

UNION COUNTY TEAMS CHARTER SCHOOL
PLAINFIELD, NEW JERSEY

HARASSMENT, INTIMIDATION AND BULLYING

The Board of Trustees believes that an effective instructional program requires an orderly school environment. Creating a safe and secure school environment requires the commitment of the entire school community. Since students learn by example, school administrators, faculty, staff, parents, 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 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 Board of Trustees prohibit and will not tolerate any acts of harassment, intimidation or bullying against any member of the school community on school property, at a school sponsored function or on a school bus.

The Board of Trustees has adopted policy 1005.2 Student Standard of Behavior Code which delineated student behavior expectation. Additionally, each student has taken the Pillars of Character Pledge. Fairness and treating others with care and respect are essential elements of the pledge. Therefore, any student who engages in acts of harassment, intimidation or bullying is violating the behavior code, the pillars of character pledge and disrupting the orderly, safe and civil environment necessary for students to learn and achieve high academic standards. The executive director shall be responsible for ensuring the prompt investigation and response to all reports of harassment, intimidation and bullying committed on school grounds, at school sponsored functions and on school buses. The executive director 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.

"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:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- a) reasonably perceived as being motivated either 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
- b) by any other distinguishing characteristic; and that
- c) takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A 18A:37-15.3, that substantially disrupts or interferes with the orderly operation of the school or the right of other students; and that
- d) 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 of physical or emotional harm to his/her person or damage to his/her property; or
- e) has the effect of insulting or demeaning any student or group of students; or
- f) creates a hostile educational environment for the student by interfering with the student's 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, the relationships between the parties involved; and the context in which the incident occurred. Consequences shall be consistent with board approved code of student 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:

- 1. Admonishment;
- 2. Temporary removal from the classroom;
- 3. Deprivation of privileges;
- 4. In school, after school and or Saturday detention;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

5. Community Service;
6. Out of school suspension;
7. In school suspension during the work week or the weekend;
8. Half day schedule;
9. Out of school suspension (short term or long-term);
10. Legal action; and
11. Expulsion.

Factors for determining remedial measures may include but not be limited to the following:

1. Life skill deficiencies;
2. Social and emotional development;
3. Extra-curricular activities;
4. Academic performance;
5. Student staff relationships; and
6. School culture and climate.

Remedial Measures may include the following:

1. Restitution and restoration;
2. School culture change;
3. School climate improvement;
4. Counseling;
5. Parental conferences;
6. Behavioral assessment or evaluation with referral, as appropriate;
7. Behavioral management plan, with benchmarks that are closely monitored;
8. Corrective instruction or other relevant learning or service learning;
9. Administration of anonymous surveys;
10. Targeted use of monitors (e.g., hallways, classrooms, cafeteria, and bus);
11. General professional development programs for school community (staff, students, parents, volunteers);
12. Small or large group presentations for fully addressing the behaviors and the responses to the behavior;
13. Professional development plans for involved staff;
14. School policy and procedures revision;
15. Supervision of students before and after school, including school transportation; and
16. Involvement of parent-teacher organizations.

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:

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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 which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

Consequences may include the following:

1. Admonishment;
2. Temporary removal from the classroom;
3. Withholding of Increment;
4. Suspension;
5. Legal action; and
6. Termination

Remedial Measures may include the following;

1. Restitution and restoration;
2. Corrective action plan;
3. Counseling;
4. Conferences;
5. Supervision;
6. Professional development plan; and
7. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors.

Reporting Harassment, Intimidation and Bullying Behavior

The executive director, principal or 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, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the executive director or principal.

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

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the executive director or principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding such an incident.
- B. The executive director or principal shall inform the parents or 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 executive director or principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying.

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

School Anti-Bullying Specialist

The executive director shall appoint a school anti-bullying specialist. The executive director shall make every effort to appoint an employee of the school to this position. The school anti-bullying specialist shall:

- A. Chair the safety team;
- B. Lead the investigation of incidents of harassment, intimidation and bullying in the school; and
- C. Act as the primary school official responsible for preventing, identifying and addressing incidents of harassment, intimidation and bullying in the school.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

School Safety Team

A school safety team will be formed to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process 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 consist of the executive director or principal or designee; a teacher; the anti-bullying specialist; a parent of a student in the school; and other members as determined by the executive director.

The school safety team shall:

- A. Receive any complaints of harassment, intimidation or bullying of students that has been reported to the executive director or principal.
- B. Receive copies of any report prepared after an investigation of any incident of harassment, intimidation or bullying.
- C. Identify and address patterns of harassment, intimidation or bullying of students in the school.
- D. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation or bullying of students;
- E. Educate the school community 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 which the executive director or principal or the anti-bullying specialist may request;
- G. Collaborate with the district anti-bullying specialist in the collection of data and in the development of 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 executive director or the principal.

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.
- B. Receive copies of reports prepared after an investigation of a harassment, intimidation or bullying incident.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- C. Identify and address patterns of harassment, intimidation or bullying of students of students; or
- D. Participate in any other activities of the team which 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:

- 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 alleged act constitutes a violation of this policy.
- B. The investigation shall be initiated by the executive director or the principal within one school day of the report of the incident and shall be conducted by the school anti-bullying specialist. The executive director or principal may appoint additional personnel 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 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 executive director within two school days of the completion of the investigation, and in accordance with law and board policy. The executive director may initiate intervention services, establish training programs to reduce harassment, intimidation or bullying and enhance school climate, impose discipline, 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 of trustees no later than the date of the next board meeting following the completion of the investigation, and include:

HARASSMENT, INTIMIDATION AND BULLYING (continued)

1. Any services provided;
 2. Training established;
 3. Discipline imposed; or
 4. Other action taken or recommended by the executive director.
- F. The executive director or designee shall ensure that parents or 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 of trustees and include:
1. The nature of the investigation;
 2. Whether the school 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 of trustees recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials respond appropriately to the individuals committing the acts and provide support programs for victims. 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 level or by law enforcement officials.

In considering whether a response beyond the individual is appropriate, the school official 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 and responses may include:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- E. Training for certificated and non-certificated staff;
- F. Participation of parents and other community members and organizations;
- G. Small or large group presentations for staff, students, and the community for fully addressing a positive school climate and culture as well as the issues surrounding harassment, intimidation and bullying in the school; and
- H. The involvement of law enforcement officers.

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

- A. Individual responses can include positive behavioral interventions (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 programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;
- D. School responses can also include community involvement in policy review and development, professional development programs, adoption of curricula programs and coordination with community-based organization.

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 executive director in conjunction with the principal and the anti-bullying specialist, and shall include an appropriate combination of counseling, support services, intervention services, and other programs as defined by the commissioner.

Retaliation and Reprisal Prohibited

The board prohibits reprisal or 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 or retaliation or false accusation shall be determined by the executive director or principal after consideration of the nature, severity and circumstances of the act, in accordance with case law and board policies and procedures.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Any act of retaliation or 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.

A. Students

The consequences and appropriate remedial action for a student found to be 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 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 the parent/guardian, 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 falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with school policies and procedures, 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 falsely accused another as a means of harassment, intimidation or bullying shall be determined in accordance with school policies and procedures, up to and including a public sanction or filed ethics charges;

D. 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 executive director after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Consequence and remediation for students, employees, board members, visitors, volunteers, and contracted service providers, engaging in harassment, intimidation or bullying or engaged in retaliation, reprisal and/or false accusations may include the following:

A. Consequences may include the following:

1. Admonishment;
2. Temporary removal from the classroom or school;
3. Prohibited from access to school facilities (visitors, vendors, board members, all other people);
4. Deprivation of privileges;
5. In school, after school and or Saturday detention;
6. In school suspension during the work week or the weekend;
7. Half day schedule;
8. Community Service;
9. Out of school suspension (short term or long-term);
10. Withholding of Increment;
11. Suspension;
12. Termination;
13. Expulsion;
14. Termination of service agreements or contracts (vendor, volunteers);
15. Public sanction (board members);
16. Ethics charges (some administrators, board members); and
17. Legal action.

B. Remedial Measures may include the following:

1. Restitution and restoration;
2. School culture change;
3. School climate improvement
4. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
5. Counseling;
6. Conferences;
7. Behavioral assessment or evaluation with referral, as appropriate;
8. Behavioral management plan, with benchmarks that are closely monitored; and
9. Corrective instruction or other relevant learning or service learning.
10. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
11. General professional development programs for certificated and non-certificated staff;
12. Professional development plans for involved staff; and
13. Disciplinary action.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

Appeal Process

The parent or guardian may request a hearing before the board after receiving the information from the executive director regarding the investigation. 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 the 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 of trustee meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the executive director's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the 90 days after the issuance of the board's decision.

A parent, student, guardian, or organization may file a complaint with the 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 the State of New Jersey. The school, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing harassment, intimidation or bullying as defined by law (N.J.S.A. 18A37-14). Throughout the school year the school shall provide ongoing age-appropriate instruction focusing on preventing harassment, intimidation and bullying in accordance with the Core Curriculum Content Standards.

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 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 Development

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 the risk of suicide and incidents of harassment,

HARASSMENT, INTIMIDATION AND BULLYING (continued)

intimidation and bullying and 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:6-1-112).

C. Board Members

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of trustees, a board member shall complete a training program on harassment, intimidation and bullying in schools, including a school'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, Student and Volunteer Training

The school shall:

1. Provide training on the school'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 of Education, in fulfilling the reporting requirements;
3. Ensure that the training includes instruction on preventing bullying on the basis of the protected categories as required by law (N.J.S.A. 18A:37-14) and other distinguishing characteristics that may incite incident of discrimination, harassment, intimidation or bullying; and
4. Develop a process for discussing the school's harassment, intimidation or bullying policy with students.

Information regarding the school policy against harassment, intimidation or bullying shall be incorporated into the 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 school to provide services to students.

Throughout the school year, the school shall provide ongoing age-appropriate instruction on preventing harassment, intimidation and bullying, consistent with the Core Curriculum Content Standards.

Reporting to the Board

Two times each year between September 1 and January 1 and between January 1 and June 30, the school board shall hold a public hearing at which the executive director will report to the board of trustees all acts of violence, vandalism, and harassment, intimidation or bullying (HIB) which occurred during the previous reporting period. The report shall include the number of HIB reports in the school, the status of all investigations, the nature of the HIB, and other data required by law.

HARASSMENT, INTIMIDATION AND BULLYING (continued)

- 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 identify and expression, or a mental physical or sensory disability, or by 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 of Education

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 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; any written, verbal or physical act; or any electronic communication, whether it be a single or series of incidents).

The report shall be used to grade the school for the purpose of assessing its effort to implement policies and programs consistent with law (N.J.S.A. 18A37-13 et seq.).

The school shall post the grade on the homepage of the school's website. A link to the report shall be available on the school's website. The information shall be posted on the website within 10 days of the receipt of the grade by the school.

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

The executive director will annually submit the report to the Department of Education utilizing the Electronic Violence and Vandalism Reporting system (EVVRS). The executive director shall accurately report on each incident of violence, vandalism, alcohol and other drug abuse, and incident of harassment, intimidation and bullying in the school. Any allegations of falsification of data will be reviewed by the board of trustees using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g).

HARASSMENT, INTIMIDATION AND BULLYING (continued)

The State Board of Education shall impose penalties on any school employee who knowingly falsified the report. Therefore, the executive director 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 requirements.

Program Assessment and Review

The school shall annually establish, implement, document, and assess bullying prevention programs or approaches, and other initiatives involving school staff, students, administrators, volunteers, parents, 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.

The school harassment, intimidation and bullying policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators and community representatives.

The school shall annually conduct a re-evaluation, 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 re-evaluation, reassessment, and review. The school shall transmit a copy of the revised policy to the appropriate executive county superintendent within 30 days of the revision beginning September 1, 2011.

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 or 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 executive director shall take the following steps to publicize this policy:

- A. Provide a link to this policy on a prominent place on the school 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 school shall notify students and parents/guardians that the policy is available on the school's website. The school shall publish the name, school phone number, school address and school email

HARASSMENT, INTIMIDATION AND BULLYING (continued)

address of the anti-bullying specialist on the home page of the school's website. The information concerning the school anti-bullying specialist shall also be maintained on the Department of Education's website.

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

The executive director shall ensure that the rules for this policy are applied consistently with the school's code of student 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.

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: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 pupils
<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>	Pupil records; creation, maintenance and retention, security and access; regulations; nonliability
<u>N.J.S.A. 18A:36-19a</u>	Student records (Newly enrolled students; transfer of records identification)
<u>N.J.S.A. 18A:37-1 et seq.</u>	Submission of Pupils to Authority (Discipline)
<u>N.J.S.A. 18A:37-13 et seq.</u>	<u>Anti-Bullying Bill of Rights Act</u>

See particularly:

N.J.S.A. 18A:37-14, -15, -17 Harassment, intimidation and bullying

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions (students with disabilities)

N.J.A.C. 6A:16-1 et seq. Programs to support student development (includes student conduct code)

See particularly:

N.J.A.C. 6A:16-1.4, -7.1, -7.6, -7.9

N.J.A.C. 6A:32-12.1 Reporting requirements

N.J.A.C. 6A:32-12.2 School-level planning

HARASSMENT, INTIMIDATION AND BULLYING (continued)

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-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.

Adopted: September 27, 2007

Revised: