

# Pemberton Township Board of Education District Policy Manual

**Students**

**Series 5000**

**Harassment, Intimidation & Bullying**

**Policy 5131.9 [M]**

Date Adopted: April 14, 1994

Date Revised: December 18, 2008, March 26, 2009, March 25, 2010,  
October 27, 2011

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Date Reviewed: September 25, 2014

The Board of Education prohibits acts of harassment, intimidation or bullying against any pupil.

A safe and civil environment in school is necessary for pupils to learn and achieve. High academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe environment; and since pupils learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

For the purposes of this policy, "harassment, intimidation or bullying" means any gesture or written, verbal or physical act or any use of an electronic communication device directed at a student that takes place on or off school grounds, at any school-sponsored function, or on a school bus as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3 that:

- A. Targets a student and which may affect his/her educational program;
- B. Substantially disrupts, infringes or interferes with the orderly operation of the school or the rights of other students;
- C. Creates a hostile educational environment for a student(s) by infringing and/or interfering with a student(s)' education;
- D. Severely or pervasively causes physical or emotional harm to a student(s);
- E. Is motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or,
- F. By any other distinguishing characteristic; and
- G. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his person or damage to his property; or
- H. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

For the purposes of this policy and as defined in NJSA 18A:37-15.1, an electronic communication device is, "A communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer or pager."

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

The term “school grounds,” pursuant to NJAC 6A:16-1.3, means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School property also includes other facilities as defined in NJAC 6A:26-1.2, playgrounds, and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.

## Anti-Bullying Coordinator

The Superintendent of Schools shall appoint a district anti-bullying coordinator, who shall be responsible for overseeing and strengthening the anti-bullying initiatives and policies of this district to prevent, identify and address harassment, intimidation or bullying of students. The district anti-bullying coordinator shall also:

- A. Collaborate with the school anti-bullying specialist(s), the Board of Education and the Superintendent of Schools to prevent, identify and respond to harassment, intimidation or bullying of students in the district;
- B. Provide data in collaboration with the Superintendent of Schools, to the New Jersey Department of Education regarding harassment, intimidation or bullying of students;
- C. Execute such other duties related to school harassment, intimidation or bullying as requested by the Superintendent of Schools; and,
- D. Meet at least twice per school year (once in the first semester and once in the second semester) with the school anti-bullying specialist(s) to discuss and strengthen procedures and policies to prevent identify and address harassment, intimidation or bullying in the district.

In addition, a school safety team shall be established in each school to foster and maintain a positive school climate within the schools. Any parent/guardian who serves on the school safety team shall not participate in any activity of the team that may compromise the confidentiality of students.

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The Principal or Superintendent of Schools must appoint the currently employed school guidance counselor, school psychologist or other similarly trained individual as the school anti-bullying specialist. If there is no such individual meeting these criteria, the Principal or Superintendent of Schools must appoint another currently employed individual in the school to the position of school anti-bullying specialist.

The school anti-bullying specialist shall:

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

The Superintendent of Schools/designee shall develop a list of appropriate responses to actions of harassment, intimidation or bullying occurring off school grounds, in cases in which a school employee is made aware of such actions. These responses shall be consistent with the district's code of student conduct and other provisions of this policy and in accordance with the provisions of state and federal laws.

For school staff to address HIB that occurs off school grounds there must be reason to believe, at a minimum, that the alleged HIB has substantially disrupted or interfered with the orderly operation of the school or the rights of other students. Once this determination has been made, school staff must implement the provisions of this policy and the code of student conduct of the district.

### Expected Behavior

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

The Board of Education believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parents/guardians, staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of pupils, staff and community members.

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The Board of Education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent discipline problems and encourage pupils' abilities to grow in self-discipline.

## Cyber-bullying

The Board of Education expressly forbids cyber-bullying. For the purposes of this policy, "cyber-bullying" shall mean using the communication capacities of computers, the Internet and/or other digital communication devices to bully others by:

- A. Sending or posting cruel messages or images;
- B. Threatening others;
- C. Excluding or attempting to exclude others from activities or organizations;
- D. Starting or passing on rumors about others or the school system;
- E. Harassing or intimidating others;
- F. Sending angry, rude or vulgar messages directed at a person or persons privately or to an online group;
- G. Sending or posting harmful, untrue or cruel statements about a person to others;
- H. Pretending to be someone else and sending or posting material that makes that person look bad or places that person in potential danger;
- I. Sending or posting material about a person that contains sensitive, private or embarrassing information, including forwarding private messages or images; and/or,
- J. Engaging in tricks to solicit embarrassing information that is then made public.

Pupils found to be engaging in activities as described above shall be subject to the terms and sanctions found in this policy and the discipline code of the district.

The Superintendent of Schools shall provide annually to pupils and their parents/guardians the rules of the district regarding pupil conduct, and the policy shall appear in all publications of the school district's comprehensive rules, procedures and standards of conduct for schools within the school district, including the pupil handbook.

Provisions shall be made for informing parents/guardians whose primary language is other than English. These district rules shall include, but not be limited to:

- A. Describing pupil responsibilities including the requirements for pupils to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority;

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- B. Addressing appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success,
- C. Explaining pupil rights; and,
- D. Identifying disciplinary sanctions and due process.

## Consequences and Remedial Measures for Acts of Harassment, Intimidation or Bullying

### Discipline of Pupils

In considering whether a response beyond the individual level is appropriate, the administrator should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable pupil behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

### Pupils

Consequences and remedial measures for a pupil who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance. Consequences shall be consistent with the Board of Education approved code of student conduct and NJAC 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 pupil 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:

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## Consequences

- A. Admonishment;
- B. Temporary removal from the classroom;
- C. Deprivation of privileges;
- D. Classroom or administrative detention;
- E. Referral to disciplinarian;
- F. In-school suspension during the school week or the weekend;
- G. After-school programs;
- H. Out-of-school suspension (short-term or long-term);
- I. Legal action; and
- J. Expulsion.

## Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Peer support group;
- E. Recommendations of a student behavior or ethics council;
- F. Corrective instruction or other relevant learning or service experience;
- G. Supportive student interventions, including participation of the intervention and referral services team;
- H. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- I. Behavioral management plan, with benchmarks that are closely monitored;
- J. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- K. Involvement of school disciplinarian;
- L. Student counseling;
- M. Parent conferences;
- N. Student treatment; or
- O. Student therapy.

## Environmental (Classroom, School Building or School District)

- A. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- B. School culture change;
- C. School climate improvement;
- D. Adoption of research-based, systemic bullying prevention programs;
- E. School policy and procedures revisions;
- F. Modifications of schedules;
- G. Adjustments in hallway traffic;

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- H. Modifications in student routes or patterns traveling to and from school;
- I. Supervision of students before and after school, including school transportation;
- J. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- K. Teacher aides;
- L. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- M. General professional development programs for certificated and non-certificated staff;
- N. Professional development plans for involved staff;
- O. Disciplinary action for school staff who contributed to the problem;
- P. Supportive institutional interventions, including participation of the intervention and referral services team;
- Q. Parent conferences;
- R. Family counseling;
- S. Involvement of parent-teacher organizations;

Classified pupils are subject to the same disciplinary procedures as nondisabled pupils and may be disciplined in accordance with their IEP. However, before disciplining a classified pupil, it must be determined that:

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

## Staff

Any person who has been convicted of bias intimidation may be disqualified for employment in this district. Consequences and appropriate remedial actions for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges that could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

## Consequences

- A. Admonishment;
- B. Temporary removal from the classroom;
- C. Deprivation of privileges;
- D. Referral to disciplinarian;
- E. Withholding of Increment
- F. Suspension;
- G. Legal action; and
- H. Termination.

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## Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Support group;
- E. Recommendations of behavior or ethics council;
- F. Corrective action plan;
- G. Behavioral assessment or evaluation;
- H. Behavioral management plan, with benchmarks that are closely monitored;
- I. Involvement of school disciplinarian;
- J. Counseling;
- K. Conferences;
- L. Treatment; or
- M. Therapy.

## Environmental (Classroom, School Building or School District)

- A. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- B. School culture change;
- C. School climate improvement;
- D. Adoption of research-based, systemic bullying prevention programs;
- E. School policy and procedures revisions;
- F. Modifications of schedules;
- G. Supervision;
- H. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- I. General professional development programs for certificated and non-certificated staff;
- J. Professional development plans for involved staff;
- K. Disciplinary action;
- L. Supportive institutional interventions, including participation of the intervention and referral services team;
- M. Conferences;
- N. Counseling.

## Reporting Harassment, Intimidation or Bullying

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



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Any school employee, pupil, Board Member, or volunteer who has witnessed, or has reliable information that a pupil has been subject to harassment, intimidation or bullying, must report the incident to the appropriately designated administrator or his/her designee.

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 services provider witnessed or received reliable information regarding any such incident. The principal shall inform the parent(s)/guardian(s) of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation or bullying shall be reported in writing to the principal within 2 school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subjected to harassment, intimidation or bullying.

In cases in which an incident of harassment, intimidation or bullying occurs exclusively among or between special education students or student with developmental disabilities in the context of a county special services school district or a separate program for special education students within a school district, the school employee who witnesses such an incident shall have the discretion to determine whether it is necessary to report the incident or if the incident may have been affected by the condition of the student(s) and thereby warrants an alternative approach more appropriate in the special education context.

Reports of harassment, intimidation or bullying in any form, including but not limited to, oral reports, written reports or electronic reports shall be taken. Reports shall also be made to the Department of Education through the Electronic Violence and Vandalism Reporting System (EVVRS). The Board of Education shall allow reports to be anonymous, but no formal disciplinary action shall be based solely on an anonymous report.

The Board of Education requires that all violations and complaint reports of harassment, intimidation or bullying be investigated promptly by the appropriately designated administrator or his/her designee. All investigations shall be thorough and complete and shall include, but not be limited to:

- A. Taking of statements from victim, witnesses and accused;
- B. Careful examination of facts;
- C. Support for the victim; and
- D. Determination if alleged act constitutes a violation of this policy.

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The appropriately designated administrator shall maintain all reports and records of the investigation on file.

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

The Board of Education 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, school building or school district levels or by law enforcement officials. In considering whether a response beyond the individual is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom; school building; school district) responses may include, but are not limited to:

- A. School and community surveys;
- B. Mailings;
- C. Focus groups;
- D. Adoption of research-based bullying prevention program models;
- 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 or bullying in the school community;
- H. The involvement of law enforcement officers, including school resource officers.

For every incident of harassment, intimidation or bullying, the district shall respond to the individual who committed the act. Responses may include, but not be limited to:

- A. Individual responses can include positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g., detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about an incident of harassment, intimidation or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management;
- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices;

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- D. District-wide responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g., mental health; health services; health facilities; law enforcement; faith-based).

## Retaliation and Reprisal Prohibited

The Board of Education prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Superintendent of Schools and/or principal or their designee after consideration of the nature, severity and circumstances of the act, in accordance with case law and Board of Education policies and procedures.

Any act of retaliation or reprisal against any person who reports an act of harassment, intimidation or bullying shall not be tolerated. Any student, school employee, volunteer, visitor, or Board of Education Member 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.

## Students

The consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal and/or falsely accusing 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 parents/guardians, up to and including short or long-term suspension or expulsion, as permitted by law.

## School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accusing another as a means of harassment, intimidation or bullying shall be determined in accordance with district policies, procedures and agreements, up to and including suspension or dismissal from service.

## Visitors, Volunteers

Consequences and appropriate remedial action for a visitor or volunteer, found to have engaged in retaliation, reprisal and/or falsely accusing another as a means of harassment, intimidation or bullying shall be determined by the Superintendent of Schools after

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

## Consequences

- A. Admonishment;
- B. Temporary removal from the classroom or school;
- C. Deprivation of privileges;
- D. Classroom or administrative detention;
- E. Referral to disciplinarian;
- F. In-school suspension during the school week or the weekend;
- G. After-school programs;
- H. Out-of-school suspension (short-term or long-term);
- I. Legal action;
- J. Withholding of Increment;
- K. Suspension;
- L. Expulsion;
- M. Termination.

## Remedial Measures

- A. Personal;
- B. Restitution and restoration;
- C. Mediation;
- D. Peer support group;
- E. Recommendations of a student behavior or ethics council;
- F. Corrective instruction or other relevant learning or service experience;
- G. Supportive student interventions, including participation of the intervention and referral services team;
- H. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
- I. Behavioral management plan, with benchmarks that are closely monitored;
- J. Assignment of leadership responsibilities (e.g., hallway or bus monitor);
- K. Involvement of school disciplinarian;
- L. Counseling;
- M. Conferences;
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## Support for Victims of Harassment, Intimidation or Bullying

The Superintendent of Schools/designee shall establish procedures and practices for supporting victims of harassment, intimidation or bullying, incorporating the services of professional staff members within the district or as he/she deems appropriate.

## Investigation & Appeal

The Superintendent of Schools/designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the Superintendent of Schools/designee shall oversee a prompt, thorough and complete investigation of the alleged incident.

School administrators who receive a report of harassment, intimidation or bullying from a district employee and fail to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation or bullying and fail to take sufficient action to minimize or eliminate the harassment, intimidation or bullying may be subject to disciplinary action.

The investigation shall be initiated by the principal within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. Additional personnel may be appointed by the principal to assist in the investigation. The investigation shall be completed within 10 school days from the date of the written report of the incident of harassment, intimidation or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information.

The results of the investigation shall be reported to the Superintendent of Schools within 2 school days of the completion of the investigation and in accordance with the regulations promulgated by the NJ State Board of Education pursuant to the "Administrative Procedure Act," PL 1968, c410 (C.52:14B-1 et seq). The Superintendent of Schools may decide to provide intervention services, establish training programs to reduce harassment, intimidation or bullying and enhance school climate, impose discipline, or order counseling as a result of the findings of the investigation or take or recommend other appropriate actions.

The results of each investigation shall be reported to the Board of Education no later than the date of the Board of Education meeting next following the completion of the investigation along with information on any services provided, training established, discipline imposed or other actions taken or recommended by the Superintendent of Schools.

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Parents/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 regulations, whether the district found evidence of harassment, intimidation or bullying or whether discipline was imposed or services provided to address the incident. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the Board of Education. A parent/guardian may request a hearing before the Board of Education after receiving the information and the hearing shall be held within 10 days of the request. The Board of Education shall meet in executive session for the hearing to protect the confidentiality of the student(s). At the hearing, the Board of Education 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 Board meeting following the receipt of the report, the Board of Education shall issue a decision, in writing to affirm, reject or modify the decision of the Superintendent of Schools. The decision of the Board of Education may be appealed to the NJ Commissioner of Education in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the decision of the Board of Education.

A parent/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," PL 1945, c169 (C. 10:5-1 et seq).

## Response to an Incident of Harassment, Intimidation or Bullying

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

## Consequences for False Accusation

Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under NJSA 18A:37-1, Discipline of Pupils.

