

**HARASSMENT, BULLYING, INTIMIDATION**  
**AND**  
**THREATENING BEHAVIOR PREVENTION**

The Long Hill Township Board of Education (BOE) prohibits acts of harassment, intimidation, or bullying of a student or threatening behavior of or to a student. The BOE has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, as well as other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

The BOE believes that harassing, intimidating/threatening, bullying and hazing activities of any type are inconsistent with the educational process and the Board prohibits all such harassing, intimidating/threatening, bullying and/or hazing behavior at any time on school premises, at any school-sponsored function, on any school bus, or through any electronic means of communication.

The BOE establishes that "harassment, intimidation or bullying" means any gesture or written, verbal or physical act, or any use of electronic communication (inclusive of cyber-bullying) (N.J.S.A. 18A:35-15.1) that takes place on school property, or at any school-sponsored function, 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 identify 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, 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/her person or damage to his/her property; or
- d. 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.

“Electronic communication” means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer or pager. Cyber-bullying presents some grey areas in nature by taking place sometimes outside of school activity. However, it is the expectation that this policy supports the vigilance of staff in protecting students from such action. Should there be **any** connection to the school with cyber-bullying (whether inside or outside of school activities), it will be pursued and consequences administered.

### **Expected Behavior**

The BOE 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, consistent with the code of student conduct.

The BOE believes that standards for pupil behavior must be set cooperatively through interaction among pupils, parents or legal guardians, staff and community members of the school district, 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 that it is the responsibility of school district staff to use instances of violations of the code of student conduct as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply the best practices designed to prevent student conduct problems and foster students’ abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the Chief School Administrator (CSA), in conjunction with school staff, and approved by the Board. These guidelines will be developed based on accepted core ethical values from board community involvement with input from parent(s) or legal guardians(s) and other community representatives, school employees, volunteers, pupil and administrators. These guidelines for student conduct will take into consideration the developmental ages of students, the severity of offenses and students’ histories of inappropriate behaviors, and the mission and physical facilities of the individual schools. This policy requires all pupils in the district to adhere to these rules and guidelines and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules and to those stipulated in the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (MOA).

The Building Principal 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. 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, including pupil handbooks. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

The district prohibits active and passive support for harassment, intimidation, bullying, hazing or threatening. 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 accepted 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.

Pupils who display chronic behavioral or academic problems may be referred to the child study team by the CSA for possible identification as disruptive or disaffected. Such referrals shall be in strict accordance with the due process regulations prescribed by the administrative code. Pupils so identified shall be provided with appropriate programs and services as prescribed by the child study team.

A pupil whose presence poses a continuing danger to persons or property, and/or an ongoing threat of disrupting the academic process, may be suspended or expelled, following due process and in accordance with the MOA.

Group punishment shall not be permitted unless all persons in the group are guilty and deserving of the consequences. Group punishments shall be permissible only upon the approval of the building principal who shall be responsible for advising the CSA of same.

Any pupil who commits an assault (as defined by N.J.S.A. 2C:12-1) upon a Board Member, teacher, administrator or other employee of the BOE shall be suspended from school immediately according to procedural due process. Suspension or expulsion proceedings shall begin no later than 30 calendar days from the date of the pupil's suspension. Local authorities must be notified in accordance with the MOA.

### **Substance Abuse**

In accordance with statute and code and the MOA, penalties shall be assigned for use, possession and distribution of proscribed substances and drug paraphernalia. The penalties shall be graded according to the severity of the offense. Infractions shall be reported to the local law enforcement agency in accordance with the MOA.

### **Weapons Offenses**

Any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property or on a school bus or at a school sponsored function shall be immediately removed from the school's regular education program for a period of not less than one calendar year. The CSA may modify this suspension on a case-by-case basis. Each pupil so removed shall be placed in an alternative educational program or on home instruction and shall be entitled to a hearing before the BOE. The hearing shall take place no later than 30 days following the day the pupil is removed from the regular education program and shall be closed to the public.

The principal shall be responsible for the removal of such students and shall immediately report them to the CSA. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

The CSA shall determine at the end of the year whether the student is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education.

Teaching staff members and other employees of this BOE having authority over pupils shall take such lawful means as may be necessary to control the disorderly conduct of pupils in all situations and in all places where such pupils are within the jurisdiction of the BOE.

### **Consequences and Appropriate Remedial Actions**

The BOE 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, bullying, hazing, or threatening behavior 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, bullying, hazing, or threatening behavior 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 following factors will be considered in determining the appropriate response to students who commit one or more acts of harassment, intimidation, bullying, hazing, or threatening behavior:

1. The age, developmental and maturity levels of the parties involved;
2. The degrees of harm;
3. The surrounding circumstances;
4. The nature and severity of the behavior(s);
5. Past incidences or continuing patterns of behavior;
6. The relationships between the parties involved;
7. The context in which the alleged incidents occurred.

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all facts and surrounding circumstances.

The following factors will be considered in determining the appropriate remedial measures for students who commit one or more acts of harassment, intimidation, hazing, bullying, or threatening behavior.

Personal

Life skill deficiencies  
Social relationships  
Strengths  
Talents  
Traits  
Interests  
Hobbies  
Extracurricular activities  
Classroom participation  
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  
Community activities  
Neighborhood situation  
Family situation

An appropriate consequence will be determined after meaningful consideration of these factors. Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation, bullying, hazing, or threatening behavior may range from positive behavioral interventions up to and including suspension or expulsion. The appropriate consequence will be consistent with case law, Federal and State statutes, and district/school policies and regulations. 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, bullying, hazing or threatening behavior. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Consequences

Admonishment	Temporary removal from the classroom
Deprivation of privileges	Classroom or administrative detention
Referral to disciplinarian	In-school suspension during week or on weekend
After-school programs	
Out of school suspension	Legal action
Expulsion	

Remedial Measures

Personal

Restitution and restoration  
Mediation  
Peer support group  
Corrective instruction  
Counseling  
Parent involvement  
Student therapy  
Behavioral management plan

Environmental

Surveys to determine conditions contributing to harassment, intimidation or bullying  
School culture change or climate Student improvement  
Group presentations  
Involvement of parent or community groups  
Professional development programs for staff

Appropriate consequences for a staff member who commits an act of harassment, intimidation or bullying shall be determined on a case by case basis, depending on the seriousness of the act and may include a letter of reprimand, suspension, withholding of an increment, or other action appropriate to the circumstance.

Appropriate remedial actions for a staff member who commits an act of harassment, intimidation or bullying shall be determined on a case by case basis, depending on the seriousness of the act and may include restitution and restoration, mediation, a corrective action plan, counseling, or other action appropriate to the circumstance.

**Reporting Procedure**

The BOE 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. 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. Other reporting forms include but are not limited to e-mail, phone, personal reporting to staff, and text messaging.

All staff members, pupils and school volunteers shall be alert to possible behavior, circumstances, or events that might include harassment, intimidation, bullying and hazing. A person who detects harassment, planned harassment, intimidation, planned intimidation, bullying, planned bullying, hazing and/or planned hazing, threatening behavior and/or planned threatening behavior shall immediately inform the student(s) involved of the prohibition against this behavior and/or conduct and direct them to immediately cease all such behavior and/or conduct. All such incidents must be reported to the Building Principal.

The Building Principal and/or Affirmative Action Officer will report to the Superintendent any incident reported from a staff member, pupil, parent, legal guardian or any other source. The Building Principal will also report information received from anonymous sources, however, any formal disciplinary action will not be taken solely on the basis of any anonymous report.

### **Investigation**

The BOE 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 incident. The principal or his/her designee will maintain a record of each investigation regarding allegations of harassment, intimidation or bullying.

### **Response to Incident of Harassment, Intimidation, Bullying or Hazing**

The BOE recognizes that some acts of harassment, intimidation or bullying may be isolated acts requiring that school officials respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, bullying, hazing or threatening behavior that they may require a response either at the classroom, school building or school district level or by law enforcement officials. Consequences and appropriate remedial actions for actions for pupils who commit an act of harassment, intimidation, bullying, hazing or threatening behavior 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:16-7.2, Long term suspension and N.J.A.C. 6A:17-7.5, Expulsions. Annually the CSA will report to the New Jersey Department of Education on student conduct, including all student suspension and expulsion and incidences reported under the Electronic Violence and Vandalism Reporting System.

In considering whether a response beyond the individual level is appropriate, the administrator will consider the nature and circumstances of the act, the degree of harm, 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 acceptable student and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers, including school resource officers.

If the investigation determines harassment, intimidation, bullying, hazing and/or threatening behavior was planned or was present, the administration will take reasonable age-appropriate and effective corrective action to end the behavior which may include, but is not limited to, counseling, warning, and/or disciplinary action. The administration may need to provide support services to the pupil(s) that was harassed, intimidated, threatened, bullied and/or hazed, which may include, but is not limited to, counseling, retaking a course, tutoring and/or other services to the pupil(s) to remedy the past harassing, intimidating, bullying and/or hazing behavior.

### **Reprisal or Retaliation Prohibited**

The BOE 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 or his/her designee 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.

A school employee who promptly reports an incident of harassment, intimidation, bullying and/or hazing to the building principal, in accordance with N.J.S.A. 18A:37.1 et seq. is immune from a cause of action for damages arising from any failure to remedy the reported incident.

### **Consequences for False Accusation**

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

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, Short-term suspensions, N.J.A.C. 6A:16-7.2, Long-term suspensions and N.J.A.C. 6A:16-7.5, Expulsions.

School Employees – Consequences and appropriate remedial action for an 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.

Visitors and 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.

### **Disabled Students**

Classified pupils are subject to the same disciplinary procedures as non-disabled pupils and may be disciplined in accordance with their Individual Education Plan (IEP). However, before disciplining a classified pupil, it must be determined:

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

Staff shall comply with state and federal law and the regulations of the New Jersey Administrative code in dealing with discipline and/or suspension of all pupils with disabilities.

### **Policy Publication**

The BOE requires school officials to annually disseminate this policy to all school staff, students and parents or legal guardians, along with a statement explaining that it applies to all acts of harassment, intimidation, bullying, and threatening behavior that occur on school property, at a school-sponsored function, on a school bus, or through the use of electronic means of communication (cyber-bullying). The CSA 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 CSA shall develop and implement a process for annually discussing the school district policy on harassment, intimidation, bullying and threatening behavior with students.

The district policies with regard to harassment, intimidation and bullying shall be a part of the code of student conduct adopted in each school building.

**Harassment, Intimidation, Bullying and Hazing Prevention Program**

Pursuant to N.J.S.A. 18A:37-17©, information regarding the district's Harassment, Intimidation, and Bullying Policy shall be incorporated into a school employee's training program.

Pursuant to N.J.S.A. 18A:37-17(a), the district will establish bullying prevention programs, and other initiatives involving school staff, pupils, administrators, volunteers, parent(s) or legal guardian(s), law enforcement and community members in developing such programs and initiatives.

Any Pupil organization that seeks to organize and perpetuate itself by taking in members based on the decision of the membership of the organization, rather than from the free choice of any pupils who are otherwise qualified to fill the special aims of such organization, is prohibited.

This policy shall be forwarded to the County Superintendent of Schools and published in pupil and staff handbooks upon its adoption by the Board.

**First Reading: April 27, 2009**

**Second Reading: May 4, 2009**

**Replaces Policy 5131 dated March 30, 2009**

**Legal References:**

N.J.S.A. 2A:4A-60 et al	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:12-1	Definition of assault
N.J.S.A. 2C:33-19	Paging devices, possession by students
N.J.S.A. 2C:39-5	Unlawful possession of weapons
N.J.S.A. 18A:6-1	Corporal punishment of pupils
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:25-2	Authority over pupils
N.J.S.A. 18A:36-19a	Newly enrolled students; records and identification
N.J.S.A. 18A:37-1 et seq.	Discipline of Pupils
See particularly:	
N.J.S.A. 18A:37-15	
N.J.S.A. 18A:40A-1 et seq.	Substance Abuse
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
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,-2.4,-4.1,-5.1,-6.1,-6.2,-7.1

N.J.A.C. 6A:32-12.1 Reporting requirements

N.J.A.C. 6A:32-12.2 School-level planning

P.L. 2007, c.129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school “harassment, intimidation or bullying”

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. Kuhlmeir 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.

L.W. v. Toms River Regional Schools Board of Education, N.J. No. A-111-05

(Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division of Civil Rights.

Manual for the Evaluation of Local School Districts

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (2007 Revisions)

**Possible Cross References:**

\*1220 Ad Hoc Advisory Committees

\*1410 Local units

3516 Safety

\*3541.33 Procedures for Emergencies; Safety

5000	Concepts and Roles in Student Personnel
*5020	Role of parents/guardians
*5113	Absences and excuses
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Protection of Rights
*5145.4	Equal educational opportunity
*5145.6	Pupil grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular Activities and Eligibility
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.

