

POLICY MOUNTAIN LAKES BOARD OF EDUCATION

PUPILS
File Code: 5131.1
Page 1 of 8
 Monitored
 Mandated
 Other Reasons

5131.1 Harassment, Intimidation, Bullying

PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING ON SCHOOL PROPERTY, AT SCHOOL-SPONSORED FUNCTIONS AND ON SCHOOL BUSES

Statute N.J.S.A. 18A:37-15

Policy Statement

The Board of Education prohibits acts of harassment, intimidation or bullying. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Whether verbal or physical, any potentially injurious intentional behavior is unacceptable at, or on the way to or from, school, on a school bus, or at any school-sponsored activity of the Mountain Lakes School District.

The Board also prohibits acts of harassment, intimidation and bullying directed towards district students that are done through electronic media (including, without limitation, electronic groups such as FaceBook or My Space) or electronic means (including, without limitation, e-mail, text messaging and use of image editing software).

Every report of such behavior will be addressed in an effective and consistent manner, beginning with an administrative investigation, and every instance of these behaviors, whether single or chronic, will be treated in an individual manner.

Statement of Purpose

The paramount goal of the Board is to ensure a safe, civil and respectful learning environment for all students upon which every member of the learning community can depend. 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.

Definition of Terms

Harassment, intimidation or bullying means any behavior, gesture or written, verbal 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. 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
- b. has the purpose or effect of creating a hostile environment for a student. A hostile environment will be defined as one occurring when harassment, intimidation, or bullying causes a student embarrassment, disturbance or humiliation which unreasonably interferes with the student's work, academic performance or ability to participate in or benefit from, any school program or activity or creates an intimidating, threatening, offensive or abusive environment;
- c. 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. N.J.S.A. 18A:37-14.

Expected Behavior

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

The Board believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), 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 school district and community property on the part of pupils, staff and community members.

The Board believes the best discipline is self-imposed, and it is the responsibility of school district 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 the best practices designed to prevent student conduct problems and encourage pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the Superintendent in conjunction with school staff, and approved by the Board. These guidelines will be developed based on accepted core ethical values from broad community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, pupils and administrators. These guidelines for pupil conduct will be suited to the age level of the pupils and the mission and physical facilities of the individual school(s) in the district. This Policy requires all pupils in the district to adhere to these rules and guidelines and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules and guidelines.

The district prohibits active and passive support for harassment, intimidation or bullying. Pupils are encouraged to support other pupils who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Building Principal or his/her designee.

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

The Superintendent will provide annually to pupils and their parent(s) or legal guardian(s) the rules of the district regarding pupil conduct, pupil's due process and other rights. Notice of this Policy will appear in all publications of the school district's comprehensive rules, procedures and standards of conduct for school(s) within the district.

Consequences and Appropriate Remedial Actions

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:

- a) the developmental and maturity levels of the parties involved,
- b) the levels of harm,
- c) the surrounding circumstances,
- d) the nature of the behaviors,
- e) past incidences or past or continuing patterns of behavior,

- f) the relationships between the parties involved and the context in which the alleged incidents occurred.

PUPILS

File Code: 5131.1

Page 4 of 8

Monitored

Mandated

Other Reasons

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 and must be consistent with the Board approved code of student conduct. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, Federal and State statutes, regulations and policies, and district/school Policies and Regulations.

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 as set forth in the Board approved code of student conduct. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, and protect the victim of the act.

The district should make resources available to individual victims of harassment, intimidation and bullying and respond in a manner that does not stigmatize the victims.

The response to students who commit one or more acts in violation of this policy should be determined based on the totality of the circumstances. In all cases, the district should attempt to actively involve parents in the remediation of the behavior(s) of concern.

Reporting Procedure

The Board is committed to establishing and maintaining an environment where individuals may easily report cases of harassment, bullying or intimidation free from the fear of retaliation.

At each school, the principal or the principal's designee is 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 office. Oral reports also shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

Investigation

The Principal or his/her designee is responsible for determining whether an alleged act constitutes a violation of this Policy. The Principal or his/her designee shall conduct a

PUPILS

File Code: 5131.1

Page 5 of 8

Monitored

Mandated

Other Reasons

prompt, thorough and complete investigation of the alleged incident. The Principal or his/her designee will maintain a record of each investigation regarding allegations of harassment, intimidation and bullying.

Response to an Incident of Harassment, Intimidation or Bullying

Some acts of harassment, intimidation or bullying may be isolated incidents requiring the school to respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation or bullying that require a response either at the classroom, school building or school district level or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation or bullying 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.

In considering whether a response beyond the individual level is appropriate, the administrator will consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences, past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred.

Whenever an allegation of sexual harassment has been made, district officials will immediately report the allegation to local law enforcement and the county prosecutor.

School officials are responsible for taking all appropriate steps to understand and rectify the problem, which by law involves more than individual punitive disciplinary actions. School officials shall consider school climate and culture factors that might overtly or inadvertently support harassment, intimidation and bullying behavior. 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 to the involvement of school resource officers or law enforcement officers. All of these responses shall be designed to fully address the actions (and the school's response to the actions) in the context of the acceptable student behavior.

Reprisal or Retaliation Prohibited

The school district 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 Principal or his/her designee after consideration of the nature and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

Consequences for False Accusation

The Board prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying. 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 N.J.S.A. 18A:37-1, Discipline of Pupils and as set forth in N.J.A.C. 6A:16-7.2 et. sec. 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 determined in accordance with district policies, procedures and agreements. 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 Superintendent after consideration of the nature, severity and circumstances of the act, and may include reports to appropriate law enforcement officials.

Policy Publication

This Policy will be disseminated annually to all school staff, pupils, parent(s) or legal guardian (s), along with a statement explaining that the Policy applies to all acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions or on a school bus.

The Superintendent shall develop a process for annual discussion of the school district's policy on harassment, intimidation and bullying with pupils..

Harassment, Intimidation and Bullying Prevention Programs

Pursuant to N.J.S.A.18A:37-17(5)(c) and N.J.A.C. 6A:16-7.9(d)(1) information regarding the district's Harassment, Intimidation and Bullying Policy shall be incorporated into a school's employee training program. All district staff will be obligated to remain informed and demonstrate an understanding of what constitutes

sexual harassment by completing the online Preventing Sexual Harassment tutorial at intervals determined by the Superintendent.

PUPILS
File Code: 5131.1
Page 7 of 8
 Monitored
 Mandated
 Other Reasons

Pursuant to N.J. A.C. 6A:16-7.9(d)(3) the district is required to annually review the extent and characteristics of harassment, intimidation and bullying behavior in the school buildings and, if appropriate, implement locally determined programmatic and/or other responses.

Pursuant to N.J.A.C. 6A:16-7.9(d)(1) the district is required to review annually the training needs of the district staff for the effective implementation of the harassment, intimidation and bullying policy, procedures, programs and initiatives of the Board, and, if appropriate, implement locally determined staff training programs consistent with the annual review of the training needs and the findings of the annual review and update of the code of student conduct pursuant to N.J.A.C. 6A:16-7.1(a)(3).

Pursuant to N.J.A.C. 6A:16-7.9(d)(2) the district is required to develop a process for discussing annually the school district's harassment, intimidation and bullying policy with students.

Legal References:

| | |
|---|---|
| <u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u> | Disclosure of juvenile information; Penalties for disclosure |
| <u>N.J.S.A.</u> 2C:12-1 | Definition of assault |
| <u>N.J.S.A.</u> 2C:33-19 | Paging devices, possession by students |
| <u>N.J.S.A.</u> 2C:39-5 | Unlawful possession of weapons |
| <u>N.J.S.A.</u> 18A:6-1 | Corporal punishment of pupils |
| <u>N.J.S.A.</u> 18A:11-1 | General mandatory powers and duties |
| <u>N.J.S.A.</u> 18A:25-2 | Authority over pupils |
| <u>N.J.S.A.</u> 18A:36-19a | Newly enrolled students; records and identification |
| <u>N.J.S.A.</u> 18A:37-1 <u>et seq.</u> | Discipline of Pupils |
| <u>See particularly:</u> <u>N.J.S.A.</u> 18A:37-15 | |

N.J.S.A. 18A:40A-1 et seq. Substance Abuse

PUPILS
File Code: 5131.1
Page 8 of 8
 Monitored
 Mandated
 Other Reasons

N.J.S.A. 18A:54-20 Powers of Board (county vocational schools)
N.J.A.C. 6:8-2.1 Quality assurance annual report
N.J.A.C. 6:8-2.2 School-level planning
N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsions
N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student development

See particularly:

N.J.A.C. 6A:16-1.4, -1.5, -4.1, -5.1, -6.1, -6.2

N.J.A.C. 6A:24-4.1(i)7 Implementation of whole school reform Model 20

U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Manual for the Evaluation of Local School District (September 2002)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revision Adopted: May 16,

Re-adopted as Policy No. 5131.1: June 5, 2006
Revised: August 13, 2007