

POLICY

Berlin Township Board of Education

Section: Teaching Staff

3512 HARASSMENT, INTIMIDATION AND BULLYING

Date Created: July 2007

Date Edited: August 23, 2007

3512- HARASSMENT, INTIMIDATION AND BULLYING (STAFF)

1. Policy Statement

The Berlin Township Board of Education prohibits acts of harassment, intimidation or bullying (HIB) by students, parents, guardians, visitors, staff, volunteers and anyone else on school property. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards and high emotional well-being. 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. Since pupils learn by example, school administrators, faculty, staff and volunteers are expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment, intimidation or bullying.

2. Definition

"Harassment, intimidation or bullying" means any gesture, written (including cyber-bullying), verbal or physical act that takes place on or off school property (i.e., at school-sponsored functions, on a school bus, cyber-bullying, text messaging, Internet sites, phones, others) that affect the learning environment. The policy will also be posted on the district's website and each school's website in a prominent location. And that:

1. 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
2. By any other distinguishing characteristic; and
3. 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
4. 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.

3. Expected Behavior

The Board expects the staff 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 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 district prohibits active and passive support for harassment, intimidation or bullying. Staff members are encouraged to support other staff members 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.

Staff members 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.

4. Consequences and Appropriate Remedial Actions

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

1. The developmental and maturity levels of the parties involved;
2. The levels of harm;
3. The surrounding circumstances;
4. The nature of the behavior(s);
5. Past incidences or continuing patterns of behavior;
6. The relationships between the parties involved; and
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 of the facts and surrounding circumstances.

An appropriate consequence will be determined after meaningful consideration of these factors and Policy 3150: Discipline of Teaching Staff Members and Policy 4140: Discipline of Staff Non-Teaching Staff Members. Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation or bullying 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. Consequences may include:

- Conference with supervisor
- Letter of reprimand in file
- Suspension from work with/without pay
- Withholding of pay increment
- Termination of employment
- Legal action

Remedial actions may include:

- Peer support group
- In/out of school counseling

5. Reporting Procedure

All members of the school community including students, parents, guardians, visitors and volunteers making complaints alleging violations of this Policy are required to be reported to the Principal or his/her designee in a written format. All school employees are required to report alleged violations of this Policy to the Principal or his/her designee. All other members of the school community, including pupils, parent(s) or legal guardian(s), volunteers and visitors are encouraged to report any act that may be a violation of this Policy. While submission of an Incident Report Form to the Principal or his/her designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Principal of each building or available at the school district office. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

6. 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 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.

7. 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.

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 district's 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. The district'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 district's response to the actions in the context of acceptable student behavior or the consequences of such actions and involvement of law enforcement officers, including school resource officers. All suspected acts of hate or bias-related acts are required to be reported to the local police via school/district administration.

8. 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 (see # 4 above) 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.

9. Consequences for False Accusation

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 and procedures #3150 and #4150.

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 Principal or his/her designee, after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

10. 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 or off school property (i.e., at school-sponsored functions, on a school bus, cyber-bullying, text messaging, Internet sites, phones, others) that affect the learning environment. The policy will also be posted on the district's website and each school's website in a prominent location.

The Superintendent shall develop a process for the Principal(s) to discuss the school district's policy on harassment, intimidation and bullying with pupils on an annual basis.

Harassment, Intimidation and Bullying Prevention Programs

Pursuant to N.J.S.A. 18A:37-17.c., information regarding the district's Harassment, Intimidation and Bullying Policy shall be incorporated into a school's employee training program. All staff members will sign that they received a copy of this policy annually.

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.

Pursuant to N.J.S.A. 18A:37-17.b., the district is encouraged to, and to the extent funds are appropriated for these purposes, provide training on the school district's harassment, intimidation and bullying policies to school employees and volunteers who have significant contact with pupils and develop a process for discussing the school district's harassment, intimidation and bullying policies with pupils.

Pursuant to N.J.S.A. 18A:37-19, the school district may apply to the Commissioner of Education for additional costs due to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

Pursuant to N.J.S.A.: 6A:16-7.9(d)1, the district will annually review the training needs of staff for the effective implementation of the harassment, intimidation and bullying policy and implement locally determined staff training programs consistent with the annual review and update of the code of student conduct as determined by the Board of Education.

Pursuant to N.J.S.A.: 37-17(5)c and N.J.S.A.: 6A:16-7.9(d)1i, the staff professional Development Plan will annually include in-service on all aspects of this policy including causes, consequences and remediation offerings.

Pursuant to N.J.S.A.: 6A:16-7.9(d)3, the district will review the extent and characteristics of HIB in the district's schools and implement locally determined programmatic responses if appropriate.

The Superintendent will forward a copy of this Policy to the County Executive Superintendent of Schools by September 1, 2007.

N.J.S.A. 18A:37-13 through 18A:37-19

Adopted: 19 May 2005

Revised: August 23, 2007 (1st Reading)

Readopted: September 27, 2007

POLICY

Berlin Township Board of Education

Section: Non-Teaching Staff

4512.02 HARASSMENT, INTIMIDATION AND BULLYING

Date Created: July 2007

Date Edited: August 23, 2007

4512.02- HARASSMENT, INTIMIDATION AND BULLYING (NON-TEACHING STAFF)

1. Policy Statement

The Berlin Township Board of Education prohibits acts of harassment, intimidation or bullying (HIB) by students, parents, guardians, visitors, staff, volunteers and anyone else on school property. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards and high emotional well-being. 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. Since pupils learn by example, school administrators, faculty, staff and volunteers are expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment, intimidation or bullying.

2. Definition

"Harassment, intimidation or bullying" means any gesture, written (including cyber-bullying), verbal or physical act that takes place on or off school property (i.e., at school-sponsored functions, on a school bus, cyber-bullying, text messaging, Internet sites, phones, others) that affect the learning environment. The policy will also be posted on the district's website and each school's website in a prominent location. And that:

1. 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
2. By any other distinguishing characteristic; and
3. 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
4. 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.

3. Expected Behavior

The Board expects the staff 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 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 district prohibits active and passive support for harassment, intimidation or bullying. Staff members are encouraged to support other staff members 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.

Staff members 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.

4. Consequences and Appropriate Remedial Actions

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

1. The developmental and maturity levels of the parties involved;
2. The levels of harm;
3. The surrounding circumstances;
4. The nature of the behavior(s);
5. Past incidences or continuing patterns of behavior;
6. The relationships between the parties involved; and
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 of the facts and surrounding circumstances.

An appropriate consequence will be determined after meaningful consideration of these factors and Policy 3150: Discipline of Teaching Staff Members and Policy 4140: Discipline of Staff Non-Teaching Staff Members. Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation or bullying 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. Consequences may include:

- Conference with supervisor
- Letter of reprimand in file
- Suspension from work with/without pay
- Withholding of pay increment
- Termination of employment
- Legal action

Remedial actions may include:

- Peer support group
- In/out of school counseling

5. Reporting Procedure

All members of the school community including students, parents, guardians, visitors and volunteers making complaints alleging violations of this Policy are required to be reported to the Principal or his/her designee in a written format. All school employees are required to report alleged violations of this Policy to the Principal or his/her designee. All other members of the school community, including pupils, parent(s) or legal guardian(s), volunteers and visitors are encouraged to report any act that may be a violation of this Policy. While submission of an Incident Report Form to the Principal or his/her designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Principal of each building or available at the school district office. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

6. 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 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.

7. 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.

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 district's 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. The district'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 district's response to the actions in the context of acceptable student behavior or the consequences of such actions and involvement of law enforcement officers, including school resource officers. All suspected acts of hate or bias-related acts are required to be reported to the local police via school/district administration.

8. 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 (see # 4 above) 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.

9. Consequences for False Accusation

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 and procedures #3150 and #4150.

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 Principal or his/her designee, after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

10. 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 or off school property (i.e., at school-sponsored functions, on a school bus, cyber-bullying, text messaging, Internet sites, phones, others) that affect the learning environment. The policy will also be posted on the district's website and each school's website in a prominent location.

The Superintendent shall develop a process for the Principal(s) to discuss the school district's policy on harassment, intimidation and bullying with pupils on an annual basis.

Harassment, Intimidation and Bullying Prevention Programs

Pursuant to N.J.S.A. 18A:37-17.c., information regarding the district's Harassment, Intimidation and Bullying Policy shall be incorporated into a school's employee training program. All staff members will sign that they received a copy of this policy annually.

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.

Pursuant to N.J.S.A. 18A:37-17.b., the district is encouraged to, and to the extent funds are appropriated for these purposes, provide training on the school district's harassment, intimidation and bullying policies to school employees and volunteers who have significant contact with pupils and develop a process for discussing the school district's harassment, intimidation and bullying policies with pupils.

Pursuant to N.J.S.A. 18A:37-19, the school district may apply to the Commissioner of Education for additional costs due to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

Pursuant to N.J.S.A.: 6A:16-7.9(d)1, the district will annually review the training needs of staff for the effective implementation of the harassment, intimidation and bullying policy and implement locally determined staff training programs consistent with the annual review and update of the code of student conduct as determined by the Board of Education.

Pursuant to N.J.S.A.: 37-17(5)c and N.J.S.A.: 6A:16-7.9(d)1i, the staff professional Development Plan will annually include in-service on all aspects of this policy including causes, consequences and remediation offerings.

Pursuant to N.J.S.A.: 6A:16-7.9(d)3, the district will review the extent and characteristics of HIB in the district's schools and implement locally determined

programmatic responses if appropriate.

The Superintendent will forward a copy of this Policy to the County Executive Superintendent of Schools by September 1, 2007.

N.J.S.A. 18A:37-13 through 18A:37-19

Adopted: 19 May 2005

Revised: August 23, 2007 (1st Reading)

Readopted: September 27, 2007

POLICY

Berlin Township Board of Education

Section: Pupils

5512.01. HARASSMENT, INTIMIDATION AND BULLYING

Date Created: May, 2005

Date Edited: September 27, 2007

5512.01- HARASSMENT, INTIMIDATION AND BULLYING

1. Policy Statement

The Berlin Township Board of Education prohibits acts of harassment, intimidation or bullying (HIB) by students, parents, guardians, visitors, staff, volunteers and anyone else on school property. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards and high emotional well-being. 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. Since pupils learn by example, school administrators, faculty, staff and volunteers are expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment, intimidation or bullying.

2. Definition

"Harassment, intimidation or bullying" means any gesture, written (including cyber-bullying), verbal or physical act that takes place on or off school property (i.e., at school-sponsored functions, on a school bus, cyber-bullying, text messaging, Internet sites, phones, others) that affect the learning environment. The policy will also be posted on the district's website and each school's website in a prominent location. And that:

1. 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
2. By any other distinguishing characteristic; and
3. 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

4. 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.

3. Expected Behavior

The Board expects pupils and staff 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.

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. 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. School personnel are trained annually in all aspects of why HIB occurs and the appropriate actions to rectify these negative behaviors.

4. Consequences and Appropriate Remedial Actions

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

1. The developmental and maturity levels of the parties involved;
2. The levels of harm;
3. The surrounding circumstances;
4. The nature of the behavior(s);
5. Past incidences or continuing patterns of behavior;
6. The relationships between the parties involved; and
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 of the facts and surrounding circumstances.

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 or bullying 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. Consequences may include:

- Temporary removal from class/school
- Deprivation of privileges
- Classroom detention
- Administrative detention
- In-school suspension
- After school suspension
- Out-of-school suspension
- Legal action, and expulsion

Remedial actions may include:

- Peer mediation
- Peer support group
- Referral to IRT (Intervention Referral Team)
- Behavioral assessment or evaluation, including, but not limited to CST
- In/out of school counseling
- Parent conference

5. Reporting Procedure

All members of the school community including students, parents, guardians, visitors and volunteers making complaints alleging violations of this Policy are required to be reported to the Principal or his/her designee in a written format. All school employees are required to report alleged violations of this Policy to the Principal or his/her designee. All other members of the school community, including pupils, parent(s) or legal guardian(s), volunteers and visitors are encouraged to report any act that may be a violation of this Policy. While submission of an Incident Report Form to the Principal or his/her designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Principal of each building or available at the school district office. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

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7. Response to an Incident of Harassment, Intimidation or Bullying

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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. The school district's 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. The district'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 district's response to the actions in the context of acceptable student behavior or the consequences of such actions and involvement of law enforcement officers, including school resource officers. All suspected acts of hate or bias-related acts are required to be reported to the local police via school/district administration.

8. Reprisal or Retaliation Prohibited

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9. Consequences for False Accusation

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

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 and procedures as per Policy # 4150.

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 Principal or his/her designee, after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

10. 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 or off school property (i.e., at school-sponsored functions, on a school bus, cyber-bullying, text messaging, Internet sites, phones, others) that affect the learning environment. The policy will also be posted on the district's

website and each school's website in a prominent location.

The Superintendent shall develop a process for the Principal(s) to discuss the school district's policy on harassment, intimidation and bullying with pupils on an annual basis.

Harassment, Intimidation and Bullying Prevention Programs

Pursuant to N.J.S.A. 18A:37-17.c., information regarding the district's Harassment, Intimidation and Bullying Policy shall be incorporated into a school's employee training program. All staff members will sign that they received a copy of this policy annually.

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.

Pursuant to N.J.S.A. 18A:37-17.b., the district is encouraged to, and to the extent funds are appropriated for these purposes, provide training on the school district's harassment, intimidation and bullying policies to school employees and volunteers who have significant contact with pupils and develop a process for discussing the school district's harassment, intimidation and bullying policies with pupils.

Pursuant to N.J.S.A. 18A:37-19, the school district may apply to the Commissioner of Education for additional costs due to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

Pursuant to N.J.S.A.: 6A:16-7.9(d)1, the district will annually review the training needs of staff for the effective implementation of the harassment, intimidation and bullying policy and implement locally determined staff training programs consistent with the annual review and update of the code of student conduct as determined by the Board of Education.

Pursuant to N.J.S.A.: 37-17(5) c and N.J.S.A.: 6A:16-7.9(d) 1i, the staff professional Development Plan will annually include in-service on all aspects of this policy including causes, consequences and remediation offerings.

Pursuant to N.J.S.A.: 6A:16-7.9(d) 3, the district will review the extent and characteristics of HIB in the district's schools and implement locally determined programmatic responses if appropriate.

The Superintendent will forward a copy of this Policy to the County Executive Superintendent of Schools by September 1, 2007.

N.J.S.A. 18A:37-13 through 18A:37-19

Adopted: 19 May 2005

Revised: August 23, 2007 (1st Reading)

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POLICY

Berlin Township Board of Education

Section: Non-Teaching Staff

4512 HARASSMENT, INTIMIDATION AND BULLYING

Date Created: July 2007

Date Edited: August 23, 2007

4512- HARASSMENT, INTIMIDATION AND BULLYING (NON-TEACHING STAFF)

1. Policy Statement

The Berlin Township Board of Education prohibits acts of harassment, intimidation or bullying (HIB) by students, parents, guardians, visitors, staff, volunteers and anyone else on school property. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards and high emotional well-being. 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. Since pupils learn by example, school administrators, faculty, staff and volunteers are expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment, intimidation or bullying.

2. Definition

"Harassment, intimidation or bullying" means any gesture, written (including cyber-bullying), verbal or physical act that takes place on or off school property (i.e., at school-sponsored functions, on a school bus, cyber-bullying, text messaging, Internet sites, phones, others) that affect the learning environment. The policy will also be posted on the district's website and each school's website in a prominent location. And that:

1. 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
2. By any other distinguishing characteristic; and
3. 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
4. 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.

3. Expected Behavior

The Board expects the staff 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 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 district prohibits active and passive support for harassment, intimidation or bullying. Staff members are encouraged to support other staff members 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.

Staff members 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.

4. Consequences and Appropriate Remedial Actions

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

1. The developmental and maturity levels of the parties involved;
2. The levels of harm;
3. The surrounding circumstances;
4. The nature of the behavior(s);
5. Past incidences or continuing patterns of behavior;
6. The relationships between the parties involved; and
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 of the facts and surrounding circumstances.

An appropriate consequence will be determined after meaningful consideration of these factors and Policy 3150: Discipline of Teaching Staff Members and Policy 4140: Discipline of Staff Non-Teaching Staff Members. Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation or bullying 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. Consequences may include:

- Conference with supervisor
- Letter of reprimand in file
- Suspension from work with/without pay
- Withholding of pay increment
- Termination of employment
- Legal action

Remedial actions may include:

- Peer support group
- In/out of school counseling

5. Reporting Procedure

All members of the school community including students, parents, guardians, visitors and volunteers making complaints alleging violations of this Policy are required to be reported to the Principal or his/her designee in a written format. All school employees are required to report alleged violations of this Policy to the Principal or his/her designee. All other members of the school community, including pupils, parent(s) or legal guardian(s), volunteers and visitors are encouraged to report any act that may be a violation of this Policy. While submission of an Incident Report Form to the Principal or his/her designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Principal of each building or available at the school district office. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

6. 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 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.

7. 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.

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 district's 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. The district'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 district's response to the actions in the context of acceptable student behavior or the consequences of such actions and involvement of law enforcement officers, including school resource officers. All suspected acts of hate or bias-related acts are required to be reported to the local police via school/district administration.

8. 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 (see # 4 above) 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.

9. Consequences for False Accusation

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 and procedures #3150 and #4150.

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 Principal or his/her designee, after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

10. 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 or off school property (i.e., at school-sponsored functions, on a school bus, cyber-bullying, text messaging, Internet sites, phones, others) that affect the learning environment. The policy will also be posted on the district's website and each school's website in a prominent location.

The Superintendent shall develop a process for the Principal(s) to discuss the school district's policy on harassment, intimidation and bullying with pupils on an annual basis.

Harassment, Intimidation and Bullying Prevention Programs

Pursuant to N.J.S.A. 18A:37-17.c., information regarding the district's Harassment, Intimidation and Bullying Policy shall be incorporated into a school's employee training program. All staff members will sign that they received a copy of this policy annually.

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.

Pursuant to N.J.S.A. 18A:37-17.b., the district is encouraged to, and to the extent funds are appropriated for these purposes, provide training on the school district's harassment, intimidation and bullying policies to school employees and volunteers who have significant contact with pupils and develop a process for discussing the school district's harassment, intimidation and bullying policies with pupils.

Pursuant to N.J.S.A. 18A:37-19, the school district may apply to the Commissioner of Education for additional costs due to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

Pursuant to N.J.S.A.: 6A:16-7.9(d)1, the district will annually review the training needs of staff for the effective implementation of the harassment, intimidation and bullying policy and implement locally determined staff training programs consistent with the annual review and update of the code of student conduct as determined by the Board of Education.

Pursuant to N.J.S.A.: 37-17(5)c and N.J.S.A.: 6A:16-7.9(d)1i, the staff professional Development Plan will annually include in-service on all aspects of this policy including causes, consequences and remediation offerings.

Pursuant to N.J.S.A.: 6A:16-7.9(d)3, the district will review the extent and characteristics of HIB in the district's schools and implement locally determined

programmatic responses if appropriate.

The Superintendent will forward a copy of this Policy to the County Executive Superintendent of Schools by September 1, 2007.

N.J.S.A. 18A:37-13 through 18A:37-19

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