

## **HARASSMENT, INTIMIDATION AND BULLYING**

The Board of Education prohibits acts of harassment, intimidation or bullying. A safe and civil environment in school is necessary for pupils to learn and achieve. Harassment, intimidation or bullying, like other disruptive or violent behaviors, are the type of conduct that interferes with a pupil's ability to learn and a school's ability to educate its pupils in a safe environment. The Board's Policy on HIB, procedures for handling acts of HIB, the designated form for reporting acts of HIB, and school district personnel responsible for investigating acts of HIB can be found on the district website at [www.bayheadschool.org](http://www.bayheadschool.org).

### Definitions:

"Harassment, intimidation or bullying" means any gesture, written, verbal, physical or any electronic communication (telephone, cellular telephone, computer, or pager) act that takes place on school property, at any school sponsored function or activity, on a school bus, or that has an effect on the school learning environment, regardless of the location even off school grounds where the prohibited conduct takes place, and that 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 physical appearance or characteristic or by any other distinguishing personal or social characteristics that a reasonable person should know, under the circumstances, that the action will have the effect of harming a pupil or the pupil's property, or placing a pupil in reasonable fear of harm to his or her person or damage to his or her property.

The definition of harassment, intimidation or bullying, for the purposes of the school district's policy, also includes actions that have the effect of insulting or demeaning any pupil or group of pupils in such a way so as to cause substantial disruption in, or substantial interference with, a student's learning environment or with the orderly operation of the school.

This definition also includes conduct constituted by a pupil exercising power and control over another pupil in a single, isolated incident or in a continued pattern of harassing, intimidating or bullying behavior.

### Expected Behavior

The Board expects pupils 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 pupils and school staff.

### Consequences and Appropriate Remedial Actions

The following factors will be considered in determining the appropriate response to pupils who commit one or more acts of harassment, intimidation or bullying:

1. The developmental and maturity levels of the parties involved;

2. The levels of harm;
3. The surrounding circumstances;
4. The nature of the behavior(s);
5. Past incidences or continuing patterns of behavior;
6. The relationships between the parties involved; and
7. The context in which the alleged incidents occurred.

Concluding whether a particular action or incident constitutes a violation of this Policy requires a determination by the Principal based on all of the facts and surrounding circumstances reported as a result of the Anti-Bullying Specialist's investigation.

As with all infractions of the code of student conduct, an appropriate consequence will be determined after meaningful consideration of these factors listed above. Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions to detentions, suspensions and expulsion, as set forth in the Board adopted Parent/Student Handbook. The consequences and remedial measures may include, but are not limited to, the examples listed below:

#### Examples of Consequences

1. Verbal warning
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Saturday detention/suspension
6. Suspension from participating in after-school programs/activities
7. Out of school suspension
8. Legal action; and
9. Expulsion

Revised: 8/3/2011

**REPORTING PROCEDURE – HAZING AND/OR HARASSMENT,  
INTIMIDATION OR BULLYING**

The Board of Education recognizes the need for a procedure to be in place for persons to report and investigate allegations of hazing and/or harassment, intimidation, or bullying behavior. For the purposes of this Regulation, “behavior” shall mean acts, or planned acts, of hazing and/or acts of harassment, intimidation or bullying as defined in Policy #5753. Unless otherwise noted, “Principal” means the building Principal and/or designee in charge of the school building.

The following complaint procedures shall be used for an allegation(s) of hazing and/or harassment, intimidation or bullying behavior:

1. Reporting Hazing and/or Harassment, Intimidation, or Bullying Behavior – Preliminary Investigation
  - a. Any person with any information regarding actual and/or planned hazing and/or information regarding acts of harassment, intimidation, or bullying of a pupil by any school employee or other pupils must report the information to the Principal, administrator or designee in charge of the building *within two days*.
    - 1.) The Principal *within one day* will *direct the Anti-Bully Specialist to* conduct a preliminary investigation to identify victims, alleged perpetrators, witnesses and facts about the situation. The *Anti-Bully Specialist* will use the attached incident form to log the incident and guide the preliminary investigation. *The Anti-Bully Specialist will have ten days to complete their investigation.*
    - 2.) The Principal will notify both the alleged victim’s parents and the alleged perpetrator’s parents of the incident or planned incident. At all times safety will be the primary consideration. This notification may be before, during or at the completion of the preliminary investigation but *must be on the day the Principal receives the report.*
    - 3.) The Principal *and/or Anti-Bully Specialist* may notify the district’s Affirmative Action Officer if this is appropriate. The Affirmative Action Officer is to insure full compliance with law, code, Board Policy and the District Affirmative Action Plan.
  - b. The school district Principal *and/or Anti-Bully Specialist* can learn of this behavior or planned behavior through direct reports such as from a witness to an incident or from other means such as, an anonymous letter, a telephone call or web-based reporting systems. Oral reports as well as written reports will be considered official reports and are to be logged in using the attached incident form.

- c. Nothing shall preclude the Principal and/or designee, from complying with the provisions of disciplinary procedures in order to maintain the health, safety and welfare of pupils and staff members.
- d. In the event the Principal determines, after a preliminary investigation *from the Anti-Bully Specialist*, that hazing and/or harassment, intimidation, or bullying behavior may have occurred or may have been planned, the Principal shall notify the parent(s) or legal guardian(s) of all involved pupils and any other involved individuals of the process to be followed by the school in investigating a report or complaint in general and of actions being taken specific to the incident under investigation.

2. In-depth Investigation

- a. The Principal will *direct the Anti-Bully Specialist to* begin an immediate in-depth investigation into the incident or planned incident. The Principal, at his/her discretion, may *appoint additional personnel to assist in the investigation and may* request the assistance of the Affirmative Action Officer and/or the School Resource Officer [SRO]. The *Anti-Bully Specialist* will promptly investigate all alleged complaints, whether or not a formal complaint is filed, and steps will be taken to resolve the situation, if needed. This investigation will be prompt, thorough, and impartial. The investigation will be completed by the *Anti-Bully Specialist* no more than ten working days after receiving the *written report of the incident of HIB*.
- b. When a pupil or the parent/legal guardian of a pupil provides information or complains about hazing and/or harassing, intimidating, or bullying behavior of a pupil, the *Anti-Bully Specialist* will discuss what actions the pupil or parent(s) or legal guardian(s) are seeking from the school in response to the behavior.
- c. The investigation will include, but is not limited to, interviews with all persons with potential knowledge of the alleged behavior, interviews with any pupils who may have been hazed and/or harassed, intimidated, or bullied by any school employee or other pupils and any other reasonable methods to determine what happened.
- d. The Principal *and/or Anti-Bully Specialist* will request, if relevant to an investigation, the parent(s) or legal guardian(s) of any pupil involved in the investigation to assist in the investigation to determine what happened. The Principal may also request assistance from local authorities such as the police if necessary.
- e. The Principal *and/or Anti-Bully Specialist* will make available copies of relevant board policy and these procedures for parents and students who are involved, if those involved request copies.

- f. The Principal will explain the avenues for formal and informal action, including a description of the complaint procedure that is available for hazing and/or harassment, intimidation, or bullying complaints and an explanation on how the procedure works.
- g. Any person interviewed by the *Anti-Bully Specialist* shall be provided an opportunity to present witnesses and other evidence to the *Anti-Bully Specialist*.
- h. The school district administration may take interim measures during **an investigation** of a complaint in order to alleviate any conditions that prohibit the pupil from assisting in the investigation.

If there is a dispute about whether behavior occurred, the following types of information may be considered in resolving the dispute:

- 1.) Statements made by any witnesses to the alleged incident.
  - 2.) Evidence about the relative credibility of the accused or the victim.
  - 3.) Evidence that the accused has been found to have hazed and/or harassed, intimidated or bullied others, may support the credibility of the pupil accusing behavior.
  - 4.) Evidence of the alleged victim's reaction or behavior after the alleged incident.
  - 5.) Evidence about whether the pupil claiming prohibited behavior against others filed a complaint or took other action to protest the conduct soon after the alleged incident occurred.
- i. The Principal is required according to Board Policy #5753 to **direct the Anti-Bully Specialist to** investigate all incidents of hazing and/or Harassment, Intimidation or Bullying. When a parent/legal guardian reports an incident that violates Board Policy #5753 and requests that nothing be done about the behavior, the Principal:
    - 1.) will provide an overview of the Harassment, Intimidation, Bullying Policy and the Hazing Policy to the pupil, parent and/or legal guardian.
    - 2.) will explain his obligation to **direct the Anti-Bully Specialist to** investigate the matter and to speak with the alleged victim as outlined in Policy #5753.
    - 3.) will make every effort to protect the alleged victim and witnesses from reprisal or retaliation by informing appropriate staff that an investigation is underway in order to assist in protecting the person(s) reporting such incidents from retaliation or reprisal.

3. Investigation Results

- a. Upon the conclusion of the investigation, but not later than ten working days after the initial report, the Principal will send a summary of findings to the parties **and the Superintendent of Schools**. This shall include the person(s) (if known) providing notice to the school district, the pupil(s) who were alleged to be the victim(s) of hazing and/or harassing, intimidating, or bullying behavior, **the nature of the investigation, whether the District found evidence of HIB, whether discipline was imposed or remedial services were offered to address the incident**. A copy shall be provided to the Affirmative Action Officer if the AAO was involved in the investigation.
- b. The Principal shall make a determination whether hazing and/or harassing, intimidating, or bullying was committed or was planned. If a determination is not possible, the report should state this fact. **The Principal will communicate his/her determination to the Superintendent of Schools within two days of the conclusion of the investigation.**
- c. If the Principal concludes the behavior violating Policy #5753 did not occur, the investigation shall be concluded. If the Principal determines that the alleged behavior did not occur and there was an attempt to mislead by filing a false complaint, the Principal shall follow up through the imposition of discipline against any pupil or employee who filed any false complaint or gave false information to agents of the Board.
- d. If the Principal determines the prohibited behavior has occurred, the school district administrators **in consultation with the Superintendent of Schools** and staff shall take reasonable, age-appropriate, and effective corrective action, including steps tailored to the specific situation. Appropriate steps will be taken to end the hazing and/or harassment, intimidation, or bullying such as counseling, warnings, conflict mediation and/or disciplinary action, as specified in policies and handbooks. The steps taken will be based on the severity of the behavior or any record of prior incidents, or both. A series of escalating consequences may be necessary if the initial steps are ineffective in preventing further harassment.
- e. The school district administrators may need to provide special training or other interventions to rehabilitate and protect the educational environment. Other measures may include directing the person(s) responsible to apologize to the victim(s), dissemination of information to individuals or groups as deemed necessary, distribution of new policy statements, conflict mediations or other steps to communicate the message that the Board does not tolerate harassment, intimidating, bullying and/or hazing and will promptly act to protect any pupil who has been subjected to such conduct.

- f. In some situations, the school district administrators may need to provide other services to the victim(s) if necessary to address the effects of the behavior on that pupil. Depending on the type of behavior found, these additional services may include an independent re-assessment of the pupil's work, retaking a course with a different instructor, tutoring and/or other measures that are appropriate to the situation.
- g. The school district administrators will take steps to prevent any further hazing and/or harassment, intimidation, or bullying behavior by students and to prevent any retaliation against the pupil who made the complaint, was the subject of the behaviors, or against those who provided the information or were witnesses. The Principal will inform the victim pupil and his/her parent how to report any subsequent problems and make follow-up inquiries to determine whether any subsequent incidents or retaliation have occurred. The Principal will treat a retaliatory act as a second separate offense and will dole out more severe discipline as a consequence of such behavior.
- h. All complaints and investigation notes concerning violations of Board Policy #5753 will be maintained in a confidential file by the Principal.

#### 4. Investigation Appeal Process

- a. Any person found by the *Anti-Bully Specialist's* investigation to be guilty of hazing and/or harassment, intimidation, or bullying behavior, or any pupil who believes he or she was hazed and/or harassed, intimidated, or bullied, but not supported by the investigation, may appeal to the Superintendent. The Superintendent will review the Building report and any other information he/she deems appropriate, to make a determination. The Superintendent will make his/her determination within ten working days of receiving the appeal.
- b. Any person who is not satisfied with the Superintendent's determination may appeal to the Board. The Board ***shall hold a hearing within ten days of the request and*** will review the Superintendent's determination, along with any other information the Board deems appropriate to make a Board determination. The Board will make its determination ***in writing to affirm, reject or modify the Superintendent's determination at the next Board of Education meeting following its receipt of the report.***
- c. ***The Board's decision may be appealed to the Commissioner of Education in accordance with the procedures set forth in law and regulation, no later than ninety (90) days after the issuance of the Board's decision.***

Approved: August 9, 2011

Revised: August 3, 2011



- Excluding or rejecting the student
- Intimidating (bullying), extorting, or exploiting
- Spreading harmful rumors or gossip
- Other (specify)

This form is to be confidentially maintained in accordance with the Bay Head District Policy #5357

6. What did the alleged offender(s) say or do?

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(Attach a separate sheet if necessary)

7. Why did the harassment or intimidation (bullying) occur?

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(Attach a separate sheet if necessary)

8. Did a physical injury result from this incident? Place an **X** next to one of the following:

- No  Yes, but it did not require medical attention  Yes, and it required medical attention

9. If there was a physical injury, do you think there will be permanent effects?  Yes  No

10. Was the student victim absent from school as a result of the incident?  Yes  No

If yes, how many days was the student victim absent from school as a result of the incident? \_\_\_\_\_

11. Did a psychological injury result from this incident? Place an **X** next to one of the following:

- No  Yes, but psychological services have not been sought  Yes, and psychological services have been sought

12. Is there any additional information you would like to provide?

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(Attach a separate sheet if necessary)

**Signature:** \_\_\_\_\_  
*(of person reporting policy infraction)*

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_  
*(of staff member taking report)*

**Date:** \_\_\_\_\_