

HARASSMENT, INTIMIDATION AND BULLYING

Policy Statement

The Board of Trustees prohibits acts of harassment, intimidation, or bullying of a pupil. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive violent behaviors, is conduct that disrupts both a pupil's ability to learn and the Academy's ability to educate its pupils in a safe and disciplined environment. Since pupils 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.

The standards of character education are essential component of the Robert Treat Academy's School Code of Conduct. The Board believes that with the appropriate infusion of character education into the school curriculum, modeling of appropriate behavior by adults; support and assistance of students in school, the community and home; our students will achieve above standards of character education.

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 Student 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 lead person 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 lead person shall ensure that this policy is applied to incidents of harassment, intimidation, and bullying that are committed of school grounds in cases where a school employee is made aware of such actions. The lead person 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.

The authority 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, 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 lead person or his/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, and Bullying Definition

For the purposes of this policy, "harassment, intimidation, or bullying" means any gesture or written, verbal or physical act or any use of electronic communication (as defined by N.J.S.A 18A:37-15.1: "A communication 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 event, or on a school bus and that:

1. Is reasonably perceived as being motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, gender identity or expression, sexual orientation, a mental, physical or sensory disability; or,
2. by any other distinguishing characteristic; and,
3. a reasonable person should know , under the circumstances, that the act(s) 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
4. 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.

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Refer to attached **Student Code of Conduct for definition of student age-appropriate*

Acts of harassment, intimidation, or bullying may also be pupil or group of pupils exercising control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

This policy may impose consequences for acts of harassment, intimidation, or bullying that occur off school grounds, such as cyber-bullying (e.g., the use of electronic or wireless devices to harass, intimidate, or bully), to the extent this policy complies with the provisions of N.J.A.C 6A: 16-7.6, Conduct Away From School Grounds, and the Academy's Student Code of Conduct, pursuant to N.J.A.C. 6A:16-7.1 and N.J.A.C. 6A:16-7.6. In all instances of harassment, intimidation, or bullying behavior occurring off school grounds, the consequences only may be exercised when it is reasonably necessary for the pupil's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other pupils, 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 a proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. All acts of harassment, intimidation, or bullying that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provisions of N.J.S.A 18A:37-15 and N.J.A.C. 6A:16-7.9, harassment, intimidation, and bullying, whether the subject or recipient of the harassment, intimidation, or bullying is on or off school property.

Expected Behavior

The Board of Trustees expects pupils to conduct themselves in keeping their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying the school activities and the care of the school facilities and equipment.

The Board believes that standards for pupil behavior must be set cooperatively through interaction among pupils, parent(s) or legal guardian(s), school employees, school administrators, school volunteers, and community representatives, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for the school and community property on the part of the pupils, staff, and community members.

The Board of Trustees believes that the best discipline is self-imposed, and that it is the responsibility of the Academy to use instances of violations of the Student Code of Conduct as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent discipline problems and encourage pupil's ability to grow in self-discipline.

The Academy prohibits active or passive support for acts of harassment, intimidation, or bullying. Pupils are encouraged to support other pupils who:

1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Provide support to pupils who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, and bullying to the designated school staff member.

Pupils are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to Academy teaching, support and administrative staff. The Academy will develop and provide a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

Consequences and Appropriate Remedial Actions

The Board of Trustees requires the Academy to implement procedures that ensure both the appropriate consequences and remedial responses for pupils who commit one or more acts of harassment, intimidation, or bullying 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 the Academy's administration in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by pupils.

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Appropriate consequences and remedial actions are those that are graded to the severity of the offense(s), consider the development ages of the pupil offenders and pupils' histories of inappropriate behaviors, as per N.J.A.C. 6A:16-7.

Factors for Determining Consequences

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

Consequences and appropriate remedial action for a pupil or staff member who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of pupils, pursuant to N.J.A.C. 6A:16-7.1. Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the development of the age of the pupil, and the pupil's history of problem behaviors and performance. 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 systematic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

1. Admonishment;
2. Temporary removal from classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or weekend;
7. After school programs;
8. Out-of-school suspension (short-term or long-term)
9. Reports to law enforcement or other legal action;
10. Expulsion; and
11. Bans from providing services, participating in school-sponsored programs, or being in school buildings or on school grounds.

Examples of Remedial Measures- Personal

1. Restitution or restoration;
2. Mediation;
3. Peer support group;
4. Recommendations of a student behavior or ethics council;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive pupil interventions;
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 (e.g., hallway or school monitors)
10. Pupil counseling;
11. Parent conferences;
12. Alternative placements (e.g., alternative education programs);
13. Pupil treatment; or
14. Pupil therapy

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Examples of Remedial Measures- Environmental (Classroom or School Building)

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, systematic bullying prevention programs;
5. School policy and procedure revisions;
6. Modification of schedules;
7. Adjustments in hallway traffic;
8. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
9. General professional development programs for certified and non-certified staff;
10. Disciplinary actions for staff who contributed to the problem;
11. Supportive institutional interventions;
12. Parent conferences;
13. Family counseling;
14. Involvement of Parent Council
15. Development of general bullying response plan;
16. Alternative placements (e.g., alternative education programs);
17. Law enforcement involvement or legal action

N.J.A.C. 6A: 16-7.9(a)2.vi requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying of a pupil. The consequences may include, but not limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, and/or termination. Remedial measures may include, but not limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

Harassment, Intimidation, and Bullying Reporting Procedure

The Board of Trustees requires the Principal at the Academy to be responsible for receiving complaints alleging violations of this policy. All board members, school employees, and volunteers and contracted service providers who have contact with pupils are required to verbally report alleged violations of this Policy to the Principal or Vice Principal on the same day when the individual witnessed or received reliable information regarding any such incident. All board members, school employees, volunteers, and contracted service providers who have contact with pupils, also should submit a report in writing to the Principal within two school days of the verbal report. The Principal will inform the parents of all pupils involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Principal, upon receiving a verbal and/or written report, may take interim measures to ensure safety, health, and welfare of all parties pending the findings of the investigation.

Pupils, parents, and visitors are encouraged to report alleged violations of this Policy to the Principal on the same day when the individual witnessed or received reliable information regarding any such incident. Pupils, parents, and visitors may report an act of harassment, intimidation, or bullying anonymously. Formal actions for violations may not be taken solely on the basis of an anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy is immune from cause of action for damages arising from any failure to remedy the reported incident.

The Academy may consider other mechanisms available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the Academy may consider locked boxes located in areas of the school where reports can be submitted without fear of being observed. In accordance with the provisions of N.J.S.A., 18A: 37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

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The Academy administrator who receives a report of harassment, intimidation, and bullying from an 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.

Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety Team

The Superintendent shall appoint an Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the Academy to this position.

The Anti-Bullying Coordinator shall:

1. Be responsible for coordinating and strengthening the Academy's policies to prevent, identify, and address harassment, intimidation, or bullying of pupils;
2. Collaborate with the school Anti-Bullying Specialist(s), the Board of Trustees, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of pupils at the Academy;
3. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of pupils;
4. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
5. Meet at least twice a school year with the Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying at the Academy.

The Principal shall appoint a school Anti-Bullying specialist. When a school guidance counselor, school psychologist, or another individual similarly trained is currently employed in the school, the Principal shall appoint that individual to be the school Anti-Bullying Specialist. If no individual meeting this criterion 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:

1. Chair the School Safety Team as provided in N.J.S.A. 18A: 37-21;
2. Lead the investigation of incidents of harassment, intimidation, or bullying in the school;
3. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.

The School Safety Team shall form at the Academy to develop, foster, and maintain a positive school climate by focusing on the on-going, systematic process and practices in the school and to address school climate issues such as harassment, intimidation, or bullying.

A School Safety Team shall:

1. Consist of a school administrator, a teacher, school Anti-Bullying Specialist, a parent or guardian of a student in the school, and/or other members determined by the Principal, as appropriate;
2. Receive any complaints of harassment, intimidation, or bullying of pupils that have been reported to the Principal;
3. Receive copies of any report prepared after an investigation of an incident of harassment, intimidation, or bullying;
4. Identify and address patterns of harassment, intimidation or bullying of pupils in the school;
5. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of pupils;
6. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
7. Participate in training required pursuant to the provisions of N.J.S.A. 18A: 37-13 et seq. and other training which the Principal or the Anti-Bullying Coordinator may request;

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8. Collaborate with the Anti-Bullying Coordinator in the collection of school data and in the development of Academy policies to prevent harassment, intimidation, or bullying of pupils; and
9. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or Anti-Bullying Coordinator.

The members of the School Safety Team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches. Notwithstanding, any provision of N.J.S.A. 18A: 37-21 to the contrary, a parent or guardian who is a member of the School Safety Team shall not participate in the activities of the team set forth in School Safety Team duties 2,3, and 4 above or any other activities of the team which may compromise the confidentiality of a pupil.

Prompt Investigation of Reports of Harassment, Intimidation, and Bullying

The Board of Trustees requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation, or bullying. The investigation shall be initiated by the Principal or Vice Principal within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist. The Principal may appoint additional personnel who are not Anti-Bullying Specialists to assist the Anti-Bullying Specialist in the investigation. All reported incidents of harassment, intimidation, and bullying shall be investigated promptly and in accordance with law. All investigations shall be thorough and complete, and documented in writing, and shall include, but not 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.

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but no later than ten school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the Principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52: 14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent will provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.

The Superintendent shall report the results of each investigation to the Board of Trustees no later than the date of the regularly scheduled Board of Trustees meeting following completion of the investigation. The superintendent's report shall also include information on intervention services provided, counseling ordered, training established, discipline imposed, or other action taken or recommended by the superintendent. Parents of the pupils who are parties to the investigation shall be provided with the information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents or guardians shall include the nature of the investigation, whether the Academy found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Trustees.

A parent or guardian may request a hearing before the Board of Trustees after receiving the information. When a request for a hearing is granted, the hearing shall be held within ten school days of the request. The Board of Trustees shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A.10:4-1 et seq.), to protect the confidentiality of the pupils. At the hearing, the Board may hear testimony from and consider information provided by the School Anti-Bullying Specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior

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to rendering a determination.

At the regularly scheduled Board of Trustees meeting following its receipt of the report or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A: 3, Controversies and Disputes, no later than ninety days after issuance of the Board of Trustees' decision.

A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty 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," P.L.1945, c. 169 (C. 10:5-1 et. seq.).

Range of Responses to an Incident of Harassment, Intimidation, or Bullying

The Board allows the Academy Principal, in conjunction with the Anti-bullying Specialist, to define the range of ways in which school staff will respond once an incident of harassment, intimidation, or bullying is confirmed, and the Superintendent shall respond to confirmed harassment, intimidation, or bullying, according to the parameters described in this Policy. The Board recognizes that some acts of harassment, intimidation, or bullying may be isolated incidents requiring the school officials respond appropriately to the individual(s) 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 or school building level or by law enforcement officials.

Consequences and appropriate remedial actions for a pupil who commits an act of harassment, intimidation, or bullying may range from positive interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A: 37-1. Discipline of Pupils 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 level is appropriate, school officials shall consider the nature and circumstances of the act, the degree of harm, the nature and severity 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) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based harassment, intimidation, or bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, too small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable pupil and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including safe schools resource officers.

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

1. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills group) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
2. 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;
3. 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;
4. School 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).

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The range of ways in which the Academy shall respond once an incident of harassment, intimidation, and 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 defined by the Commissioner.

Reprisal or Retaliation Prohibited

The Board of Trustees prohibits a Board member, school employee, contracted service provider who has contact with pupils, school volunteer, or pupil 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 consequence appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity and circumstance of the act, in accordance with case law, Federal and State statutes and regulation and Academy policies and procedures.

1. 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 development 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 parent(s)/guardian(s), up to and including short or long-term suspension or expulsion, as permitted by law;

2. 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 board policies, procedures and agreements, up to and including suspension or dismissal from service;

3. 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 person as a means of harassment, intimidation, or bullying shall be determined in accordance with board policies, procedures and agreements, up to and including a public sanction or filed ethics charges;

4. Visitors, 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 Principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances. Examples of consequences and remedial measures are listed in the Consequences and Appropriate Remedial Actions section of this Policy.

HARASSMENT, INTIMIDATION AND BULLYING (continued)**Consequences and Appropriate Remedial Action for False Accusation**

The Board of Trustees prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying.

1. Pupils- Consequences and appropriate remedial action for a pupil found to have falsely accused another person as a means of harassment, intimidation, or bullying or as a means of retaliation may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A: 37-1 et seq., Discipline of Pupils and as set forth in N.J.A.C. 6A: 16-7.2, Short-term Suspensions, N.J.A.C. 6A: 16-7, Long-term Suspensions and N.J.A.C. 6A: 16-7.5, Expulsions.
2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with pupils found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with Academy policies, procedures, and agreements which may include, but not limited to, reprimand, suspension, increment withholding, or termination.
3. Visitors or volunteers- Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of building or grounds privileges, or prohibiting contact with pupils or the provision of pupil services.

Harassment, Intimidation, and Bullying Policy Publication, Dissemination, and Implementation

This policy will be disseminated annually by the Academy to all school employees, contracted service providers who have contact with pupils, pupils, and parents who have children enrolled in the school, pursuant to N.J.S.A 18A: 37-14 that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.

The Principal shall take the following steps to publicize this policy:

1. Provide a link to this policy on a prominent place on the Academy website;
2. Distribute this policy annually to all staff, students, and parents, guardians; and
3. Print this policy in any school publication that sets forth the comprehensive rules, procedures and standards of student conduct and in the student handbook.

The Academy shall post a link to the Academy's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the School's website. The Academy will notify pupils and parents this Harassment, intimidation, and Bullying Policy is available on the Academy's website.

The Academy shall list the name, school phone number, school address and school email address of the school Anti-Bullying Coordinator and the school Anti-Bullying Specialist on the homepage of the Academy's Website.

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

The Principal shall ensure that the rules for this policy are applied consistently with the school's Student 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.

Harassment, Intimidation, and Bullying Training and Prevention Programs

The Academy shall provide training on the school's Harassment, Intimidation, and Bullying Policy to school employees, contracted service providers, and volunteers who have significant contact with pupils. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying, the Academy's employee training program shall include information

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regarding the Academy's Policy against harassment, intimidation, or bullying, which shall be provided to full-time and part-time staff members, contracted service providers, and school volunteers who have significant contact with pupils.

The Academy shall develop a process for discussing the school's harassment, intimidation, or bullying policy with students.

Any school leader who holds a position that requires the possession of a lead person, 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 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). Each teacher shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention in each professional development period as part of professional development requirements pursuant of N.J.S.A. 18A: 37-22.d.

The required two hours of suicide prevention instruction for teaching staff members shall include information on the relationship between the risk of suicide and incidents of harassment, intimidation, and bullying in accordance with provisions of N.J.S.A. 18A: 6-112.

Board members shall be required to complete a training program on harassment, intimidation, and bullying in accordance with provisions of N.J.S.A. 18A:12-33.

The Academy shall annually observe a "Week of Respect" beginning with the first Monday in October. In order to recognize the importance of character education, the school will observe the week by providing age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the Academy will provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the Core Curriculum Content Standards, pursuant to N.J.S.A. 18A:37-29.

The academy will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, pupils, administrators, volunteers, parents or guardians, law enforcement, and community members in accordance with the provisions of N.J.S.A. 18A:37-17 et seq.

Harassment, Intimidation, and bullying Policy Reevaluation, Reassessment, and Review

The Robert Treat Academy Charter School shall develop and implement a process for annually discussing the school's Harassment, Intimidation, and Bullying Policy with pupils.

The Academy and the Principal shall annually conduct reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, with input from the school's Anti-Bullying Specialist and recommend revisions and additions to the Policy as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

The Board of Trustees will make revisions and additions to the Harassment, Intimidation, and Bullying Policy consistent with the findings and recommendations from the annual or other re-evaluation, reassessment, and review of the policy, as appropriate.

Reports to Board of Trustees and New Jersey Department of Education

The Superintendent/Principal shall report two times a year between September 1 and January 1 and between January 1 and June 30. The report will include all acts of violence, vandalism, and harassment, intimidation, or bullying 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 the 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;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- 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.

The information, including but not limited to, oral reports, written 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 of Education. The report shall include data broken down by the enumerated categories including the protected categories as listed above and the type of harassment, intimidation, and bullying (any gesture; written, verbal, or physical act; or any electronic communication, whether it be single or a series of incidents).

The information shall be used to grade the Academy in accordance with the provisions of N.J.S.A. 18A:17-46. The grade received by the Academy will be posted on the website in accordance with the provisions of N.J.S.A 18A:17-46. A link to the report that was submitted by the Superintendent to the Board of Education shall also be available on the Academy's website. The information shall be posted on the websites within ten days of receipt of the grade for the Academy.

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

The Superintendent/Principal will annually report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting System (EVVRS). The Superintendent/Principal shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment, intimidation, and bullying within each school. Any allegations of falsification of data will be reviewed by the Board of Trustees using 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 Superintendent/Principal 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 of Education, in fulfilling the reporting requirement.

Pupils with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a pupil with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32. Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

1. The student's behavior is not primarily caused by his/her educational disability,
2. The program that is being provided meets the student's needs.

The Academy shall submit all subsequent amended Harassment, Intimidation, and Bullying Policies to the appropriate Executive County Superintendent of Schools within thirty days of Board Adoption.

Reports to Law Enforcement

Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

Adopted: August 18, 2003 (Previous version 5131.4/t5)
 NJSBA Review/Update: March 2011/August 2011
 Readopted: September 23, 2011

HARASSMENT, INTIMIDATION AND BULLYING (continued)Key Words

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

<u>Legal References:</u>	<p><u>N.J.S.A. 2A:4A-60 et al.</u> Disclosure of juvenile information; penalties for disclosure</p> <p><u>N.J.S.A. 10:5-1 et seq.</u> Law Against Discrimination</p> <p><u>N.J.S.A. 18A:6-112</u> Instruction on suicide prevention for public school teaching staff</p> <p><u>N.J.S.A. 18A:11-1</u> General mandatory powers and duties</p> <p><u>N.J.S.A. 18A:12-33</u> Training program; requirements</p> <p><u>N.J.S.A. 18A:17-46</u> Reporting of certain acts by school employee; annual report; public hearing (acts of violence)</p> <p><u>N.J.S.A. 18A:25-2</u> Authority over students</p> <p><u>N.J.S.A. 18A:26-8.2</u> School leader defined; training as part of professional development</p> <p><u>N.J.S.A. 18A:36-19</u> Student records; creation, maintenance and retention, security and access; regulations; nonliability</p> <p><u>N.J.S.A. 18A:36-19a</u> Student records (Newly enrolled students; transfers of records, identification)</p> <p><u>N.J.S.A. 18A:37-1 et seq.</u> Submission of Students to Authority (Discipline)</p> <p><u>N.J.S.A. 18A:37-13 et seq.</u> <u>Anti-Bullying Bill of Rights Act</u></p> <p><u>See particularly:</u></p> <p><u>N.J.S.A. 18A:37-14, -15, -17</u> Harassment, intimidation, and bullying</p> <p><u>N.J.S.A. 18A:54-20</u> Powers of board (county vocational schools)</p> <p><u>N.J.A.C. 6A:14-2.8</u> Discipline/suspension/expulsions (students with disabilities)</p> <p><u>N.J.A.C. 6A:16-1.1 et seq.</u> Programs to support student development (includes student conduct code)</p> <p><u>See particularly:</u></p> <p><u>N.J.A.C. 6A:16-1.4, -7.1, -7.6, -7.9</u></p> <p><u>N.J.A.C. 6A:32-12.1</u> Reporting requirements</p> <p><u>N.J.A.C. 6A:32-12.2</u> School-level planning</p> <p><u>Gebser v. Lago Vista Independent School District</u> 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.</p> <p><u>Davis v. Monroe County Board of Education</u> 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."</p> <p><u>Saxe v. State College Area School District</u> 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.</p>
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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 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	<u>Ad hoc</u> 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.