

NORTHERN VALLEY REGIONAL HIGH SCHOOL
Demarest, New Jersey

FILE CODE: 5131.1

Monitored

Mandated

Other Reasons

Policy

Harassment, Intimidation, Bullying (HIB) and Hazing Policy

As per N.J.S.A. 18A:37-15(b) (1)

Effective 9/1/2011

Table of Contents

Introduction	1
Definition	1
Professional Development	2
Board of Education Professional Development	2
State Report Card	3
Annual Policy Review	3
Procedures	4
Investigation Procedures and Timelines	4-8
Actions for failure to report/act on an incident	9
Off School Grounds Reporting	9
Building Anti-Bullying Specialist/Coordinator/School Safety Team	9
District Anti-Bullying Coordinator	9
School Safety Team	9
Respect Week	10

Introduction

As per N.J.S.A. 18A:37-15(b) (1) any compliance with the Anti-Bullying Bill of Rights, P.L. 2010, c.122.

The Northern Valley RHS Board of Education prohibits acts of harassment, intimidation or bullying (HIB) of a student. The NVRHS Board of Education has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; HIB, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students 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 NVRHS Board of Education believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school administrators, school employees, school volunteers and students of the school district, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.

Students are expected to behave in a way that creates a supportive learning environment. The NVRHS Board of Education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use instances of violations of the code of student conduct as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

The NVRHS Board of Education expects that students will act in accordance with the student behavioral expectations described below:

The NVRHS Board of Education prohibits active or passive support for acts of HIB. We encourage students to support students who:

- Do not participate in acts of HIB when they see them;
- Constructively attempt to stop acts of HIB;
- Provide support to students who have been subjected to HIB; and
- Report acts of HIB to the designated school staff.

Definition of Bullying

Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.

"Harassment, intimidation or bullying" (HIB) means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated 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 [handicap] disability, or by any other distinguishing characteristic, that takes place on school property, 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 and that:

A reasonable person should know, under the circumstances, that the act(s) 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 person or damage to his property; [or] 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 or creates a hostile education environment at school for the student or infringes on the rights of the student at school by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

Definition of Hazing

In accordance with Bill S-84/A-3149 "Timothy J. Piazza's Law" the types of activities considered to be hazing include any conduct that causes, coerces, or forces another person to:

1. Violate federal or state criminal law;
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the other person to a risk of emotional or physical harm;
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics, or exposure to the elements;
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
5. Endure brutality of a sexual nature; or
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the person.

Under current law, hazing is a disorderly persons offense, punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. An act considered aggravated hazing, a crime of the fourth degree, is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both, if serious bodily injury results.

Under the legislation, an act of aggravated hazing involving serious bodily injury would be upgraded from a fourth-degree to a third-degree crime. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

Penalties could also include the withholding of diplomas or transcripts pending compliance with the rules, and the imposition of probation, suspension, dismissal, or expulsion.

Any student which knowingly or recklessly promotes or facilitates a person to commit an act of hazing would be subject to a fine of not more than \$5,000 for each hazing violation and \$15,000 for each aggravating hazing violation.

Immunity from prosecution for any hazing activities would be offered to any person if 9-1-1 is called or other emergency services contacted. In order for this immunity to apply, the caller would have to remain on the scene with the person injured by hazing and cooperate with emergency services upon their arrival.

Professional Development

The Northern Valley school district will provide training on the school district's HIB policies to school employees and volunteers who have significant contact with students. This will include best practices designed to prevent inappropriate student conduct and foster student growth and self discipline.

Training will include instruction on the prevention of bullying on the basis of categories as defined by (C.18A:37-14) and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, bullying and hazing.

Professional Development includes training for: Superintendent of Schools, Building Principals, Subject Supervisors, Faculty, Staff, Students, Coaches, Vendors, Cafeteria Staff, Bus staff, and Volunteers.

Administration/Faculty/Staff/Coaches Educational Training	Student Educational Training	Parent Educational Training
<ul style="list-style-type: none"> ● Faculty Meetings ● Clinics/Regional Based Training ● Online Courses ● Distance Learning/Webinar ● Published Resources in First Class 	<ul style="list-style-type: none"> ● 9th Grade Orientation ● Conflict resolution ● Peer Mediation ● Health Curriculum ● Health Lab Anti-Bullying Presentation ● Student Assemblies 	<ul style="list-style-type: none"> ● Website ● PTSO meetings ● Back to School Night ● Parent Orientation Programs ● Special Education Parent Advisory Committee

Staff Training will include two hours of suicide prevention as outlined in the policy.

BOE – Members Professional Development

Training on HIB in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies (cf: P.L.2007.c.53, s.17). (As quoted in the state guidelines)

Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on HIB in schools, including a school district’s responsibilities under P.L.2002. c.83 (C.18A:37-13 et seq.). A board member shall be required to complete the program only once.

Within one year after each re-election or re-appointment to the board of education, the board member shall complete an advanced training program to be prepared and offered by the New Jersey School Boards Association. This advanced training program shall include information on relevant changes to New Jersey school law and other information deemed appropriate to enable the board member to serve more effectively.

The New Jersey School Boards Association shall examine options for providing training programs to school board members through alternative methods such as on-line or other distance learning media or through regional-based training.

Review of Training Needs

The board shall annually examine the training needs of school employees and volunteers who have significant contact with students for the effective implementation of the harassment, intimidation, or bullying policies, procedures, programs, and initiatives of the district board of education and implement training programs for school employees and volunteers who have significant contact with students. The annual examination of training needs shall take into consideration the findings of the annual review and update of the code of student conduct.

State Report Card

1. Once during each semester of the school year between September 1 and January 1, and January 1 and June 30 at a public hearing, the Superintendent of Schools shall report to the board of

education all acts of violence [and], vandalism, and HIB which occurred during the previous [school year] [semester] reporting period. The report shall include the number of reports of HIB, the status of all investigations, the nature of the bullying based on one of the protected categories [identified in section 2 of P.L.2002, c.83 (C.18A:37-14)], the names of the investigators, the type and nature of any discipline imposed on any student engaged in HIB, and any other measures imposed, training conducted, or programs implemented, to reduce HIB. The information shall also be reported once during each [semester of the school year] reporting period to the Department of Education. The report must include data broken down by the enumerated categories [as listed in section 2 of P.L.2002, c.83 (C.18A:37-14)], and data broken down by each school in the district, in addition to district-wide data. It shall be a violation to improperly release any confidential information not authorized by federal or State law for public release. . If the District permits a preliminary determination to be made on whether a reported incident or complaint is a report outside the scope of the definition of harassment, intimidation, bullying and hazing pursuant to N.J.S.A. 18A:37-14, the Superintendent shall also provide annually to the Board of Education information on the number of times a preliminary determination was made that an incident or complaint was outside the scope of that definition for the purposes of the State's monitoring of the school district.

2. The report will be used to grade the NVRHS district for the purpose of assessing its effort in identifying harassment, intimidation, or bullying (HIB) implementing policies and programs consistent with the provisions of P.L. 2002. C.83 (C.18A:37-13 et seq.). The NVRHS district shall receive a grade determined by averaging the grades of both schools. The commissioner shall promulgate guidelines for a program to grade schools for the purpose of assessing their efforts to identify HIB.
3. The NVRHS district shall receive a grade and will post it on the NV homepage. A link to the state report shall be available on the district's website. The information shall be posted on the websites within 10 days of the receipt of a grade by each high school and district.
4. A link to the policy will be prominently posted on the home page of the NVRHS district's website and distributed annually to parents and guardians who have children enrolled in the NVRHS school district. In addition, information about the policy will be included in the Principals' mailing in August of each calendar year, in quarterly newsletters and Powerschool.
5. The name, school phone number, school address and email address of the district anti-bullying coordinator(s) are listed on the home page of our school district's website and that on the home page of each school's website.
6. The name, school phone number, school address and school email address of the school anti-bullying specialist(s) and the district anti-bullying coordinator(s) are listed on the home page of our school district's website and that on the home page of each school's website.
7. The information concerning the district anti-bullying coordinator and the school anti-bullying specialists will also be maintained on the department's website.

Annual Policy Review

1. In June of each calendar year the two Northern Valley High Schools will conduct a re-evaluation, reassessment, and review of its policy, making any necessary revisions and additions. The board shall include input from the school anti-bullying specialist(s) in conducting its re-evaluation, reassessment, and review.
2. The district shall transmit a copy of the revised policy to the executive county Superintendent of Schools within 30 school days of the revision.
3. Any revised policy following the effective date of 17 P.L. c. (C.) shall be transmitted to the executive county Superintendent of Schools by September 1, of each academic school year.

Procedures

Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with standards established by the commissioner, file a report describing the incident to the school principal in a manner prescribed by the commissioner, and copy of same shall be forwarded to the District Superintendent.

A 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 pursuant to State Board of Education regulations. Information on the prevention of HIB shall also be included in the training. The training shall be offered through a collaborative training model as identified by the Commissioner of Education, in consultation with the State Advisory Committee on Professional Development for School Leaders. (cf: P.L.2007, c.53, s.13)

Reporting Harassment, Intimidation, Bullying and Hazing Behavior

The chief school administrator, principal and/or their designee shall be responsible for receiving complaints alleging violations of this policy.

The board shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report. Any school employee, board member, contracted service provider, student, visitor or volunteer who has witnessed, or has reliable information that a student has been subject to harassment, intimidation or bullying, must report the incident to the building principal or his/her designee.

The following procedures shall apply to the reporting of incidents of harassment, intimidation, bullying and hazing committed by an adult or youth against a student:

- A. All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident;
- B. The 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. The Principal shall keep a written record of the date, time and manner of notification to the parents and guardians.; and
- C. All acts of harassment, intimidation, or bullying shall be reported in writing to the school 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 building principal and any appropriate school official, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying. The written report should be on a numbered form developed by the Department of Education. The form should be completed even if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside of the scope of the definition of harassment, intimidation, bullying and hazing pursuant to N.J.S.A. 18A:37-14, and shall be kept on file at the school, but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in the student's record under State or federal law. The Principal shall report to the Superintendent if a preliminary determination is made under the school district's policy that the reported incident or complaint is a report outside the scope of the definition of harassment, intimidation or bullying and the Superintendent may require the principal to conduct an investigation of the incident, if the Superintendent determines that an investigation is necessary because the incident is within the scope of the definition of harassment, intimidation or bullying. The Superintendent shall notify the Principal of the determination in writing.

Any school employee observing or having direct knowledge from a participant or victim of an act of violence shall, in accordance with the standards established by the Commissioner, file a report describing the incident to the school principal and a copy of same shall be forwarded to the District Superintendent. N.J.S.A. 18A:17-46.

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 district's policy, or to any school administrator or safe schools resource officer, and who makes this report in compliance with the procedures in this policy, shall be immune from a cause of action for damages arising from any failure to remedy the reported incident.

A school administrator who receives a report of harassment, intimidation, or bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

The school administrator shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident. The circumstances of the incident shall be considered conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense.

Investigation Procedures and Timelines

All acts of HIB shall be reported verbally by students, staff, volunteers, to the school principal or the principal's designee (teachers, staff member, coaches, child study team member, and guidance counselor) on the same day.

The principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary determination prior to initiating an investigation, as to whether a reported incident or complaint, assuming all facts presented are true, is a report that qualifies as harassment, intimidation, bullying and hazing according to the law (within the scope of N.J.S.A. 18A:37-14).

If the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the incident or complaint is a report outside the scope of the law (N.J.S.A. 18A:37-14) and does not qualify as harassment, intimidation and bullying, this determination may be appealed to the board of education according to the appeal process detailed below. The determination of the board may be appealed to the commissioner of education in accordance with law (N.J.A.C. 6A:3).

When the principal, or his or her designee, in consultation with the anti-bullying specialist, determines that the reported incident qualifies as harassment, intimidation and bullying, the report shall be investigated promptly. School employees, volunteers and/or contracted service providers reporting any incident witnessed or reliable information received regarding any such incident shall be required to document in writing any verbal reports that qualify as HIB according to the principal's (in consultation with the anti-bullying specialist) determination within two days of the report. The 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.

The following procedures for prompt investigation of reports of violations and complaints by the Anti-Bullying Specialist shall apply:

- (a) The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. 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 HIB, or from the date of the written notification from the Superintendent to the principal to initiate an investigation. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;

The results of the investigation shall be reported to the Superintendent of Schools within two school days of the completion of the investigation, and, in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Superintendent may decide to provide intervention services, establish training programs to reduce HIB and enhance school climate, impose discipline, [or] order counseling as a result of the findings of the investigation, or take or recommend other appropriate action including seeking further information.

- (b) The results of each investigation shall be reported to the NVRHS Board of Education no later than the date of the board of education meeting following the completion of the investigation, along with information on any services provided, training established, [or] discipline imposed, or other action taken or recommended by the Superintendent;

- (c) Parents or guardians of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with federal and State law and regulation, including the nature of the investigation, whether the district found evidence of HIB, or whether discipline was imposed or services provided to address the incident of HIB. A redacted copy of the form that removes all student identification information shall be confidentially shared with the board of education after the conclusion of the investigation, if a hearing is requested by a parent or guardian.

This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board. A parent or guardian may request a hearing before the board after receiving the information and 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

- (d) At the next board of education meeting following its receipt of the report, 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 the procedures set forth in law and regulation, no later than the 90 days after the issuance of the board's decision; and
- (e) 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 HIB 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.) The range of ways in which a school will respond once an incident of HIB is identified, which shall be defined by the principal in conjunction with the school anti bullying specialist, but shall include an appropriate combination of counseling, support services, intervention services, and other programs, as defined by the commissioner.

Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of the investigation.

Reprisal or Retaliation

Acts of reprisal or retaliation can have a chilling effect on a school environment, and can create an atmosphere where alleged violations of this policy are not reported. It is important to establish and maintain a school culture that supports the norm that all suspected acts of reprisal or retaliation are taken seriously and appropriate responses are made in accordance with the totality of the circumstances. Inconsistent applications of appropriate responses to acts of reprisal or retaliation can contribute to the culture of violence and abuse that this policy is intended to prevent.

The NVRHS Board of Education prohibits a board of education member, school employee, contracted service provider who has contact with students, school volunteer or student 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 HIB or who reports an act of HIB. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures. N.J.S.A. (18A:37-16(a))

The policy shall contain the consequences and appropriate remedial action for a person found to have falsely accused another as a means of HIB. N.J.S.A. 18A:37-15(b) (9)

The NVRHS Board of Education prohibits any person from falsely accusing another as a means of HIB.

Examples of consequences and remedial actions regarding any person found to have falsely accused another as a means of HIB are as follows:

- 1) Students – Consequences and appropriate remedial action for a student could range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2.
- 2) Individual responses may also include, for first and second offenses, a copy of the results of the investigation placed in their student record, and the student may be subject to remedial action, including the provision of counseling and behavioral intervention services or discipline, or both, as

determined by the Principal. Upon a third offense, the student may be subject to a copy of the results of the investigation placed in their student record, and the Principal, in consultation with appropriate school staff, shall develop an individual student intervention plan which shall be approved by the Superintendent of schools or their designee, and may include remedial actions including counseling or behavioral intervention services or progressive discipline or both, and may require the student, accompanied by a parent or guardian to complete in a satisfactory manner a class or training program to reduce harassment, intimidation or bullying behavior.

- 3) School Employees – Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with district policies, procedures and agreements; and
- 4) Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer 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 students or the provision of student services.

**The consequences and appropriate remedial action for a person who commits an act of HIB.
N.J.S.A. 18A:37-15(b) (4)**

The NVRHS Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of HIB, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of HIB. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of HIB by students.

Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of student conduct and N.J.A.C. 6A:16-7.

Factors for Determining Consequences

- Age, developmental and maturity levels of the parties involved and their relationship to the school district;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and
- Context in which the alleged incidents occurred. • Evaluation of students determined to be eligible for Special Education and related services

Factors for Determining Remedial Measures

Personal

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation;
- Academic performance; and
- Relationship to students and the school district.

Environmental:

- School culture;
- School climate;
- Student-staff relationships and staff behavior toward the student;
- General staff management of classrooms or other educational environments;
- 504 Accommodation plans;
- Staff ability to prevent and manage difficult or inflammatory situations;
- Social-emotional and behavioral supports;
- Social relationships;
- Community activities;
- Neighborhood situation; and
- Family situation

Examples of Consequences and Remedial Measures

Consequences for a student who commits an act of HIB shall be varied and graded according to the nature of the behavior whether the student is eligible for Special Education and related services, the nature of the student's disability, if any and to the extent relevant; the developmental age of the student and the student's history of problem behaviors and performance, and consistent with the NVRHS Board of Education's approved code of student conduct and N.J.A.C. 6A:16-7, Student Conduct. 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 systemic problems related to HIB. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences:

- Admonishment;
- Temporary removal from the classroom;
- Deprivation of privileges;
- Classroom or administrative detention;
- Referral to disciplinarian;
- In-school suspension during the school week or the weekend;
- After-school programs;
- Out-of-school suspension (short-term or long-term);
- Reports to law enforcement or other legal action, if the student's behavior may constitute a possible violation of the New Jersey Code of Criminal Justice.
- Expulsion; and
- Bans from providing services, participating in school-district-sponsored programs or being in school buildings or on school grounds.
- The administration reserves the right to utilize the above-mentioned consequences for violation of the school code of conduct whether in person or online

Examples of Remedial Measures:

- Restitution and restoration;
- Peer support group;
- Recommendations of a student behavior or ethics council;
- Corrective instruction or other relevant learning or service experience;
- Supportive student interventions, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8;
- Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
- Behavioral management plan, with benchmarks that are closely monitored;
- Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- Involvement of school "disciplinarian;"
- Student counseling;
- Parent conferences;

- Alternative placements (e.g., alternative education programs);
- Student treatment; or
- Student therapy.

Actions for failure to report/act on an incident

A member of the NVRHS Board of Education, school employee or volunteer, contracted service provider, student or volunteer who has witnessed, or has reliable information that a student has been subject to HIB shall report the incident to a staff member, anti-bullying specialist, or to any school administrator or safe schools resource officer. That individual shall immediately initiate the school district's procedures concerning school bullying.

A school administrator who receives a report of HIB from a district employee or volunteer, and fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB, may be subject to disciplinary action. (cf: P.L.2002, c.83, s.4)

Off School Grounds Reporting

The responses to HIB that occur off school grounds shall be consistent with the board of education's code of student conduct and other provisions of the board's policy on HIB.

The policy adopted by NVRHS district includes provisions for appropriate responses to HIB as defined in section 2 of P.L.2002, c.83 (C.18A:37-14), when an incident of HIB occurs off school grounds, in cases in which a school employee is made aware of such actions, and such actions create a hostile environment at school for the student, infringe on the rights of the student at school, or disrupt the education process or orderly operation of a school pursuant to section 3 of P.L.2002, c.83 (C.18A:37-15).

In addition, the district will make available a report form through intranet, We-Tip and or website that can be used for reporting purposes. The district should consider every mechanism available to simplify reporting, including standard reporting forms and Web-based reporting mechanisms. To facilitate anonymous reporting a locked box will be located in each building. The school district shall provide a means for a parent or guardian to complete an online numbered form developed by the Department of Education to confidentially report an incident of harassment, intimidation or bullying.

Cyber- Harassment

1. A person commits the crime of cyber- harassment if, while making a communication in an online capacity via any electronic device or through a social networking site, and with the purpose to harass another, the person (1) threatens to inflict injury or physical harm to any person or the property of any person (2) knowingly sends, posts, comments, request, suggests or proposes any lewd, indecent or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm ; or (3) threatens to commit any crime against the person or the person's property.
2. If a minor under the age of 16 is adjudicated delinquent for cyber-harassment, the court may order, as a condition of sentencing, that the minor, accompanied by a parent or guardian, complete (1) a class or training program intending to reduce the tendency towards cyber-harassment behavior; or (2) a class or training program intended to bring awareness to the dangers associated with cyber-harassment.
3. A parent or guardian who fails to comply with a condition imposed by the court under this section is a disorderly person and shall be fined not more than \$100 for a first offense and not more than \$500 for each subsequent offense.
4. A parent or guardian having legal custody of a minor who demonstrates willful or wanton disregard in the exercise of the supervision and control of the conduct of a minor adjudicated delinquent of cyber-harassment pursuant to N.J.S.A. 2C:33-4.1 or harassment pursuant to N.J.S.A. 2C:33-4 may be liable in a civil action.

Building Anti-Bullying Specialists/Coordinator/School Safety Team

Building Anti-Bullying Specialist

The principal in each school shall appoint a school anti-bullying specialist(s). 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. Northern Valley will designate a shared duty with at least one guidance counselor and a member of the Child Study Team.

District Anti-Bullying Coordinator

The district anti-bullying coordinator shall meet at least twice a school year- once in the first semester and once in the second semester- with the anti-bullying specialists in the district to discuss and strengthen procedures and policies to prevent, identify, and address HIB in the district. The District Director of Guidance is designated as the District Anti-Bullying Coordinator.

School Safety/School Climate Team

The school safety/school climate team shall consist of the principal or his designee; a teacher in the school; a building anti-bullying specialist; a parent of a student in the school; and other members determined by the principal. The building anti-bullying specialist shall serve as the chair of the school safety team.

The school safety/school climate team shall:

- 1) Receive any complaints of HIB of students that have been reported to the principal;
- 2) Receive copies of any report prepared after an investigation of an incident of HIB;
- 3) Identify and address patterns of HIB of students in the school;
- 4) Review and strengthen school climate and the policies of the school in order to prevent and address HIB of students;
- 5) Educate the community, including students, teachers, administrative staff, and parents, to prevent and address HIB of students;
- 6) Participate in the training required pursuant to the provisions of P.L.2002, c.83 (C.18A:37-13 et seq.) and other training which the principal or the district anti-bullying coordinator may request;
- 7) Collaborate with the district anti-bullying coordinator in the collection of district-wide data and in the development of district policies to prevent and address HIB of students; and
- 8) Execute such other duties related to HIB as requested by the principal or district anti-bullying coordinator.

The members of a school safety/school climate team shall be provided professional development opportunities that address effective practices of successful school climate programs or approaches.

A parent shall be on the school safety/school climate team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality. Other members of the school safety/school climate team who are not authorized to access student records (see board policy 5125 Student Records) shall be on the team only in regard to general school climate issues and shall not participate in activities that may compromise a student's confidentiality.

Notwithstanding any provision of this section to the contrary, a parent who is a member of the school safety/school climate team shall not participate in the activities of the team set forth in paragraphs (1), (2), or (3) of subsection c. of this section or any other activities of the team which may compromise the confidentiality of a student.

It is required that the district and each school in the district with a website post on its homepage the current version of the document, Guidance for Parents on the Anti-Bullying Bill of Rights Act, developed by the Department of Education. The District will post, on its homepage, the contact information for the School Climate State Coordinator, at the same location where its policy on harassment, intimidation, bullying and hazing is available.

Respect Week

The week beginning with the first Monday in October of each year is designated as a week of respect. School districts, in order to recognize the importance of character education, shall observe the week by providing age-appropriate instruction focusing on preventing HIB as defined in 2 section of P.L.2002, c.83 (C.18A:37-14).

The district will provide a variety of venues to include:

Student Assembly

Student/Staff discussions

Speakers

Appeal Process

The parent or guardian may request a hearing before the board concerning the written information about a harassment, intimidation, or bullying investigation. The request for a board hearing shall be filed with the board secretary no later than 60 calendar days after the written information is received by the parents or guardians. 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 education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board's decision may be appealed to the Commissioner 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."

Approved Private Schools For Students With Disabilities (PSSDs)

The board is committed to ensuring that all district students that require placement in approved private schools for students with disabilities (PSSD) have the safe and civil environment in their school placement necessary for students to learn and achieve high academic standards. All approved PSSDs receiving students with disabilities from this district shall be committed to treating their students with civility and respect, and shall refuse to tolerate harassment, intimidation or bullying.

When an approved PSSD receives a complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred on a district school bus, at a district school-sponsored function and off school grounds, the approved PSSD shall notify the anti-bullying coordinator of the report or complaint.

The chief school administrator shall assign a school anti-bullying specialist to investigate a complaint or report of harassment, intimidation, or bullying, occurring on district school buses, at district school-sponsored functions, and off school grounds involving a student who attends an approved PSSD. The investigation conducted by the district anti-bullying specialist shall be in consultation with the approved PSSD.

The full-time non-teaching principal of the approved PSSD shall report to the anti-bullying coordinator and the child study team director, any complaint or report of an act of harassment, intimidation, or bullying involving a district student placed in the approved PSSD that occurred at the PSSD or an activity sponsored by the PSSD. The report shall include the names of the district students who are parties to the harassment, intimidation, or bullying investigation and the results of each investigation. The principal of the approved PSSD shall make this report to the district anti-bullying coordinator and to the student's parents/guardians no later than five school days following the investigation's completion. The report to the district shall include information on any service(s) provided; training established; and, discipline imposed or other action taken or recommended by the full-time non-teaching principal of the PSSD.

Once an incident of harassment, intimidation, or bullying is identified, the full-time non-teaching principal of

the approved PSSD shall determine the appropriate response to address the individual circumstances in consultation and conjunction with appropriate district staff, as necessary. The approved PSSD shall not, pursuant to N.J.A.C. 6A:14-7.6(f), unilaterally implement disciplinary action involving removal to an interim alternative educational setting, suspension of more than 10 consecutive or cumulative school days in a school year or termination of placement. Disciplinary action involving suspension and expulsion from the approved PSSD shall be implemented in conjunction with the district and according to law (N.J.A.C.6A:14-2.8) and board policies 5114 Suspension and Expulsion and 6171.4 Special Education.

Parents or guardians of students who are parties to a harassment, intimidation, or bullying investigations conducted by this district or an approved PSSD in which their child is placed may request a hearing before the board of education concerning the information received about an investigation. Any request for a hearing before the board of education shall be filed within 60 calendar days after the written information about the harassment, intimidation, or bullying investigation is received by the district and the parents or guardians. The hearing before the board shall be scheduled in collaboration with the approved PSSD and held by the board within 10 business days of the request. The approved PSSD and the board shall coordinate the policies and procedures for conducting such hearings.

Adopted: July 18, 2011
 NJSBA Review/Update:
 Readopted: May 23, 2016
 Revised and Readopted: September 24, 2018
 Revised and Readopted: March 21, 2022

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></p> <p><u>N.J.S.A. 10:5-1 et seq.</u> <u>N.J.S.A. 18A:6-112</u></p> <p><u>N.J.S.A. 18A:11-1</u> <u>N.J.S.A. 18A:12-33</u> <u>N.J.S.A. 18A:17-46</u></p> <p><u>N.J.S.A. 18A:25-2</u> <u>N.J.S.A. 18A:26-8.2</u></p> <p><u>N.J.S.A. 18A:36-19</u></p> <p><u>N.J.S.A. 18A:36-19a</u></p> <p><u>N.J.S.A. 18A:37-1 et seq.</u> <u>N.J.S.A. 18A:37-13 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 18A:37-14, -15, -17</u> <u>N.J.S.A. 18A:54-20</u> <u>N.J.A.C. 6A:14-2.8</u></p> <p><u>N.J.A.C. 6A:16-1.1 et seq.</u> <u>See particularly:</u> <u>N.J.A.C. 6A:16-7.1, -7.5, -7.6, -7.7</u> <u>N.J.A.C. 6A:30-1.4 et seq.</u></p>	<p>Disclosure of juvenile information; penalties for disclosure</p> <p>Law Against Discrimination</p> <p>Instruction on suicide prevention for public school teaching staff</p> <p>General mandatory powers and duties</p> <p>Training program; requirements</p> <p>Reporting of certain acts by school employee; annual report; public hearing (acts of violence)</p> <p>Authority over students</p> <p>School leader defined; training as part of professional development</p> <p>Student records; creation, maintenance and retention, security and access; regulations; nonliability</p> <p>Student records (Newly enrolled students; transfers of records, identification)</p> <p>Submission of Students to Authority (Discipline)</p> <p><u>Anti-Bullying Bill of Rights Act</u></p> <p>Harassment, intimidation, and bullying</p> <p>Powers of board (county vocational schools)</p> <p>Discipline/suspension/expulsions (students with disabilities)</p> <p>Programs to support student development (includes student conduct code)</p> <p>Evaluation process for the annual review</p>
---------------------------------	---	---

Gebser v. Lago Vista Independent School District 524 U.S. 274 (1989) United States Supreme Court addresses the standard by which a district will be held liable for sexual harassment of a student by a school employee under Title IX --requires actual notice and deliberate indifference.

Davis v. Monroe County Board of Education 526 U.S. 629 (1999) United States Supreme Court establishes the standard under which a school district may be liable under Title IX for sexual harassment of one student by another student. The district will be liable for damages only where the school officials are proven to have been deliberately indifferent to harassment of which it is actually aware. The harassment must be "severe, pervasive and objectively offensive."

Saxe v. State College Area School District 240 F.3d 200 (3rd Cir 2001) A Pennsylvania school district's anti-harassment policy was overly broad and therefore violated the Constitutional guarantee of freedom of speech.

L. W. v. Toms River Regional Schools Board of Education 189 N.J. 381 (2007) The New Jersey Supreme Court held that the standard under which a school district may be liable under the New Jersey Law Against Discrimination for student-on-student bullying or harassment is not the Title IX deliberate indifference standard, but is rather the same standard used under the NJLAD for hostile work environment cases. A district will be judged by whether the district's response met the "reasonable 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.