

## **CHESTER BOARD OF EDUCATION**

### **R5131 – ADMINISTRATIVE REGULATIONS FOR HARASSMENT, INTIMIDATION AND BULLYING**

*Please also see Anti-Bullying Info eBoard on CSD Home Page*

---

#### **HARASSMENT, INTIMIDATION, AND BULLYING**

The following represents the administrative regulations regarding harassment, intimidation, and bullying at all school sponsored functions and on and off school property that will apply to all students, staff members and volunteers in the Chester School District. The board believes that an effective instructional program requires an orderly school environment and that the effectiveness of the educational program is, in part, reflected in the behavior of pupils. These regulations are designed to promote and support such orderly behavior by defining specific behavioral expectations, as well as consequences when these expectations are not met.

##### **EXPECTED BEHAVIOR FOR STUDENTS**

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 the 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 instances of violations of the code of pupil conduct 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 best practices designed to prevent pupil conduct problems and foster pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct can be found in the school district Code of Conduct. This Code of Conduct shall be disseminated on paper and posted on the district's web site, and reviewed annually by parents, community members, administrators, staff, and students. The Code of Conduct will be updated in keeping with accepted core ethical values, and 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 individual schools in the district. It will further require students to conform to reasonable standards of socially acceptable behavior; respect the person, property, and rights of others; obey constituted authority and respond to those who hold that authority.

Board policy requires all students in the district to adhere to the rules and regulations established by the school district and to submit to such disciplinary measures as are appropriately assigned for the infraction on these rules.

##### **EXPECTED BEHAVIOR FOR STAFF AND VOLUNTEERS**

The Board believes that staff members and volunteers must continually treat pupils and others with respect and dignity. This includes, but is not limited to, treating others with kindness; using appropriate language; using age and developmentally appropriate procedures and practices with pupils and adults such as allowing patience for others to be heard and fully express themselves; as well as directing any issues or instances whereby this is not the case to a school administrator for resolution.

## **CONSEQUENCES AND APPROPRIATE REMEDIAL ACTIONS**

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

### Factors for Determining Consequences

1. Age, developmental and maturity levels of the parties involved;
2. Degree 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.

### 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. Pupil-staff relationships and staff behavior toward the pupil;
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 pupils who commit acts of harassment and intimidation or bullying may range from positive behavioral interventions up to and including suspension and expulsion, as set forth in the Board adopted Pupil Discipline/Code of Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a pupil 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 pupil, and the pupil's history of problem behaviors and performance, and must be consistent with the district's code of pupil 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:

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;
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 a pupil behavior council or counselors;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive pupil interventions, including participation of the Intervention and Referral Services Team, as appropriate;
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 (i.e. hallway or bus monitor);
10. Involvement of school disciplinarian;
11. Pupil counseling;
12. Parent conferences;
13. Pupil treatment; or
14. Pupil therapy.

Examples of Remedial Measures – Environmental (Classroom, School Building, or School District):

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;
7. Adjustments in hallway traffic;
8. Modification in pupil routes or patterns traveling to and from school;
9. Targeted use of monitors (i.e. hallway, cafeteria, bus);
10. Small or large group presentations for fully addressing the behaviors and the 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 N.J.A.C. 6A:16-8;
15. Parent conferences;
16. Family counseling;

17. Involvement of parent-teacher organizations;
18. Involvement of community-based organizations;
19. Development of a general bullying response plan;
20. Recommendations of a pupil behavior council or counselors;
21. Peer support groups;
22. School transfers; and
23. Law enforcement (i.e. school resource office, juvenile officer) involvement.

N.J.A.C. 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.

### **PROCEDURE FOR REPORTING AN ACT OF HARASSMENT, INTIMIDATION OR BULLYING**

Complaints alleging violations of this Policy made by school employees, pupils, parents, legal guardians, volunteers and/or visitors shall be reported to the Principal or designee. Reporting parties are encouraged to use the district reporting form, available from the principal or via the district web site, although this is not a required. Oral reports are also accepted. Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report. Reports may also be made directly to the district's Affirmative Action Officer and/or the Superintendent of Schools.

A school employee who promptly reports an incident of harassment, intimidation, or bullying in accordance with this Policy, and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident, as set forth in N.J.S.A. 18A:37-16.c.

### **TIMELINES FOR REPORTING**

A report is to be made to the school principal immediately upon witnessing or learning about an act of harassment, intimidation or bullying. Within two days, a written report must be filed with the principal. District forms may be found on the **eBoard Anti-Bullying Info** on the district's home page.

### **INVESTIGATION**

Each school will have a School Safety Team chaired by a School Anti-Bullying Specialist who will report to the principal and the District Anti-Bullying Coordinator. This team will meet twice yearly to review data on incidents of HIB, as well as to review the data on the success and continued training necessary for our prevention programs.

The principal and the school anti-bullying specialist are responsible for determining whether an alleged act constitutes a violation of this policy. In doing so, the principal, the school bullying specialist and/or the principal's designee shall conduct a prompt, thorough and complete investigation of the alleged incident within one school day of receiving the report. The investigation shall be completed within ten days of the written report. All principals and the Chief School Administrator shall be trained yearly by the district's Affirmative Action Officer in complaint investigations and procedures. The due process rights and the right to confidentiality of all parties shall be respected during the investigation.

All appropriate agencies (i.e. police, DYFS) and the student's parents shall be informed if an incident has been deemed to meet the criteria of Harassment, Intimidation, and (Cyber) Bullying

as defined in this Policy and in keeping with state code N.J.S.A. 18A: 37-15 (3) (b) (6). Parents of parties involved in the investigation shall be notified by the school principal as soon as possible and in writing within five days of the incident being reported to the Board of Education. A parent may request a hearing with the Board of Education and that hearing must be granted within ten days.

## **RESPONSE TO AN INCIDENT OF HARASSMENT, INTIMIDATION, OR BULLYING**

If a student has been found to have committed an act of harassment, intimidation, or bullying against another student, the student will be disciplined accordingly in keeping with the severity of the incident and the pattern of behavior. Disciplinary consequences may range from a disciplinary hearing with the administration and the students parents, to counseling, to suspension or expulsion consistent with disciplinary procedures as outlined in Board policy.

If a staff member has been found to have committed an act of harassment, intimidation, or (cyber) bullying, he/she will be disciplined accordingly in keeping with the severity of the incident and the pattern of behavior. Disciplinary consequences may range from a written reprimand, to a change of assignment, to filing charges for dismissal with the Commissioner of Education.

The principal shall submit a report of the investigation to the Superintendent within two days of the completion of the investigation. The results will be reported to the Board of Education at the next board meeting following the completion of the investigation, along with information on the action taken or recommended by the Superintendent.

## **PROHIBITION OF RETALIATION AND/OR REPRISAL**

The Board 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, Affirmative Action Officer and/or Superintendent of Schools. Consideration will be given to the nature and circumstances of the act, in accordance with the case law, federal and state statutes and regulations and district policies and procedures N.J.S.A. 18A: 37-15 (3) (b) (8). The consequences for pupils will range from positive behavior interventions up to and including suspension or expulsion. The consequences for employees will range from an admonishment to termination of employment. The consequences for a volunteer will range from an admonishment to dismissal from the volunteer position.

## **CONSEQUENCES FOR FALSE ACCUSATION**

The Board prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying. Consequences and appropriate remedial action for such an offense include positive behavior intervention up to and including suspension and expulsion. Consequences and appropriate remedial action for a school employee found to have made a false accusation shall be in accordance with district policy and procedures. Consequences for a volunteer found to have made a false accusation shall be in accordance with district policy and procedures, including informing law enforcement officials.

## **POLICY PUBLICATION**

This policy will be included in all district correspondence that lays forth policy and procedures for the safety of students and the effective operation of the school district, including school handbooks and orientation materials. This policy will also appear on the district's web site and will be disseminated annually to staff, students, and parents along with a letter explaining that it applies to all acts of harassment, intimidation, or (cyber) bullying that occur on school property,

school buses, and at school-sponsored and or related functions and activities. This policy will also be made available to parents and/or students with limited English proficiency.

### **PROHIBITING HARASSMENT, INTIMIDATION, AND (CYBER) BULLYING**

The Chief School Administrator shall insure that appropriate educational programs shall be conducted for the staff and students regarding the nature of harassment, intimidation, and bullying, and its prevention. This will include student education and staff professional development programs to promote a healthy and supportive learning and work culture. The success of these programs will be evaluated annually and amended as deemed necessary.