

WALLINGTON PUBLIC SCHOOLS  
WALLINGTON, NEW JERSEY

HARASSMENT, INTIMIDATION AND BULLYING POLICY

I. THE POLICY

- A. It is the policy of the Wallington Board of Education to maintain a learning and working environment that is free from acts of harassment, bullying and intimidation. The district board of education 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.
  
- B. 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.

II. THE DEFINITION

- A. The Wallington Board of Education establishes that "harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents, that is:
  - i. 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 any other distinguishing characteristic; and that
  - ii. takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students; and that
  - iii. a reasonable person should know, under the circumstances, that the act(s) 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; or
  - iv. has the effect of insulting or demeaning any student or group of students; 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.

## B. DEFINITION OF ELECTRONIC COMMUNICATION

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

## III. EXPECTATIONS FOR STUDENT BEHAVIOR

- A. The Wallington 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, consistent with the code of student conduct.
- B. The board of education believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school administrators, school employees, school volunteers and students of the school district, 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.
- C. Students are expected to behave in a way that creates a supportive learning environment. The district board of education 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.
- D. The district board of education expects that students will act in accordance with the student behavioral expectations and standards below:
  - i. Students will 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 as per the student code of conduct policy
  - ii. The board of education will provide appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
  - iii. Sanctions and due process for violations of the district HIB guidelines will be enforced according to the student code of conduct policy.

## IV. CONSEQUENCES AND APPROPRIATE REMEDIAL ACTION

- A. The Wallington Board of Education 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.
- B. 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 students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of student conduct, the district HIB policy and N.J.A.C. 6A:16-7.
- C. Factors for Determining Consequences  
The following factors, at a minimum, shall be given full consideration by school administrators in determining the consequences for violations of the district HIB policy;  
Age, developmental and maturity levels of the parties involved and their relationship to the school district ; Degrees of harm; Surrounding circumstances; Nature and severity of the behaviors; Incidences of past or continuing patterns of behavior; Relationships between the parties involved; and Context in which the alleged incidents occurred.
- D. Personal Factors for Determining Remedial Measures  
The following factors, at a minimum, shall be given full consideration by school administrators in determining remedial measures for violations of the district HIB policy;  
life skill deficiencies; social relationships; strengths; talents; traits; interests; hobbies; extra-curricular activities; classroom participation; academic performance; and relationship to students and the school district.
- E. Environmental Factors for Determining Remedial Measures  
The following environmental factors, at a minimum, shall be given full consideration by school administrators in determining remedial measures for violations of the district HIB policy;  
school culture; school climate; student-staff relationships and staff behavior toward the student; general staff management of classrooms or other educational environments; staff ability to prevent and manage difficult or inflammatory situations; social-emotional

and behavioral supports; social relationships; community activities; neighborhood situation; and family situation.

#### F. CONSEQUENCES

Consequences for violations of the district HIB policy may include, but are not limited to

temporary removal from the classroom; deprivation of privileges; classroom or administrative detention; referral to disciplinarian; in-school suspension during the school week or the weekend; after-school programs; out-of-school suspension (short-term or long-term); reports to law enforcement or other legal action; expulsion; and bans from providing services, participating in school-district-sponsored programs or being in school buildings or on school grounds.

#### G. REMEDIAL ACTION

##### *Personal*

Remedial action for violations of the district HIB policy may include, but are not limited to

restitution and restoration; peer support group; corrective instruction or other relevant learning or service experience; supportive student interventions, including participation of the intervention and referral services team, pursuant to *N.J.A.C. 6a:16-8*; behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate; behavioral management plan, with benchmarks that are closely monitored; assignment of leadership responsibilities (e.g., hallway or bus monitor); involvement of school “disciplinarian;” student counseling; parent conferences; alternative placements (e.g., alternative education programs); student treatment; or student therapy.

##### *Environmental (Classroom, School Building or School District)*

School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying; School culture change; School climate improvement; Adoption of research-based, systemic bullying prevention programs; School policy and procedures revisions; Modifications of schedules; Adjustments in hallway traffic; Modifications in student routes or patterns traveling to and from school; Supervision of student before and after school, including school transportation; Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus); Teacher aides; Small or large group presentations for fully addressing the behaviors and the responses to the behaviors; General professional development programs for certificated and non-certificated staff; Professional development plans for involved staff; Disciplinary action for school staff who contributed to the problem; Supportive institutional interventions, including participation of the Intervention and Referral Services team, pursuant to *N.J.A.C. 6A:16-8*; Parent conferences; Family counseling; Involvement of parent-teacher organizations; Involvement of community-based organizations; Development of a general bullying response plan; Peer support groups; Alternative placements (e.g., alternative education programs); School transfers; and Law enforcement involvement or other legal action.

#### V. REPORTING

- A. The Wallington Board of Education requires the principal at each school to be responsible for receiving all complaints alleging violations of this policy. All

board of education 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 of education members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the school principal within two school days of the verbal report. The principal is required to inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services.

- B. Students, parents, and visitors are encouraged to report alleged violations of this policy to the principal on the same day when the individual witnessed or received reliable information regarding any such incident. 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.
- C. A member of a board of education or a school employee who promptly reports an incident of harassment, intimidation or bullying, 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.

## VI. INVESTIGATION OF ALLEGATIONS

- A. The Wallington Board of Education requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation or bullying. The investigation shall be initiated by the principal or the principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the principal. The principal may appoint additional personnel who are not school anti-bullying specialists to assist the school anti-bullying specialist in the investigation. The investigation shall be completed and the written findings submitted to the principal as soon as possible, but not later than 10 school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying. Should information regarding the reported incident and the investigation be received after the end of the 10-day period, the school anti-bullying specialist or the principal shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.
- B. The principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings. The principal shall submit the report to the chief school administrator within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the chief school administrator shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish

training programs to reduce harassment, intimidation, or bullying and enhance school climate, or take or recommend other appropriate action, as necessary.

- C. The chief school administrator shall report the 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 chief school administrator's report also shall include information on any consequences imposed under the code of student conduct, intervention services provided, counseling ordered, training established or other action taken or recommended by the chief school administrator.
- D. Parents of the students who are parties to the investigation shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to parents includes the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether consequences were imposed or services provided to address the incident of harassment, intimidation or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the board of education.

A parent or guardian may request a hearing before the board of education after receiving the information. When a request for a hearing is granted, the hearing shall be held within 10 school days of the request. The board of education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, the board of education may hear testimony from and consider information provided by the school anti-bullying specialist and others, as appropriate, regarding the alleged incident, the findings from the investigation of the alleged incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

- E. At the regularly scheduled board of education meeting following its receipt of the report or following a hearing in executive session, the board shall issue a decision, in writing, to affirm, reject, or modify the chief school administrator's decision. The board of education's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C . 6A:3, Controversies and Disputes, no later than 90 days after the issuance of the board of education's decision.
- F. A school administrator who receives a report of harassment, intimidation, or 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.

## VII. SCHOOL RESPONSE

- A. The Wallington Board of Education authorizes the principal of each school to define the range of ways in which school staff will respond once an incident of harassment, intimidation or bullying is confirmed, and the chief school administrator shall respond to confirmed harassment, intimidation and bullying, according to the parameters described below and in this policy. The district board of education recognizes that some acts of harassment, intimidation or bullying may be isolated incidents requiring that the school officials 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 a student who commits an act of harassment, intimidation or bullying may 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 and as set forth in N.J.A.C. 6A:16-7.2, Short-term suspensions, N.J.A.C. 6A:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions.
- B. In considering whether a response beyond the individual is appropriate, school officials 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. 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 HIB 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 and staff member behavior and the consequences of such actions, and to the involvement of law enforcement officers.
- C. This policy and the code of student conduct shall apply to instances when a school employee is made aware of alleged harassment, intimidation or bullying occurring off school grounds when:
- The alleged harassment, intimidation or bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students; and
  - A reasonable person should know, under the circumstances, that the alleged behavior 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; or
  - The alleged behavior has the effect of insulting or demeaning any student or group of students; or
  - The alleged behavior 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.

## VIII. PROHIBITION OF REPRISAL OR RETALIATION

- A. The Wallington Board of Education prohibits a board of education member, school employee, contracted service provider who has contact with students, school volunteer or student from engaging in reprisal, retaliation or false accusation against a victim, witness, one with reliable information or any other person who has reliable information about an act of harassment, intimidation or bullying or 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, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

## IX. FALSE ACCUSATIONS

- A. The district board of education prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying.

Students – Consequences and appropriate remedial action for a student could 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 and as set forth in *N.J.A.C. 6A:16-7.2*, Short-term suspensions, *N.J.A.C. 6A:16-7.*, Long-term Suspensions and *N.J.A.C. 6A:16-7.5*, Expulsions; and the guidelines set forth in the district HIB policy

School Employees – Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students could entail discipline in accordance with district policies, procedures and agreements; and the guidelines set forth in the district HIB policy

Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer could be determined by the school administrator after consideration of the nature, severity and circumstances of the act, including law enforcement reports or other legal actions, removal of building or grounds privileges, or prohibiting contact with students or the provision of student services.

## X. PUBLICATION

- A. The Wallington Board of Education requires the chief school administrator to annually disseminate the harassment, intimidation and bullying policy to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled in a school in the school district, along with a statement explaining that the policy applies to all acts of harassment, intimidation and bullying, pursuant to *N.J.S.A. 18A:37-14*, that occur on school property, at school-sponsored functions or on a school bus and, as appropriate, acts that occur off school grounds. The chief school administrator shall post a link to the policy that is prominently displayed on the home page of the school district's website. The chief school

administrator shall ensure that notice of the district's policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures and standards for schools within the school district.

- B. The chief school administrator shall post the name, school phone number, school address and school email address of the district anti-bullying coordinator on the home page of the school district's website.
- C. Each principal shall post the name, school phone number, school address and school email address of the both the school anti-bullying specialist and the district anti-bullying coordinator on the home page of each school's website.
- D. The chief school administrator and the principals shall provide training on the school district's harassment, intimidation, or bullying policies to school employees, contracted service providers and volunteers who have significant contact with students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation or bullying. The school district's employee training program shall include information regarding the school district policy against harassment, intimidation or bullying, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students.
- E. The chief school administrator shall develop and implement a process for annually discussing the school district policy on harassment, intimidation and bullying with students. The chief school administrator and the principals shall annually conduct a re-evaluation, reassessment, and review of the harassment, intimidation and bullying policy, with input from the school anti-bullying specialists, and recommend revisions and additions to the policy as well as to harassment, intimidation and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

