

# Sussex County Charter School for Technology

## POLICY

### **5131. Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (4300.1)**

#### **Section 1: Statement Prohibiting Harassment, Intimidation or Bullying of a Student**

The Board of Trustees prohibits acts of harassment, intimidation or bullying of a student. The Board has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, 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 and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation and bullying.

#### **Section 2: Definition of Harassment, Intimidation or Bullying**

The Board of Trustees establishes that "harassment, intimidation or bullying" means any gesture or written, verbal or physical act, or any use of electronic communication (NJSA 18A:37-15.1) that takes place on school property, or any school-sponsored function, on a school bus and that:

- a) Is motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability; or,
- b) By any other distinguishing characteristic; and
- c) A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or
- d) Has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

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

Acts of harassment, intimidation or bullying may also be a pupil exercising power and control over another pupil, either in isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*

# Sussex County Charter School for Technology

## POLICY

This policy may impose consequences for acts of harassment, intimidation or bullying that occur off school grounds, such as cyber-bullying (e.g., the use of electronic or wireless devices to harass, intimidate or bully), to the extent this policy complies with the provisions of NJAC 6A:16-7.6, Conduct Away from School Grounds, and the district's code of pupil conduct, , pursuant to NJAC 6A:16-7.1. In all instances of harassment, intimidation, or bullying behavior occurring off school grounds, the consequences only may be exercised when it is reasonably necessary for the pupil's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other pupils, staff or school grounds, pursuant to NJSA 18A:25-2 and 18A:37-2, and when the conduct which is the subject of a proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. All acts of harassment, intimidation or bullying that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provision of NJSA 18A:37-15 and NJAC 6A:16-7.9, harassment, intimidation and bullying, whether the subject or recipient of the bullying is on or off school property.

### **Section 3: Expected Behavior**

The Board of Trustees 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, consistent with the code of student conduct.

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

General guidelines for pupil conduct will be developed by the Principal, in conjunction with school staff, and approved by the Board. These guidelines will be developed based on accepted core ethical values from a broad community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, pupils and administrators.

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*

# Sussex County Charter School for Technology

## POLICY

These guidelines for pupil conduct will be suited to the developmental ages of pupils, the severity of the offenses and pupils' histories of inappropriate behaviors, and the mission and physical facilities of the school. This policy requires all pupils to adhere to these rules and guidelines and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules and guidelines.

The school prohibits active or passive support for acts of harassment, intimidation or bullying. Students are encouraged to support other students who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Principal or designee.

Students are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to school district teaching, support and administrative staff. The Principal will develop and provided a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

### **Section 4: Consequences and Appropriate Remedial Actions**

The Board of Trustees requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, consistent with the code of student conduct and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation or bullying. The following factors, at a minimum, shall be given fully consideration by school administrators in the implementation of appropriate consequences and consequences and remedial actions are those that are graded according to the severity of the offense(s), and consider the developmental ages of the student offenders and the students' histories of inappropriate behaviors, per the code of student conduct.

#### Factors for Determining Consequences

1. Age, developmental and maturity levels of the parties involved;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*

# Sussex County Charter School for Technology

## POLICY

### Factors for Determining Remedial Measures

#### Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation; and
10. Academic performance

#### Environmental

1. School culture;
2. School climate;
3. Student-staff relationships and staff behavior toward the student;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the Board adopted Student Discipline/Code of Conduct pursuant to NJAC 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors and performance and must be consistent with the district's code of student conduct. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation and bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*

# Sussex County Charter School for Technology

## POLICY

### Examples of Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

### Examples of Remedial Measures – Personal

1. Restitution and restoration;
2. Mediation;
3. Peer support group;
4. Recommendations of pupil behavior or ethics council;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive student interventions, including participation of the Intervention and Referral Services Team, pursuant to NJAC 6A:16-8;
7. Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate
8. Behavioral management plan, with benchmarks that are closely monitored;
9. Assignment of leadership responsibilities (e.g., hallway or bus monitor)
10. Involvement of school disciplinarian;
11. Student counseling;
12. Parent conferences;
13. Student treatment; or
14. Student therapy.

### Examples of Remedial Measures – Environmental (Classroom, School Building)

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of schedules;

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*

# Sussex County Charter School for Technology

## POLICY

7. Adjustment in hallway traffic;
8. Modifications in student routes or patterns traveling to and from school;
9. Targeted use of monitors (e.g., hallway, cafeteria, bus);
10. Small or large group presentations for bullying addressing the behaviors and responses to the behaviors;
11. General professional development programs for certificated and non-certificated staff;
12. Professional development plans for involved staff;
13. Disciplinary action for school staff who contributed to the problem;
14. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to NJAC 6A:16-8;
15. Parent conferences;
16. Family counseling;
17. Involvement of the PTO
18. Involvement of community-based organizations;
19. Development of a general bullying response plan;
20. Recommendations of student behavior or ethics council;
21. Peer support groups;
22. School transfers; and
23. Law enforcement (e.g., school resource officer, juvenile officer) involvement.

NJAC 6A:16-7.9(a)2.vi requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation or bullying. The consequences may include, but not be limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, and/or termination. Remedial measures may include, but not be limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

### **Section 5: Reporting Procedure**

Complaints alleging violations of this policy shall be reported to the Principal or designee. All school employees as well as all other members of the school community including students, parent(s) or legal guardian(s), volunteers, and visitors are required to report alleged violations of this policy to the Principal or designee. While submission of an Incident Report Form to the Principal or designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Principal or available at the school's administrative office or the reporting party may use the school's web-based reporting system. Oral reports shall also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*

# Sussex County Charter School for Technology

## POLICY

### **Section 6: Investigation**

The Principal or designee is responsible for determining whether an alleged act constitutes a violation of this policy. The Principal or designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The Principal or designee will maintain a record of each investigation regarding allegations of harassment, intimidation or bullying.

### **Section 7: Response to an Incident of Harassment, Intimidation or Bullying**

An appropriate response will be provided to the individual who commits any incident of harassment, intimidation or bullying. Some acts of harassment, intimidation or bullying may be isolated incidents requiring the school respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation or bullying that requires a response either at the classroom, school building level or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under NJSA 18A37-1, Discipline of Students, and as set forth in NJAC 6A:16-7.2, Short-term Suspensions, NJAC 6A:16-7.3, Long-term Suspensions and NJAC 6A:16-7.5, Expulsions.

In considering whether a response beyond the individual level is appropriate, the administrator shall consider the nature and circumstances of the act, the degree of harm, the nature and severity of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. The school's responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention models, to training for certificated and non-certificated staff. The school's responses may also include participation of parent(s) or legal guardian(s) and other community members and organizations, small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of acceptable student and staff member behavior and the consequences of such actions, and the involvement of law enforcement officers, including school resource officers. The school will also make resources available to individual victims of harassment, intimidation and bullying, including but not limited to, school counseling services and environmental modifications.

### **Section 8 – Reprisal or Retaliation Prohibited**

The Board of Trustees prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal or designee

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*

# Sussex County Charter School for Technology

## POLICY

after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and school policies and procedures. The consequences and appropriate remedial action for students will range from positive behavior interventions up to and including suspension or expulsion. The consequences and appropriate remedial action for employees will range from an admonishment to termination of employment. The consequences and appropriate remedial action for a volunteer will range from and admonishment to dismissal from the volunteer position. The consequences for visitors will range from an admonishment to loss of visitation privileges. Examples of consequences and remedial measures are listed in the Consequences and Appropriate Remedial Actions section of this policy.

### **Section 9: Consequences for False Accusation**

The Board of Trustees prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying. Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under NJSA 18A:37-1 et seq., Discipline of Students as set forth in NJAC 6A:16-7.2, Short-term Suspensions, NJAC 6A:16-7, Long-term Suspensions and NJAC 6A:16-7.5, Expulsions.

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 in accordance with school 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 Principal or designee, after consideration of the nature, severity and circumstances of the act, which may include a report to appropriate law enforcement officials.

### **Section 10: Policy Publication**

This policy will be disseminated annually to all school staff, students, parent(s) or legal guardian(s), along with a statement explaining the policy applies to all applicable acts of harassment, intimidation or bullying that occur on school property, at school-sponsored functions, or on a school bus. The Principal shall ensure notice of this policy appears in any publication of the school that sets forth the comprehensive rules, procedures and standards for the school, and in any school handbook that includes the student code of conduct. This notice shall also indicated the school's Harassment, Intimidation and Bullying Policy is available at the school's website.

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*

# Sussex County Charter School for Technology

## POLICY

### Harassment, Intimidation and Bullying Prevention Programs

Pursuant to NJSA 18A:37-17.(5)(c) and NJAC 6A:16-7.9(d)1.i, information regarding the school's Harassment, Intimidation and Bullying Policy shall be incorporated into a school's employee training program.

Pursuant to NJAC 6A:16-7.9(d)3, the school is required to annually review the extent and characteristics of harassment, intimidation and bullying behavior in the school and implement locally determined programmatic or other responses, if determined appropriate by the Board of Trustees.

Pursuant to NJAC 6A:16-7.9(d)1, the school is required to annually review the training needs of school staff for the effective implementation of the Harassment, Intimidation and Bullying Policy, procedures, programs and initiatives of the Board of Trustees and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the code of student conduct pursuant to NJAC 6A:16-7.1(a)3, as determined appropriate by the Board of Trustees.

Pursuant to NJAC 6A:16-7.9(d)2, the school is required to develop a process for annually discussing the school's Harassment, Intimidation and Bullying Policy with students.

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

NJSA 18A:37-13 through 18A:37-19  
NJAC 6A:16-7.9 et seq.

*Section 5000: Students.....5131.1 Prohibiting Harassment, Intimidation and Bullying on School Property, at School-Sponsored Functions and on School Buses (formerly policy 4300.1 adopted 2/23/04)*