

8.2A Policy Prohibiting Harassment, Intimidation, & Bullying

POLICY STATEMENT

The Forum School prohibits acts of harassment, intimidation, or bullying of a student. The Forum School has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. HIB, 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. Harassment, intimidation, or bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance. 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.

Sending district Board of Education personnel are required to address harassment, intimidation, and bullying occurring on a sending district Board of Education bus, at a sending district Board of Education school-sponsored function, and off school grounds.

The Forum School shall address harassment, intimidation, and bullying on The Forum School's property, at any function sponsored by The Forum School, or on a Forum School bus.

DEFINITION OF HIB

The Forum School establishes that "HIB" means any gesture, any written, verbal or physical act, or any electronic communication¹, as defined in *N.J.S.A. 18A:37-14*, whether it be a single incident or a series of incidents, that is:

- a) 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
- b) by any other distinguishing characteristic; and that
- c) 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

¹ "Electronic communication" means a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or remotely activating paging device (*N.J.A.C. 6A:16-1.3*).

interferes with the orderly operation of the school or the rights of other students; and that

- d) 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
- e) has the effect of insulting or demeaning any student or group of students; or
- f) 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 BEHAVIOR

The Forum School 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 Forum School 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, 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 school and community property on the part of students, staff and community members.

Students are expected to behave in a way that creates a supportive learning environment. The Forum School 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.

The Forum School expects that students will act in accordance with the student behavioral expectations outlined by classroom teachers and in the Student Handbook.

CONSEQUENCES AND REMEDIAL ACTIONS

The Forum School 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 HIB, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of HIB.

In every incident found to be HIB, the school principal, in consultation with appropriate school staff, may apply disciplinary consequences and/or remedial actions, such as the provision of counseling, behavioral interventions, or other measures.

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 HIB 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, the nature of the student's disability, if any and to the extent relevant, and students' histories of inappropriate behaviors, per the code of student conduct and *N.J.A.C. 6A:16-7*.

The principal, in consultation with appropriate school staff, shall develop an individual student intervention plan when a student is found to be an offender in three HIB incidents and each subsequent incident occurring within one school year. The student intervention plan may include disciplinary consequences and/or remedial actions and may require the student, accompanied by a parent or guardian, to satisfactorily complete a class or training program to reduce HIB behavior. Each student intervention plan must be approved by the Director.

Should a student be found to be an offender in an HIB incident, a copy of the results of the HIB investigation shall be included in the student's record pursuant to *N.J.A.C. 6A:16-32-7*.

While the majority of incidents may be addressed solely by school officials, the Director or designee and the principal shall report an HIB incident to law enforcement officials if the conduct rises to the level of a mandatory report as outlined in the *Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials*.

REPORTING HIB

The Forum School requires the principal to be responsible for receiving all complaints alleging HIB committed by an adult or youth against a student. All board members, school employees, and volunteers and contracted service providers who have contact with students, are required to verbally report alleged acts of HIB 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 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 written report shall be completed on the HIB 338 Form and submitted to the principal. The HIB 338 Form shall be kept on file at the school but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal law.

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. When providing notification to the parents of all students involved, the principal shall take into account the circumstances of the incident when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense. The principal shall keep a written record of the date, time, and manner of notification to parents.

Students, parents, and visitors are encouraged to report alleged acts of HIB to the principal on the same day when the individual witnessed or received reliable information regarding any such incident. The Forum School will provide a person an online means to complete the HIB 338 Form issued by the Department to anonymously report an act of HIB. Formal action for violations of the code of student conduct may not be taken solely on the basis of an anonymous report.

A member of the school board or a school employee who promptly reports an incident of HIB and who makes this report in compliance with the procedures in the school's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

The principal shall promptly submit a copy of each completed official form to the Director.

INVESTIGATING ALLEGATIONS OF HIB

The Forum School requires a thorough and complete investigation to be conducted for each report of an alleged incident of HIB. All details of an alleged incident must be populated into the HIB 338 Form. However, completing the form shall not delay beginning the investigation in accordance with the law.

The HIB 338 Form shall be kept on file at the school and will only be added to a student record if the alleged incident is founded, disciplinary action is imposed or is otherwise required to be contained in a student's record under State or Federal law.

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. Investigations of complaints concerning adult conduct shall not be investigated by a member of the same bargaining unit as the individual who is the subject of 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 HIB or from the date of the written notification from the Director to the principal to initiate an investigation. 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.

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 Director 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 Director shall ensure the code of student conduct has been implemented and provide intervention services, order counseling, establish training programs to reduce HIB and enhance school climate, or take or recommend other appropriate action, including seeking further information as necessary.

The Director shall report the results of each investigation to the school board no later than the date of the regularly scheduled school board meeting following the completion of the investigation. The Director'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 Director.

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 HIB, or whether consequences were imposed or services provided to address the incident of HIB. This information shall be provided in writing within five school days after the results of the investigation are reported to the school board. The school district may not divulge personally identifying information or any information that could result in the identification of any student other than the child of the parents or guardians being notified.

A parent or guardian may request a hearing before the school board after receiving the information. Any request by the parents or guardians for a hearing before The Forum School concerning the written information about an HIB investigation, pursuant to *N.J.S.A. 18A:37-15b(6)(d)*, must be filed with The Forum School secretary no later than 60 calendar days after the written information is received by the parents or guardians. The hearing shall be held within 10 business days of the request. Prior to the hearing, the Director shall confidentially share a redacted copy of the official investigation form that removes all student identification information with the school board. The school board 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 school board 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.

At the regularly scheduled school board 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 Director's decision. The school board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, no later than 90 days after the issuance of the school board's decision.

A school administrator who receives a report of HIB, or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of *N.J.S.A. 18A:37-14* and fails to initiate or conduct an investigation, or who should have known of an incident of HIB and fails to take sufficient action to minimize or eliminate the HIB, may be subject to disciplinary action.

The Forum School also requires the thorough investigation of complaints or reports of HIB, occurring on sending district school buses, at sending district school-sponsored functions, and off school grounds involving a student who attends The Forum School. The investigation will be conducted by the sending district's anti-bullying specialist in consultation with The Forum School.

RESPONDING TO HIB

The Forum School authorizes the principal to define the range of ways in which school staff will respond once an incident of HIB is confirmed, and the Director shall respond to confirmed HIB, according to the parameters described below and in this policy. The Forum School recognizes that some acts of HIB 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 HIB that they require a response either at the classroom or school building levels or by law enforcement officials. Consequences and appropriate remedial actions for a student who commits an act of HIB 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.

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, including safe schools resource officers.

This policy and the code of student conduct shall apply to instances when a school employee is made aware of alleged HIB occurring off school grounds.

REPRISAL AND RETALIATION

The Forum School prohibits a school board 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, or any other person who has reliable information about an act of HIB or who reports an act of HIB. 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.

FALSE ACCUSATIONS OF HIB

The Forum School prohibits any person from falsely accusing another as a means of HIB.

Specific consequences and remedial actions for any person found to have falsely accused another as a means of HIB, may include:

- 1) **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:16-7.3, Long-term Suspensions and N.J.A.C. 6A:16-7.4, Expulsions;
- 2) **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 school policies, procedures and agreements; and
- 3) **Visitors or Volunteers:** Consequences and appropriate remedial action for a visitor or volunteer could be determined by the Director 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.

ADDITIONAL REQUIREMENTS

The Forum School requires the Director to annually disseminate the HIB policy to all school employees, contracted service providers who have contact with students, school volunteers, students and parents who have children enrolled in the school, along with a statement explaining that the policy applies to all acts of HIB, 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 Director shall post a link to the policy that is prominently displayed on

the home page of The Forum School's website. The Director shall ensure that notice of the school's policy appears in the student handbook and all other publications of the school that set forth the comprehensive rules, procedures and standards for The Forum School.

The Director shall post the name, school phone number, school address and school email address of the school anti-bullying coordinator on the home page of The Forum School's website. Additionally, the Director shall post the contact information for the School Climate State Coordinator on The Forum School home page alongside The Forum School's HIB policy.

The Director shall post the Department of Education's Guidance for Parents on the *Anti-Bullying Bill of Rights Act* on the school homepage.

The Director and the principal shall provide training on The Forum School's HIB 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, HIB. The Forum School's employee training program shall include information regarding the school policy against HIB, which shall be provided to full-time and part-time staff, contracted service providers and school volunteers who have significant contact with students.

The Director shall develop and implement a process for annually discussing the school policy on HIB with students. The Director and the principal shall annually conduct a re-evaluation, reassessment, and review of the HIB policy and any report(s) and/or finding(s) of the school safety/school climate team, with input from the school anti-bullying specialist, and recommend revisions and additions to the policy as well as to HIB prevention programs and approaches based on the findings from the evaluation, reassessment, and review.