

HARASSMENT, INTIMIDATION AND BULLYING
Policy and Procedures

CENTRAL JERSEY COLLEGE PREP
Charter School



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PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING ON SCHOOL PROPERTY, AT SCHOOL-SPONSORED FUNCTIONS AND ON A SCHOOL BUS, OR OFF SCHOOL GROUNDS AS PROVIDED FOR IN N.J.S.A. 18A:37-15.3
Statute N.J.S.A. 18A:37-15 and Administrative Code N.J.A.C. 6A:16-7.9

Statement of Purpose:

The CJCPCS board of trustees prohibits all acts of harassment, intimidation or bullying (HIB) including cyber-bullying. The Board believes that a safe, secure and civil environment in school is necessary for students to learn and achieve high academic standards. The paramount goal of the Board with this policy, here after referred to as the HIB Policy, 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. The current HIB policy responds to current New Jersey statute P.L. 2010 Chapter 122 "Anti-Bullying Bill of Rights Act".

Definition:

The CJCPCS board establishes that "**harassment, intimidation or bullying**" means any gesture or written, verbal or physical act, or any use of electronic communication* as defined in N.J.S.A. 1q8A:37-14, against a student, whether it be a single incident or a series of incidents and that:

- is reasonably perceived as being 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,
- by any other distinguishing characteristic; and
- that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in N.J.S.A. 18A:37-15.3, that substantially disrupts or interferes with the orderly operation of the school or the 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 or

creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

* *"Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager.*

Expected Behavior:

The CJCPCS 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 discipline problems and encourage pupils' abilities to grow in self-discipline. The school prohibits active and passive support for harassment, intimidation or bullying. Pupils are encouraged to support other pupils who are victims of these acts when they see them by acting as a defender to constructively attempt to stop them and report these acts to the District Anti-bullying Coordinator, Dean of Students, or other adult at school and an adult at home.

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. The District Anti-bullying Coordinator, and Dean of Students will develop and provide a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship, acting as a defender in incidences of HIB, and academic success.

Consequences and Appropriate Remedial Actions for Student Perpetrators:

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 of Trustee approved code of student conduct, pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of HIB 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 Board's approved code of student conduct and N.J.A.C. 6A:16-7, Student Conduct. The following factors shall be given full consideration when 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 behavior; incidences of past or continuing patterns of behavior; relationships of parties involved; and context in which the alleged incidences occurred. Examples of consequences for HIB include classroom or administrative detention and out-of-school suspension.

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. Efforts will be made to help the offender prevent any repeat offenses through a complete understanding of the psychological causes for action in him or herself and the effects endured by the victim.

Personal and environmental factors will be considered when determining appropriate remedial measures including: academic performance and social relationships for personal factors and school culture and family situation for environmental factors. Examples of personal remedial measures include student counseling and supportive student interventions through the school's Intervention and Referral Services (I&RS) team, pursuant to N.J.A.C. 6A:16-8. Examples of environmental remedial measures include modifications of schedules and supervision of student before and after school, including school transportation.

Corrective actions for systemic harassment, intimidation or bullying are handled as other repeat offenses in accordance with the school's Student Code of Conduct. 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.

Consequences and Appropriate Remedial Actions for Non-student Perpetrators:

Consequences and appropriate remedial actions for non-students including, school employees, volunteers, or visitors who commit an act of harassment, intimidation or bullying shall be handled in accordance with relevant federal and state statutes and codes plus the CJCP Employee Handbook. These measures may include any deemed appropriate by the CEO up to and including dismissal. In the event the perpetrator is a volunteer or visitor the incident will be recorded in writing by the school, reported to the county superintendent's office, and the visitor or volunteer's privilege to return to school be at the discretion of the CEO.

Reporting HIB:

All board members, school employees, and contracted service providers are required to verbally report incidences of HIB when witnessed, or when they receive reliable information of such occurrence, the **same day** they become aware to the school Chief Education Officer (CEO), or District Anti-bullying Coordinator, or other designee of the CEO who shall immediately initiate the school district's procedures concerning school bullying. N.J.S.A. 18A:37-16(b). The CEO must be verbally notified on the **same day** a report is received if the CEO does not personally receive said report, pursuant to N.J.S.A. 18A:37-15(b)(5). In

addition all alleged incidents must also be reported in writing within two days to the school CEO. Upon learning of a HIB incident the CEO shall inform the parents/guardians of all students involved, pursuant to N.J.S.A. 18A:37-15(b)(5). The reporting party is encouraged to use the HIB Incident Report Form available from the School Safety Team.

A member of the Board or school employee who promptly reports an incident of HIB and who makes this report in compliance with the procedures in the district's policy is immune from a cause of action for damages arising from any failure to remedy the reported incident.

Students, parents, and visitors are encouraged to report alleged violations of this policy to the CEO, or other administrator or adult in the school, on the same day when the individual witnessed or received reliable information regarding any such incident.

Provisions for anonymous reporting of acts of HIB are made available through an electronic "comment box" on the school's website that does not require personal identification. Formal disciplinary action may not be based solely on the content of an anonymous report.

Pursuant to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3 all confirmed incidents of harassment, intimidation, and bullying, including the related offender and victim details will be reported on the NJDOE's Electronic Violence and Vandalism Reporting System by authorized personnel.

Whenever a suspected hate or bias-related act has occurred that is of a serious nature or is suspected of being a part of a wider pattern it will be reported to local law enforcement by school officials.

Investigation:

The district board of trustees requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the CEO or the CEO's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the District Anti-bullying Coordinator appointed by the CEO. The CEO may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed and the written findings submitted to the CEO as soon as possible, but not later than 10 school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying. Should information regarding the reported incident and the investigation be received after the end of the 10-day period, the District Anti-bullying Coordinator or the CEO shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The CEO shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings. As appropriate to the findings from the investigation, the CEO shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.

The CEO shall report the results of each investigation to the board of trustees no later than the date of the regularly scheduled board of trustees meeting following the completion of the investigation. The CEO's report also shall include information on any consequences imposed under the code of student conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the chief school administrator.

Parents of the students who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents includes the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the board of trustees.

A parent or guardian may request a hearing before the board of trustees after receiving the information. When a request for a hearing is granted, the hearing shall be held within 10 school days of the request. The board of trustees shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the board of trustees may hear testimony from and consider information provided by the District Anti-bullying Coordinator and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled board of trustees meeting following its receipt of the report or following a hearing in executive session, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board of trustee's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than 90 days after the issuance of the board of trustees' decision.

A parent, student, or organization may file a complaint with the Division of 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" (*P.L.* 1945, c. 169; *N.J.S.A.* 10:5-1 *et seq.*).

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.

They shall conduct a prompt, thorough and complete investigation of the alleged incident. Such personnel 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 level or the school wide level and could possibly require involvement by law enforcement officials.

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. The school's responses to the issue of HIB in general 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. The school's responses may include participation of parent(s) or legal guardian(s) 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 acceptable student behavior or the consequences of such actions and involvement of law enforcement officers.

This policy and the code of student conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation or bullying occurring off school grounds, as in cases of cyber-bullying, when:

- The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students; and either
- A reasonable person should know, under the circumstances, that the alleged behavior 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
- The alleged behavior has the effect of insulting or demeaning any student or group of students; or
- The alleged behavior creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.

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 the case law, Federal and State statutes, regulations and policies, and the school's Student Code of Conduct.

Parents of victims and offenders are notified and may be called in for private discussions at the school with subcommittee members or administrators. In this way parents of offenders

are involved in active remediation of the behavior(s) of concern and parents of victims are informed of the incident and the school's efforts to address it and protect their child.

Ongoing Support for Victims of HIB:

After specifics of an incident of HIB are dealt with according to the previous sections of this policy confirmed victims of harassment, intimidation or bullying act will be given help through supportive actions which may include but is not limited to any of the following:

- a) Making all school staff aware and watchful over the victim and interactions between the victim and the offender to prevent repeat incidences.
- b) Providing ongoing support through the school counselors and teachers to aid in the development of skills to improve social interactions and conflict resolution.
- c) Aid them in developing social connections within the school, usually in the form of an extracurricular club or activity.

Reprisal or Retaliation for Reporting of HIB Prohibited:

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. The school prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying.

Consequences and appropriate remedial action for a student found to have participated in the reprisal or retaliation to a reported incident 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 and in accordance with the school's Student Code of Conduct.

Any school employee found to have participated in the reprisal or retaliation of a reported incident will be reviewed by the administration and handled according to the CJCPCS Employee Handbook and to the requirements and procedures detailed in N.J.A.C. 6A:16-5.3(g). Board action will take into account the nature of the conduct, surrounding circumstances, and the employee's prior history with the school.

Consequences for contracted service providers, volunteers, or visitors found to have participated in the reprisal or retaliation to a reported incident shall be in accordance with the all case law, Federal and State statutes and regulations, and school policies, procedures and agreements. The incident will be recorded in writing by the school, reported to the county superintendent's office, and the visitor or volunteer's privilege to return to school be at the discretion of the CEO.

Consequences for False Accusation:

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 as permitted under N.J.S.A. 18A:37-1 and in accordance with the school's Student Code of Conduct.

Any allegations of falsification of data in reporting of any HIB incident against a school employee will be reviewed by the administration and handled according to the CJCPCS Employee Handbook and to the requirements and procedures detailed in N.J.A.C. 6A:16-5.3(g). Board action will take into account the nature of the conduct, surrounding circumstances, and the employee's prior history with the school.

Consequences for service contract providers, volunteers or visitors found to have falsely accused another of harassment, intimidation or bullying shall be in accordance with the all case law, Federal and State statutes and regulations, plus school policies, procedures, and agreements. The incident will be recorded in writing by the school, reported to the county superintendent's office, and the visitor or volunteer's privilege to return to school be at the discretion of the CEO.

HIB Policy Publication:

This HIB policy applies to all incidents that take place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in N.J.S.A. 18A:37-15.3. This HIB Policy will be disseminated annually to all school staff, pupils, parent(s) or legal guardian (s). It will be prominently posted on the school's internet website home page for easy downloadable access by parents, students, and community members. A current copy of the policy will be kept on file in the main office for public inspection. The contact information for the school's District Anti-Bullying Coordinator will be posted on the home page of the website. N.J.S.A. 18A:37-15(b)(12).

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

The CEO shall develop a process for the district Anti-bullying Coordinator to discuss the school's policy on harassment, intimidation and bullying with pupils on an annual basis. N.J.S.A. 18A:37-17(b).

Employee Training and HIB Prevention:

Pursuant to N.J.S.A.18A:37-17.c. information regarding the school's Harassment, Intimidation and Bullying Policy shall be incorporated into the school's employee training program and this training will be provided for school employees and to contracted service providers and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying.

Employee training about HIB will also include elements of Olweus Bullying Prevention Program (OBPP). OBPP has been established at CJCPCS and full implementation reached in the 2009-2010 school year. This program will remain a part of the school climate going forward and used in conjunction with the HIB Policy. It provides explicit guidelines for

both the preventing and remediating of HIB occurrences some of which has been referred to in previous sections of the HIB Policy. The OBPP employee training educates staff about what bullying is, how to recognize it, and how to intervene in instances of it. OBPP training makes extensive usage of experiential learning techniques, such as role playing, for staff and for students also. OBPP provides a mechanism to provide data on the nature of HIB present in the school through an annual student survey. This procedure brings the school in compliance with N.J.A.C. 6A:16-7.9(d)3.

The OBPP School Committee shall serve as the School Safety Team and carry out all requirements of this body pursuant N.J.S.A.18A:37-18.

Pursuant to N.J.A.C. 6A:16-7.1(a)3 the CEO or the CEO's designee will perform an annual review of the training needs of staff in connection with the effectiveness of the HIB Policy and the OBPP . The CEO will implement with the approval of the board any local HIB training deemed necessary as a result of the review.

Pursuant to N.J.A.C. 6A:16-7.9(d)1 the CEO or the CEO's designee will conduct an annual review and then update of the school's Student Code of Conduct as deemed required by the board.

Last Updated June, 2011

Approved by the Board of Trustees on 8/23/11.