

EQUAL EDUCATIONAL OPPORTUNITY (HARASSMENT)

The district shall provide equal and bias-free access for all pupils to all school facilities, courses, programs, activities and services and give them opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, social or economic condition, or disability. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with pupils at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each pupil as an individual and to accord each pupil the rights and respect that is his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each pupil's potential in regard to his/her program, consistent with district goals and with equal opportunities for all pupils. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all pupils;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of pupils;
- D. Treating all pupils with consistent fairness.

Pupils shall respect the rights of other pupils to receive an education in an environment that is conducive to learning and personal growth. No pupil shall have the right to abridge another pupil's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

**1. The board prohibits acts of harassment, intimidation or bullying - N.J.S.A. 18A:37-15b. (1)**

A safe and civil environment in school, on school property, at any school-sponsored function or on a school bus is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment; and 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.

**2. The Board defines harassment, intimidation or bullying - N.J.S.A. 18A:37-15b. (2)**

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c122 (C.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. A reasonable person should, know under the circumstances, 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;
- b. Has the effect of insulting or demeaning any student or group of students; or
- c. 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.

**3. The Board expects proper behavior of each student - N.J.S.A. 18A:37-15b. (3)**

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

The board of education expects pupils to treat each other with civility and respect, and will not tolerate acts of harassment, intimidation or bullying. Like other disruptive or violent behaviors, this conduct interferes with a pupil's ability to learn and a school's ability to educate its pupils in a safe environment.

The board of education believes that standards for student behavior must be set cooperatively through interaction among the students, parents/guardians, staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for district and community property on the part of students, staff and community members.

The board of education believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent discipline problems and encourage students' abilities to grow in self-discipline.

Since bystander support of harassment, intimidation or bullying can support these behaviors, active or passive support for harassment, intimidation or bullying is prohibited. Students who walk away from acts of harassment, intimidation or bullying when they see them, constructively attempt to stop them or report them to the designated authority should be commended for demonstrating appropriate behavior.

**4. The Board believes there will be consequences and appropriate remedial actions for a person who commits an act of harassment, intimidation or bullying. - N.J.S.A. 18A:37-15b. (4)**

The appropriate response to students who commit one or more acts of harassment, intimidation or bullying, should be determined based on the totality of the circumstances. School administrators should consider the following factors: the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. 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 district policies and procedures. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion.

Staff members who commit acts of bullying, harassment, or intimidation will be treated in accordance with the specific disciplinary guidelines of their collective bargaining agreement. Appropriate disciplinary action may include: positive behavioral interventions including counseling, appropriate documentation as part of the evaluation process, withholding of an increment, and termination.

**5. The Board requires that there be a procedure for reporting an act of harassment, intimidation or bullying - N.J.S.A. 18A:37-15b. (5)**

All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in the alleged incident. The principal shall inform the appropriate, the availability of counseling

**5. The Board requires that there be a procedure for reporting an act of harassment, intimidation or bullying - N.J.S.A. 18A:37-15b. (5) CONTINUED...**

and other intervention services. All acts of harassment, intimidation, or bullying shall be reported in writing (using the district form) to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying. Electronic reports may also be submitted. The appropriate form can be obtained from the District's website.

A member of a board of education, school employee, contracted service provider, student or volunteer who has witnessed or has reliable information that a student has been subject to, harassment, intimidation or bullying shall report the incident to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, who shall immediately initiate the school district's procedures concerning school bullying.

The chief school administrator will appoint a district anti-bullying coordinator (guidance counselor, psychologist, or another similarly trained individual). This individual will meet with all of the school anti-bullying specialists at least twice a year and coordinate the necessary paperwork for the NJDOE and BOE submittals.

Each principal will appoint a school anti-bullying specialist (guidance counselor, psychologist, or another similarly trained individual) to lead the School Safety Team. The School Safety Team will be appointed by the principal and consist of one administrator, one teacher, one parent of a student in the school (this person may not participate in activities that compromise the confidentiality of a student) and the anti-bullying specialist. This team must meet at least twice a year. Responsibilities of the team will be to help develop a comfortable school climate while intervening with any patterns of HIB.

To help develop this climate the district will observe a "Week of Respect," beginning the first Monday of October. N.J.S.A 18A:37-29. This week will focus on age appropriate prevention of HIB.

A member of a board of education or a school employee who promptly reports an incident of harassment, intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any school administrator or safe schools resource officer, 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.

**6. The Board expects prompt investigation of reports of harassment, intimidation or bullying. - N.J.S.A. 18A:37-15b(6) and N.J.S.A 18A:37-16(a)**

The investigation shall be initiated by the principal or the principal's designee within one school day of the verbal report of the incident and shall be conducted by a school anti-bullying specialist. The principal may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation. The investigation shall be completed as soon as possible, but no later than 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report of the results of the investigation to reflect the information;

The results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Boards of Education pursuant to the "Administrative Procedure Act, " P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action;

The results of each investigation shall be reported to the board of education no later than the date of the board of education meeting next following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the superintendent;

Parents of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with Federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, bullying. This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board.

A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.

At the next board of education meeting the following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's decision.

A school administrator who receives a report of harassment, intimidation, 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. N.J.S.A. 18A:37-16(d)

**7. The Board recognizes that there is a range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified. N.J.S.A. - 18A:37-15b. (7)**

Some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school respond appropriately to the individuals committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that they require a response either at the classroom, school building or school district levels or by law enforcement officials.

Consequences and appropriate remedial actions for students 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 should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Institutional (i.e., classroom, school building, school district) responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff, to participation of parents and other community members and organizations, to small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student behavior and the consequences of such actions and to involvement of law enforcement officers, including school resource officers.

The victim will be supported appropriately depending upon their needs. This will be determined on an individual and case by case basis whether the act occurs on or off school grounds.

**8. The Board prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and requires consequences, including appropriate remedial action for a person who engages in reprisal or retaliation. - N.J.S.A. 18A:37-15b. (8)**

The school district prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator 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. The Board requires that there be consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment, intimidation or bullying. - N.J.S.A. 18A:37-15b. (9)**

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, 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, procedures and agreements.

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

**10. The Board requires that this policy be publicized, including notice that the policy applies to participation in school-sponsored functions. - N.J.S.A. 18A:37-15b. (10)**

This policy shall be disseminated annually to all school staff, students and parents, along with a statement explaining that it applies to all school-sponsored functions and while traveling on a school bus.

This policy will be incorporated into student handbooks in the high school and middle school. An age appropriate summary will be included in any elementary handbook.

This policy will be reviewed annually by the school community.

A summary of this policy will also be posted on the District's website.

The name, school phone number, school address and school email of the district anti-bullying coordinator will be listed on the home page of the school district's website.

The name, school phone number, school address and school email of the school anti-bullying specialist and district anti-bullying coordinator will be listed on the home page of the school's website.

Any revision to this policy will be forwarded to the executive county superintendent of schools within 30 days of each revision.

**11. The Board requires that information regarding the district's policy against harassment, intimidation and bullying shall be incorporated into a school's employee training program. N.J.S.A. 18A:37-17 (c),**

Pursuant to *N.J.S.A.: 18A:37-17(a)*, the district and its schools will establish bullying prevention programs, and other initiative involving school staff, students, administrators, volunteers, parents, law enforcement and community members.

Pursuant to *N.J.S.A.: 18A:37-17 (b)*, to the extent funds are appropriated for the purposes, the school district shall

- 1) provide training on the school district's harassment, intimidation and bullying policies to school employees and volunteers who have significant contact with students; and
- 2) develop a process for discussing the school district's harassment, intimidation and bullying policies with students.
- 3) provide at least two hours of professional development/training will be provided to school employees who have significant contact with students each 5 year professional development period starting on Sept. 1, 2011.

Sexual Harassment

Particularly, the board of education shall maintain an academic environment that is free from sexual harassment.

Sexual harassment shall consist of unwanted and unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct or communication of a sexual nature when made by any staff member to a pupil, by any pupil to another pupil, or by any pupil to a staff member when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a pupil's evaluation, promotion, opportunities, privileges, and other benefits of education;
- B. Submission to or rejection of such conduct by a pupil is used as a basis for decisions affecting the pupil;
- C. Such conduct has the purpose or effect of interfering with a pupil's academic performance or creating an intimidating or hostile educational environment.

The administration will inform all pupils that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupils standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Any member of the student body may file a formal grievance related to sexual harassment. The district's Affirmative Action Officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the pupil's status nor affect future grades or class assignments.

Findings of discrimination in the form of sexual harassment will result in appropriate disciplinary action.

## POLICY

File code: 5145.4

Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or chief school administrator.

Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

### Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal and chief school administrator. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

### Implementation

The chief school administrator shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The chief school administrator shall ensure that, annually, all staff and all pupils (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and pupils shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

Date: September 6, 1988

Revised: July 22, 2003

Revised: Dec. 16, 2008

Revised: Dec. 15, 2009

Revised: July 19, 2011

**EQUAL EDUCATIONAL OPPORTUNITY (HARASSMENT)**

Notice:

The chief school administrator shall provide annually to all school staff, students and their parents/guardians notice of the availability of the Board's policy regarding Equal Educational Opportunity (Harassment).

Reference to the policy shall be made in all publications of the school district's comprehensive rules, procedures and standards of conduct for schools within the school district, including the student handbook. Provisions shall be made for informing parents/guardians whose primary language is other than English.

- A summary of the policy shall be publicized in newsletters, newspapers, websites, and cable television for the district. Such summaries will include information on obtaining a copy of the complete policy.

Reporting:

Each school will develop a process for reporting an act of harassment, intimidation or bullying to the principal or the principal's designee. The process will include the use of a district report form, will identify building staff, e.g., the guidance counselor, teacher, nurse or principal to whom a report can be made, will include a range of consequences, will include the maintenance of an incident database and a monthly review of the database in order to determine if incidents are isolated or part of a broader picture which might require intervention at the classroom building, or district level.

- Each September, the reporting process will be made known to the student body. School counselors and elementary teachers will address this issue in the classroom.
- The reporting process may include oral and anonymous reports, which the principal shall transcribe onto the district report form (see attached).
- Written reports may be placed in locked boxes placed in central locations of the school, such as the cafeteria or guidance department. District report forms will be made available at these locations. It is the responsibility of the principal to develop a system to check the locked boxes daily.

Upon receipt of each report of an alleged act of harassment, intimidation or bullying, the principal or designee will promptly investigate the report through interviewing students and staff, reviewing past history, and contacting the police where the incident/act constitutes a possible violation of the criminal law.

- The principal will maintain a database of incidents/acts of harassment, intimidation or bullying, including the date and time of the incident, the type of incident, the person(s) reporting the incident, the person(s) committing the incident, how the act was reported, and the response to the act.



## REGULATIONS

File code: 5145.4

- The principal will review the database monthly to determine if there are any patterns regarding the types, places, and persons involved in the reported acts.
- Based on a review of the data, the principal, in conjunction with the building I&RS team will develop appropriate interventions to reduce future incidents.

### Consequences and Retaliation:

The principal or his/her designee will respond to incidents/acts of harassment, intimidation or bullying (as well as bystander activities), in varying ways depending on the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred the nature and circumstances of the act.

- Counseling will be made available to individual victims and perpetrators of harassment, bullying or intimidation.
- Each principal will develop and implement programs of positive reinforcement at the classroom and building level (e.g., peer mentoring, short-term counseling, classroom discussion, role playing, skill building lessons in conflict resolution.) Descriptions of these programs will be submitted to the chief school administrator at the start of each school year and updated during the year as necessary.
- At the district level, programs may include professional development on character education, policy review, parent programs, adoption of a research based bullying prevention program and coordination with community based organizations.
- Suspension up to 10 days and/or expulsion may be considered for students who commit acts of bullying depending on the nature of the incident and for students acting in a manner to incite or encourage the behavior of a bully.
- Suspected hate crimes or bias related acts will be reported to law enforcement authorities as required according to the Memorandum of Agreement Between Education and Law Enforcement Officials (N.J.A.C.6A:16-6.2(B)12).

Any person who retaliates against a person who reported an act of harassment, intimidation or bullying will be immediately brought to the attention of the principal with possible Superintendent Suspension Hearing to ensue.

### Training:

All new and veteran staff will be trained annually in this policy. This training will be incorporated into the new teacher orientation and will be reviewed annually at the September opening staff meetings.

The Program Director of Student Assistance, in coordination with the Supervisor of Services for Children and guidance staff, will review a variety of bullying prevention programs to be implemented in the district. Once a program is chosen, representatives from each building will be trained to implement the program in their respective buildings.

Adopted: July 22, 2003; Reviewed: Dec. 15, 2009; Reviewed: July, 2011

**Rahway Public Schools**

**Edward L. Yergalonis**  
**Superintendent of Schools**  
eyergalonis@rahway.net



Kline Place  
P.O. Box 1024  
Rahway, NJ 07065  
(732) 396-1000

“Expecting Excellence”

Harassment, Intimidation and Bullying Reporting Form

1. Date of HIB incident: \_\_\_\_\_
2. Date of Verbal Report of HIB to Principal/Designee: \_\_\_\_\_
3. Date of Written Report of HIB to Principal/Designee(within 2 days of 1 & 2): \_\_\_\_\_

Witness' Name (Optional): \_\_\_\_\_

Others who saw/heard the incident: \_\_\_\_\_

Apparent Victim's name(s): \_\_\_\_\_

Apparent "Offender" name(s): \_\_\_\_\_

Place of event: \_\_\_\_\_ Time of event: \_\_\_\_\_

Detailed description of the event (attach description if needed):

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**FOR OFFICE USE ONLY:**

4. Date investigation began (should be the same as 1 & 2): \_\_\_\_\_
5. Date investigation was complete (should be within 10 school days of 4 or 6): \_\_\_\_\_
6. Date of extension (if new information came about during 5) \_\_\_\_\_

Result of the investigation and action by school taken (attach if needed):

\_\_\_\_\_

\_\_\_\_\_