

SAYREVILLE FILE CODE: 5131.1
BOARD OF EDUCATION X Monitored
POLICY X Mandated
X Other Reasons

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NJSBA POLICY AND LIBRARY RESOURCES

New Jersey School Boards Association, P.O. Box 909, Trenton, NJ 08605-0909

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HARASSMENT, INTIMIDATION OR BULLYING

The Sayreville Board of Education ("Board") acknowledges that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, 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 environment.

Since students learn by example, school administrators, staff members, and volunteers must demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment, intimidation, or bullying.

The Board prohibits any student from engaging in any act or behavior of harassment, intimidation, or bullying towards other students on school property, at school-sponsored functions, on a school bus, or through electronic medium. Electronic medium shall include, but is not limited to, telephones, cellular phones, cellular-camera phones, text messaging devices, computers, the internet, e-mail, and digital cameras. Harassment, intimidation or bullying means any gesture or written, verbal, electronic or physical act 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, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

A. 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,

B. by any other distinguishing characteristic; and

C. a reasonable person should know, under the circumstances, will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or

D. 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.

The Board expects students 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 students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment consistent with the code of student conduct.

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The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/guardians, staff and community members, 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 Board and community property on the part of students, staff and community members.

The Board 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 harassment, intimidation or bullying, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation or bullying 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.

The Board is committed to a policy that identifies those students who become involved in any act or behavior of harassment, intimidation, or bullying. In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, school administrators should consider the following factors: the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature and severity of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Listed below are factors for determining remedial measures, remedial measures and possible consequences for those individuals who violate this policy.

Factors for Determining Remedial Measures

Personal

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation; and
- Academic performance.

Environmental

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

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- Community activities;
- Neighborhood situation; and
- Family situation.

Examples of Consequences and Remedial Measures

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the board of education's approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1. Consequences 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, and must be consistent with the district 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 harassment, intimidation or bullying. 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);
- Legal action; and
- Expulsion.

Examples of Remedial Measures

Personal

- Restitution and restoration;
- Mediation;
- 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;

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- Parent conferences;
- Student treatment; or
- Student therapy.

Environmental (Classroom, School Building or School District)

- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
- School culture change;
- School climate improvement;
- Adoption of research-based, systemic bullying prevention programs;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Modifications in student routes or patterns traveling to and from school;
- Supervision of student before and after school, including school transportation;
- Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);
- Teacher aides;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;
- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Supportive institutional interventions, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8;
- Parent conferences;
- Family counseling;
- Involvement of parent-teacher organizations;
- Involvement of community-based organizations;
- Development of a general bullying response plan;

- Recommendations of a student behavior or ethics council;
- Peer support groups;
- School transfers; and
- Law enforcement (e.g., school resource officer, juvenile officer) involvement.

The Board requires the principal and/or the principal's designee at each school to be responsible for receiving complaints alleging violations of this policy. All school employees as well as all other members of the school community, including students, parents, volunteers and visitors, are required to report alleged violations of this policy to the principal or the principal's designee.

While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal of each building or available at the school district's central office, or the reporting party may use the district's web-based reporting system. Oral reports also shall be considered official reports. Reports may be made anonymously, but formal action for violations of the code of student conduct may not be based solely on the basis of an anonymous report.

The Board requires the principal and/or the principal's designee to be responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough and complete investigation of each alleged

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incident.

The Board 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. 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 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 suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

In considering whether a response beyond the individual 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 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 student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including school resource officers.

The Board 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 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.

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with case law, Federal and State statutes, regulations and policies, and Board policies and procedures.

Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion. 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.

Institutional (i.e., classroom, school building, school district) responses to acts of harassment, intimidation, or bullying 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 conduct and the school's response to the conduct, and to involvement of law enforcement officers as appropriate.

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A school employee or volunteer who has witnessed harassment, intimidation, or bullying, or has reliable information that a student has been subject to harassment, intimidation or bullying, must promptly report the incident to the building principal or the principal's designee. Other members of the school, community, including parents and students, are encouraged to report such acts or behaviors to the building principal. The principal and/or the principal's designee is responsible for determining whether an alleged act constitutes a violation of this policy. In so doing, the principal and/or the principal's designee shall conduct a prompt, thorough and complete investigation of the alleged incident. A bullying complaint form will be made available in each school building in the principal's office. While submission of the report form is not required, the reporting party is encouraged to use the report form available from the principal. Oral reports also shall be considered official reports.

Parents and students may anonymously report an incident of harassment, intimidation, or bullying. Disciplinary action may not be taken against a student solely on the basis of an anonymous report.

Any school official shall immediately notify the designated law enforcement official whenever any school employee in the course of his or her employment develops reason to believe that a student has threatened, is planning or otherwise intends to cause death, serious bodily injury, significant bodily injury to another person, or criminal sexual conduct under circumstances in which a reasonable person would believe that the student genuinely intends at some time in the future to commit the violent act or carry out the threat.

The Board will not tolerate any reprisal or retaliation against any person who reports such acts or behaviors covered under this policy. School employees, students, and volunteers must not engage in reprisal, retaliation or false accusation against a victim, witness, or an individual with reliable information about 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 after consideration of the nature and circumstances of the act, in accordance with case law, federal and state statutes and regulations, and Board policies and procedures. Consequences and appropriate remedial action for a student 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.

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

A. Students – The consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying may 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, Shortterm suspensions, N.J.A.C. 6A:16-7., Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

B. School Employees – Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies, procedures and agreements.

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C. Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

The Board requires school officials to annually disseminate the policy to all school staff, students and parents, along with a statement explaining that it applies to all applicable acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions or on a school bus. The Superintendent shall post the policy on the school district's website as well as annually notify students and parents that the policy is available on the district's website. The Superintendent shall develop and implement a process for annually discussing the school district policy on harassment, intimidation and bullying with students.

Information regarding this policy shall be incorporated into the Board's employee training program. Notice of the Board's policy will appear in any Board publication that sets forth the comprehensive rules, procedures, and standards of conduct for schools within the school district and in any student handbook.

The Superintendent may, in his or her discretion, establish bullying prevention programs, and other initiatives involving school staff, students, administrators, volunteers, parents, law enforcement and community members.

Pursuant to N.J.S.A. 37-17(5)(b), the Board may, and if funds are appropriated for these purposes must:

- A. provide training on the Board's harassment, intimidation and bullying policies to school employees and volunteers who have significant contact with students; and
- B. (2) develop a process for discussing the Board's harassment, intimidation and bullying policies with students.

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Possible

Cross References: 3541.33 Transportation safety

5114 Suspension and expulsion

5124 Reporting to parents/guardians

5131 Conduct/Discipline

R5131 Student Behavior on School Bus

5131.5 Vandalism/violence

5131.7 Weapons and dangerous instruments

5145.4 Equal educational opportunity

5145.6 Student grievance procedure

5145.11 Questioning and apprehension

5145.12 Search and seizure

6145 Extracurricular activities

6164.4 Child study team

6171.4 Special education

6172 Alternative educational programs

Key Words

Conduct, Discipline, Student Conduct, Student Conduct, Student Behavior on School Bus, Bullying, Intimidation, Harassment, Bus Driver, Weapons and Dangerous Instruments

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