

# **HARASSMENT, INTIMIDATION, AND BULLYING (HIB)**

**What you need to know about the Anti-Bullying  
Bill of Rights and our District Policy.**

**August 2016**

# LEGAL REQUIREMENTS



- Prior to the signing of the Anti-Bullying Bill of Rights in 2011, New Jersey school districts were already required to have policies prohibiting harassment, intimidation and bullying (HIB) on:
  - School property
  - At school sponsored events
  - On the school bus
- The “new” law added to existing framework by imposing additional requirements



# WHAT CONSTITUTES BULLYING?

## ABBR DEFINITION



- Any gesture, written, verbal or physical act, or any electronic communication, be it a single or series of incidents, that is:
  - reasonably perceived as being motivated either by an actual or perceived characteristic, such as race, color, religion, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by other distinguishing characteristic,
  - that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds,
  - that substantially disrupts or interferes with the orderly operation of school or the rights of other students

AND:



## ABBR DEFINITION:

- 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 the student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; OR
- Has the effect of insulting or demeaning any student or group of students; OR
- Creates a hostile educational environment for the student by interfering with a student's education or by severely or pervasively causing physical or emotional harm to the student.



## TO SUMMARIZE: 5 ELEMENTS



- **Type of Conduct** (“*any gesture, written, verbal or physical act, or any electronic communication*”) This is very broad and covers just about anything!
- **Perpetrator’s motivation** (“*reasonably perceived as motivated by any actual or perceived characteristic such as...*”)
- **Location of Action** (“*takes place on school property, at any school-sponsored function, on a school bus, or off school grounds*”)
- **Connection to School** (“*... substantially disrupts or interferes with the orderly operation of school or the rights of other students*”)

***(ALL MUST BE PRESENT!)***

***AND THAT...***



# 5 ELEMENTS



- **“Effects” Prongs: (must have at least one of the following elements)**
  1. 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 the student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; **OR**
  2. Has the effect of insulting or demeaning any student or group of students; **OR**
  3. 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.



# STUDENT IMPACT



- Student behavioral expectations are established in policy
- Consideration for: age and developmental level of students; severity of offense; history of inappropriate behavior
- Consequences and remedial measures align with the Code of Conduct
- Consequences range from positive behavioral interventions to suspension or expulsion
- Negative consequences paired with remedial measures
- Support for victims



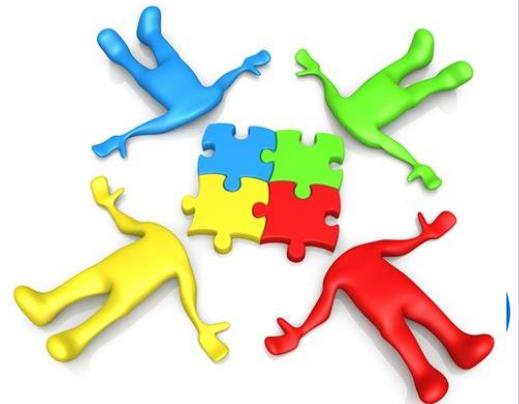
# DISTRICT AND STAFF FUNCTIONS

- Anti-Bullying Coordinator
- Anti-Bullying Specialist
- School Safety Team



# ANTI-BULLYING COORDINATOR

- Appointed by the Superintendent
- Coordinates and strengthens the district HIB policy to prevent, identify and address HIB.
- Meets with anti-bullying specialists at least twice a year
- Collects and disseminates data to the DOE



# ANTI-BULLYING SPECIALIST – SCHOOL

- Appointed by the principal (school counselor, school psychologist or other staff member who has been trained to perform the responsibilities)
- Chairs the school safety team
- Leads the investigation of reported HIB incidents
- Acts as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation or bullying in the school



# SCHOOL SAFETY TEAM



- Develops, fosters and maintains a positive school climate
- Focuses on procedures and educational practices to address Harassment, Intimidation, or Bullying that affect school climate and culture.
- Meets at least twice a year
- Consists of principal (or designee), teacher, ABS, parent and other members as identified by the principal.
- ABS serves as the chair



# SCHOOL SAFETY TEAM



- Identifies and addresses patterns of harassment, intimidation, or bullying
- Reviews reports of HIB investigations to determine if patterns exist
- Identifies actions to address patterns of HIB
- Reviews and strengthens school climate and policies to prevent and address harassment, intimidation, or bullying of students
- Participates in professional development activities that may address effective practices of successful school climate programs



# REPORTING PROCEDURES



- All Board members, school employees, and volunteers and contracted service providers who have contact with students are **required to verbally report alleged violations of this Policy to the Principal or the Principal's designee on the same day** when the individual witnessed or received reliable information regarding any such incident.
- All Board members, school employees, and volunteers and contracted service providers who have contact with students, **must submit a report in writing to the Principal within two school days of the verbal report.**
- The Principal will inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services.



# REPORTING REQUIREMENTS



- The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation
- Students, parents, and visitors may report an act of harassment, intimidation, or bullying anonymously. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report



# REPORTING PROCEDURES: CONSEQUENCES

- A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.
- A school administrator who receives a report of harassment, intimidation, and 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.



# REPORTING PROCEDURES - CONSEQUENCES

- Board members, school employees and students are prohibited from engaging in reprisal, retaliation, or false accusations against a victim, witness or anyone with reliable information about an act of harassment intimidation or bullying.
- Consequences and remedial measures will be determined by administration



# INVESTIGATION PROCEDURES



For each report of violations that identify or describe behaviors that indicate harassment, intimidation, or bullying:

- Investigation initiated by the Principal within one school day of the verbal report of the incident.
- Investigation conducted by the school Anti-Bullying Specialist.
- Additional personnel may be appointed to assist with the ABS.
- Investigation completed and the written findings submitted to the Principal no later than ten school days from the date of the written report of the incident.



# INVESTIGATION RESULTS



- If information is received after the close of the investigation, the ABS can amend the original report to ensure there is an accurate and current record of the facts and activities concerning the reported incident.
- The Principal submits the report to the Superintendent within two school days of the completion of the investigation
- The Superintendent reports results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation.
- The Superintendent's report shall include information on any consequences imposed under the Code of Student Conduct, any services provided, training established, or other action taken or recommended by the Superintendent.



# POLICY REQUIREMENTS

- The Superintendent shall ensure:
  - ❖ The Code of Student Conduct has been implemented and,
  - ❖ May provide intervention services
  - ❖ Order counseling
  - ❖ Establish training programs to reduce harassment, intimidation, or bullying and enhance school climate,
  - ❖ Impose discipline
  - ❖ Recommend other appropriate action, as necessary.



# RESULTS OF THE INVESTIGATION

- Parents of involved student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation, in writing within five school days after the results are reported to the BOE including:
  - The nature of the investigation
  - whether evidence of harassment, intimidation, or bullying was found
  - whether consequences were imposed or services were provided



# PARENT'S RESPONSE



- May request a hearing before the Board of Education
- Hearing must be held within ten school days of the request.
- Conducted in executive session, to protect the confidentiality of the students.
- The Board may hear testimony from the ABS and others, as appropriate, regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted.
- At the regularly scheduled Board of Education meeting following its receipt of the report on the results of the investigation or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision.
- Parent's may appeal the Board's decision to the Commissioner of Education



## ADDITIONAL ACTIONS

- A parent, student or organization may file a complaint with the office of civil rights within 180 days of the occurrence of the harassment, intimidation or bullying

**COMPLAINT**

TO: \_\_\_\_\_

WHOSE FAULT:  MINE YOURS  OURS OTHERS

DESIRED OUTCOME:  APOLOGY EXPLANATION  LITIGATION PROMOTION  RESTITUTION CHANGE

COMPLAINANT: \_\_\_\_\_  ANONYMOUS

# RESPONSES TO HIB INCIDENTS



- Individual: Positive behavioral interventions such as: peer mentoring; counseling; social skills instruction
- Classroom: Group discussions; role plays; research; videos; skill building lessons on tolerance' courtesy, assertiveness; and conflict management
- School: Theme days, public service announcements; “acts of kindness: days/assemblies; peer leadership programs; dissemination of acceptable use policies;
- District: Adoption of school wide programs to enhance school climate; professional development; HIB prevention campaigns



# STAFF TRAINING



- Annual Policy training for all school employees and volunteers
- Two hours of training for teachers on Harassment Intimidation and Bullying and prevention within each 5 year professional development.
- Two hours of training for teachers on Suicide Prevention that includes information on the risks of suicide and incidents of HIB and information on reducing the risk of suicide for students identified as members of high risk groups
- Board member training program on harassment, intimidation, and bullying in the first year of his/her first term.



# PREVENTION PROGRAMS



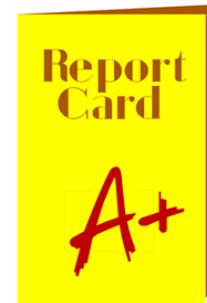
## **Instruction and the Week of Respect**

- Observation of the “Week of Respect” during the first week of October
- Include age appropriate instruction focused on preventing HIB
- Throughout the year the district must provide ongoing, age-appropriate instruction on preventing HIB in accordance with the core curriculum content standards

## **Discussion with Students**

- Schools must develop a process for discussing the districts HIB policy with students





## DISTRICT AND SCHOOL GRADES

- School Safety Teams complete and submit the annual self- assessment
- Twice a year, the Superintendent publically reports on all acts of violence and vandalism and harassment, intimidation and bullying
- DOE provides district /school with a grade on their efforts to implement policies and programs
- Grades are posted on the district website



# QUESTIONS?

