow in self-discipline.

**Prohibited Behavior:**

Harassment, intimidation and/or bullying on the basis of race, religion, sex, national origin, disability, parental or marital status or age means conduct of a verbal, physical nature or electronic communication that is designed to embarrass, distress, agitate, disturb or trouble students or employees; and shall be defined as follows:

Any gesture or written, verbal, physical act, or electronic communication 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 property, at any school-sponsored function, on a school bus or through any electronic means that:

- a. A reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student 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 student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school (N.J.S.A. 1 SA:37-1 5 et.seq.)
- c. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or participation in district's programs or activities or a term or condition of an individual's employment
- d. Submission to or rejection of such conduct by an individual is used as the basis of academic or employment decisions affecting that individual student or employee.
- e. Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance and thereby creates an intimidating, hostile or offensive educational or work environment.
- f. Any employees or students who feel they are victims of sexual harassment should refer to the MLSD Sexual Harassment Policy (2224.1)

### Monitoring

The Superintendent's designee shall develop general guidelines for student conduct on school property and shall direct development of detailed regulations suited to the age level of the students and the physical faculties of the individual schools. Board policy requires each student of this district to adhere to rules and regulations established by the administration and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. The Superintendent's designee shall provide to students and their parents/guardians whose primary language is other than English, a copy of this guideline in their native language.

### Discipline

Any employee found to have violated this policy shall be subject to appropriate disciplinary action according to the severity of the offense, such as verbal or written warnings, reprimand, suspension, discharge or tenure charges. Any student found to have violated this policy shall be subject to appropriate disciplinary action according to the severity of the offense, up to and including suspension and expulsion, consistent with the pupil discipline code of conduct.

In determining the appropriate response to students who commit one or more acts of harassment, intimidation and/or bullying, the Superintendent's designee should consider the following factors:

- a. the developmental and maturity levels of the parties involved;
- b. the levels of harm;
- c. the surrounding circumstances;
- d. the nature of the behaviors;
- e. past incidences or past or continuing pattern of behavior;
- f. 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 appropriate consequences 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 and/or bullying may range from positive interventions up to and including suspension or expulsion.

Students who display chronic behavioral or academic problems may be referred to the Child Study Team or the Intervention & Referral Service Committee by the Superintendent's designee for possible identification as disruptive or disaffected. Such referrals shall be in strict accordance with the special education regulations prescribed by the New Jersey Administrative Code. Students identified as eligible

for Special Education Services 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 or expelled. Any pupil 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 or expulsion proceedings shall be conducted in accordance with N.J.S.A. 18A:37-2.4

The Superintendent's designee is responsible for receiving complaints alleging violations of this policy. All school employees are required to report complaints alleging violations of this policy to the Superintendent's designee. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Any action taken by a school official will be documented and include corrective action taken.

#### Retaliation

Any employee or student bringing a harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment or education, nor discriminated against or disciplined as a result thereof. If unless the individual has knowingly and maliciously participated in a false complaint or given false testimony, then such individual will be subject to disciplinary action.

The Board prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation and/or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Superintendent's designee 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 and/or bullying range from positive behavioral interventions up to and including suspension or expulsion.

Consequences and appropriate remedial action for a school employee found to have falsely accused another, as a means of harassment, intimidation and/or bullying shall be 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 and/or bullying shall be determined by the Superintendent's designee after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

The Superintendent's designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the Superintendent's designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The Superintendent's designee shall be responsible for the removal of students engaged in incidents of harassment, intimidation and/or bullying and shall immediately report them to the Superintendent.

Some acts of harassment, intimidation and/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 and/or bullying that they require a response either within the school or by law enforcement officials. The Superintendent's designee shall notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice when appropriate.

The Superintendent's designee shall determine at the end of the year whether the student is prepared to return to the regular education program, in accordance with procedures established by the Commissioner of Education.

Teaching staff members and other employees of this Board having authority over pupils shall take such lawful means as may be necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Board.

Supportive Actions

Students who have been subjected to this behavior will be referred to the guidance counselor where through guidance and counseling mechanisms will be established to prevent, avoid and report any future issues covered under this policy. If the student is subjected to a violent criminal offense, the district will follow the Federal Unsafe School Choice Option Policy to define and determine the needed outcome for the student who has been violated.

**REPORTING PROCEDURES**

Because of the nature and seriousness of harassment in the school environments, the receipt of complaints, investigation and recommendation for disciplinary action, if necessary, shall be the responsibility of the District's Affirmative Action Officer.

**Reporting Action to be Initiated by Students:**Student to Student —

The student who in his/her opinion determines he/she has been harassed by another student will follow the following procedures to bring an end to the action (being age appropriate):

- a. Inform the offender that the behavior is unacceptable.
- b. Contact his/her teacher and/or other adult school employee and inform him/her of the alleged harasser's behavior.
- c. The teacher will inform the building principal of the incident within one day of its occurrence. The building principal will discuss the situation with the student and teacher.
- d. The building principal will contact the Superintendent/Affirmative Action Officer, the parents/guardians of the student who has been allegedly harassed and the parents/guardians of the alleged harasser to inform them of the matter. The Superintendent/Affirmative Action Officer will inform the parents/guardians of both parties of the procedure to be followed to resolve the situation.
- e. The building principal and Superintendent/Affirmative Action Officer will meet with the student who has been allegedly harassed and the student's parents/guardians.
- f. After the conference with the student who has been allegedly harassed, the building principal and the Superintendent's Affirmative Action Officer will meet with the alleged harasser and the student's parents/guardians to determine the extent of the offending behavior and prevent any retaliatory behavior on the student's part. The administration will remedy the offensive behavior of the individual.
- g. The teacher, parents/guardians of both of the students, the alleged harasser and the alleged harassed student will meet with the school building principal and the Superintendent/Affirmative Action Officer to discuss resolution of the matter.
- h. The Superintendent/Affirmative Action Officer at the conference will inform each student that he/she may file a formal grievance with the office, if in his/her opinion the harassment continues.

School Employee to Student —

The student who in his/her opinion determines he/she has been harassed by a school employee will follow the following procedures to bring an end to the action (being age appropriate):

- a. Contact his/her teacher and inform him/her of the alleged harasser's behavior.
- b. The teacher will inform the building principal of the incident within one day of its occurrence (if the alleged harasser is the person to be contacted, the student will bypass that individual and contact the next appropriated person i.e.: nurse, another teacher, etc.)
- c. The building principal will meet with the student who has been allegedly harassed and the teacher/administrator.

- d. The building principal and/or teacher will contact the Superintendent/Affirmative Action Officer to apprise them of the matter.
- e. The building principal will inform the parents/guardians of the student who has alleged the harassment and the detail the procedure to be followed.
- f. The Superintendent/Affirmative Action Officer and building principal will meet with the student who claims he/she has been harassed, along with the student's parents/guardians.
- g. After meeting with the student and his/her parents/guardians, the Superintendent/Affirmative Action Officer and school building principal will meet with the employee who is the alleged harasser.
- h. The Superintendent/Affirmative Action Officer, and the building principal, after meeting with the alleged harasser, will inform the student, the parents/guardians of the student, and the employee of the resolution of the matter at separate conferences. Each party will also be informed that he/she may file a formal grievance with the district's Superintendent/Affirmative Action Officer if in each party's opinion the harassment continues.

### **Reporting Procedures to be Initiated by Employees**

#### **Employee to Employee** —

Any employee who in his/her opinion determines he/she has been harassed by another employee will follow the following procedures to bring an end to the actions;

- a. Inform the employee offender that his/her behavior is unacceptable.
- b. Contact his/her supervisor and inform his/her of the alleged harasser's behavior.
- c. The supervisor will inform the building principal or other proper administrator of the incident within one day of its occurrence.
- d. The building principal/administrator will contact the Superintendent/Affirmative Action Officer and apprise this individual of the matter. The building principal/administrator and the Superintendent/Affirmative Action Officer will meet with the employee who has been allegedly harassed.
- e. After the conference with the employee who has been allegedly harassed, the building principal/administrator and the Superintendent/Affirmative Action Officer will meet with the alleged harasser to determine the extent of the offending behavior and prevent any retaliatory behavior on each employee's part. The parties will remedy the offensive behavior of the individual.
- f. The building principal/administrator and the Superintendent/Affirmative Action Officer will meet with the alleged harasser and the alleged harassed employee to discuss the resolution of the matter.
- g. The Superintendent/Affirmative Action Officer at the conference will inform each employee that he/she may file a formal grievance with the office, if in his/her opinion the harassment continues.

Any person who feels that harassment as defined herein continues after the above guidelines are followed may file a formal grievance with the Superintendent/Affirmative Action Officer. Teachers who observe harassment between the students shall not only report the matter to the principal but also the Superintendent/Affirmative Action Officer. The filing of a bona fide complaint or otherwise report harassment will not adversely affect the individual's employment status, or future terms and conditions of employment or grades.

#### **Investigating of Formal**

As long as the Affirmative Action Officer is also the Superintendent, the Superintendent will decide whether to bring the investigation of formal grievances to the Board of Education level or have the investigation conducted by any other investigative source deemed appropriate. Otherwise, the Affirmative Action Officer shall promptly commence an investigation of the allegations of sexual harassment, which may include interviews and written statements from the victim, the alleged harasser and any witnesses. The Affirmative Action Officer may request the assistance of counsel or other supervisory personnel in conducting the investigation. Confidentiality shall be maintained throughout the investigation process.

A written report of the investigation shall be prepared by the Affirmative Action Officer or other appropriate official within seven days of the conclusion of the investigation, with a copy sent to the victim and the alleged harasser. The report shall contain recommendations for remedial measures and disciplinary action if necessary. Within ten (10) days the Superintendent can adopt, amend, reject or direct that additional investigation be undertaken once the report is completed.

Any person who has filed a formal grievance with the Superintendent/Affirmative Action Officer and is not satisfied with the investigation may file the grievance directly with the Board of Education. The Board President shall be notified and the applicable procedures as outlined above will be triggered.

### **Remedial Measures (Employee to Employee)**

If the allegations of harassment are found to continue after the initial guidelines outlined previously are followed, the Superintendent shall immediately institute remedial and/or corrective action plan which may include counseling, change in work assignments, or disciplinary action which shall be consistent with the collective bargaining agreement and, if applicable, the New Jersey Tenure Hearing Act. The victim of harassment shall be informed of the nature of any disciplinary action taken. A substantiated charge against a student shall be consistent with the student disciplinary code and may include suspension or expulsion. All due process procedures applicable to student disciplinary actions shall be followed.

The Superintendent/Affirmative Action Officer shall insure that the remedial action taken by the District has been effective in stopping the harassment and that no retaliation has occurred.

### **Appeal**

If any individual is not satisfied with the results of the investigation, findings and/or remedies of pursuant to this policy, he/she may assert any right of appeal contained in the collective bargaining agreement, if appropriate, file a complaint with the New Jersey Division on Civil Rights, or pursue any other civil remedy.

### **Notification**

Notice of this policy will be circulated at both schools in the Medford Lakes School District on an annual basis and incorporated into teacher and student handbooks, including notification that the policy is available on the website. The policy shall also be permanently placed on all employees' bulletin boards and placed on the district website. Training sessions on this policy and the prevention of harassment shall be held for supervisory personnel, teachers and students in all schools during appropriate in-service training programs and orientation sessions.

### **Employee Responsibility**

It is the duty of all members of the Medford Lakes School Community to be familiar with the policy. More importantly, each employee and student has a stake in preventing harassment and thus shares responsibility with the Board in eliminating harassment in the workplace and learning environment. Employees should also inform their co-worker or supervisor in no uncertain terms that conduct is offensive and unwelcome. Often disputes arise only because of misperceptions and insensitivity, which can be corrected simply through communication. If self-help remedies do not resolve the dispute, report the matter promptly to the Affirmative Action Officer. Also, employees have a responsibility to cooperate fully with the investigation of sexual harassment. Although the extent of each investigation will vary, confidentiality and cooperation are crucial at all levels. Finally, any retaliatory conduct or recurrence of the offensive behavior should be reported immediately.

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