

HARASSMENT, INTIMIDATION, AND BULLYING POLICY

1. "Harassment, Intimidation, or Bullying" Statement

All members of the Liberty Academy Charter School community have a right to live and work in an environment that is safe and satisfying. Harassment, intimidation, and bullying of a student in the school will not be tolerated because such behavior is inconsistent with this important, basic right and because the school recognizes that a climate that tolerates harassment, intimidation, and bullying is gravely inconsistent with school efforts to improve academic performance and improve school attendance. Bullying is a pattern of abuse which includes the harassment, physical intimidation or assault, extortion, oral or written, threats, teasing, put-downs, name-calling, threatening looks, gestures or actions, cruel rumors, false accusations or social isolation of others.

It is the responsibility of each student to conduct himself/herself in a way that is socially appropriate and respectful to the rights of others. Harassment, intimidation, and bullying are against school policy and against New Jersey State Law and will not be tolerated at Liberty Academy Charter School.

Teachers and all employees must report cases of harassment, intimidation, and bullying to the administration.

The board prohibits acts of harassment, intimidation or bullying. 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 environment; and 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.

2. Definition of "Harassment, Intimidation, or Bullying"

"Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is 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, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a) a reasonable person should know, under the circumstances, 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;
- b) has the effect of insulting or demeaning any student or group of students; or
- c) 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.

"Electronic communication" means sending or posting harmful material or engaging in other forms of social cruelty using the Internet or other personal digital devices such as the telephone, cell phones, digital cameras, personal computers, pagers, and PDAs. This form of harassment, intimidation, and bullying is referred to as "cyberbullying." When cyberbullying takes place the school will follow the guidelines listed here:

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- a) Any incidents of cyberbullying that take place on school grounds will be dealt with by the administration in accordance with the school's disciplinary policies.
- b) Any incidents of cyberbullying that take place off school grounds will be dealt with by the administration in accordance with the school's disciplinary policies when such speech causes, or threatens to cause, substantial and material disruption at school or interference with the rights of students to be secure (Tinker standard).

3. Behavior Expected from Students and Staff

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. The Board of Trustees believes that standards for students' behavior must be set cooperatively through interaction among the students, parents/guardians, and staff and community members, 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 district and community property on the part of students, staff and community members.

Similarly, staff members are expected to lead by example, by demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying. Staff members are expected to apply best practices designed to prevent student conduct problems and foster students' abilities to grow in self-discipline.

The Board of Trustees believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities to help 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 discipline problems and encourage student's abilities to grow in self-discipline.

The Board of Trustees expects that students will act in accordance with the student behavioral expectations described below:

- 1) Student responsibilities (e.g., requirements for 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);
- 2) Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
- 3) Student rights; and
- 4) Sanctions and due process for violations of the code of student conduct].

4. Consequences and Remedial Measures for Acts of Harassment, Intimidation, or Bullying

Based on broad community involvement, the Board of Trustees shall develop general guidelines for student conduct and shall direct development of detailed regulations suited to the age levels of the students and the mission and physical facilities of the school. Board policy requires all students to adhere to the rules and regulations established by the school and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules.

The administration shall provide annually to students and their parents/guardians the rules of the school regarding student conduct, and the policy shall appear in all publications of the school is comprehensive rules, procedures and standards of conduct, including the student handbook. Provisions shall be made for informing parents/guardians whose primary language is other than English.

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Since N.J.S.A. 18A:37-15(b)(4) clearly establishes that the responses to a person (not only a student) who commits an act of HIB must include both consequences and appropriate remedial action, school officials are responsible for taking all appropriate steps to understand and rectify the problem, which by law involves more than traditional punitive actions.

Students:

In determining the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, school administrators should consider the following factors: the development and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. It is only after meaningful consideration of these factors that an appropriate consequence should be determined, consistent with the case law, Federal and State statutes, regulations and policies, and the school code of student conduct and N.J.A.C. 6A:16-7. Consequences and remedial measures shall be designed to:

- A. Correct the problem behavior;
- B. Prevent another occurrence of the problem;
- C. Protect and provide support for the victim of the act; and
- D. Take corrective action for documented systematic problems related to harassment, intimidation, or bullying.

Factors for Determining Consequences:

- 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.

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 permitted by law. The consequences and remedial measures may include, but are not limited to:

A. Consequences for a student who commits an act of harassment, intimidation, or bullying:

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 or Saturday detention;
7. After-school programs;

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8. Out of school suspension (short term or long term);
9. Transfer to another school;
10. Legal action; and
11. Expulsion.

Factors for Determining Remedial Measures:

Personal:

- 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.

Environmental:

- 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.

B. Remedial measures for a student who commits an act of harassment, intimidation, or bullying:

1. Restitution and restoration;
2. Mediation;
3. Peer support group;
4. Corrective instruction or other relevant learning or service experience;
5. Behavioral assessment or evaluation, including, but not limited to, a referral to the child study team, as appropriate;
6. Behavioral management plan with benchmarks that are closely monitored such as zero tolerance;
7. Involvement of school disciplinarian;
8. Student counseling;
9. Parent conferences;
10. Student treatment; and
11. Student therapy.

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Classified students are subject to the same disciplinary procedures as nondisabled students and may be disciplined in accordance with their IEP. However, before disciplining a classified student, it must be determined that:

- A. The student's behavior is not primarily caused by his/her educational disability;
- B. The program that is being provided meets the student's needs.

Staff:

Consequences and appropriate remedial action for any staff member who commits an act of harassment, intimidation or bullying may range from positive behavioral interventions up to disciplinary charges which could result in suspension or termination. The consequences and remedial measures may include, but are not limited to:

- A. Consequences for a staff member who commits an act of harassment, intimidation, or bullying:
 - 1. Admonishment;
 - 2. Temporary removal from the classroom;
 - 3. Deprivation of privileges;
 - 4. Referral to administration;
 - 5. Withholding of Increment;
 - 6. Suspension;
 - 7. Legal action; and
 - 8. Termination.
- B. Remedial measures for a staff member who commits an act of harassment, intimidation, or bullying:
 - 1. Restitution and restoration;
 - 2. Mediation;
 - 3. Support group;
 - 4. Corrective action plan;
 - 5. Behavioral assessment or evaluation;
 - 6. Behavioral management plan with benchmarks that are closely monitored;
 - 7. Involvement of school administration;
 - 8. Counseling;
 - 9. Conferences;
 - 10. Treatment; and
 - 11. Therapy.

5. Reporting Allegations of Harassment, Intimidation, or Bullying

All acts of harassment, intimidation, or bullying shall be reported verbally to the school principal on the same day when the school employee or contracted service provider witnessed or received reliable information regarding any such incident. The principal shall inform the parents or guardians of all students involved in the alleged incident, and may discuss, as appropriate, the availability of counseling and other intervention services. All acts of harassment, intimidation, or bullying shall be reported in writing to the school principal within two school days of when the school employee or contracted service provider witnessed or received reliable information that a student had been subject to harassment, intimidation, or bullying. N.J.S.A. 18A:37-15(b)(5).

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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.

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.

6. Procedures for Prompt Investigation of Reports of Harassment, Intimidation, or Bullying

The Board of Trustees 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.

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.

The chief school administrator shall report the results of each investigation to the Board of Trustees 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.

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 Trustees 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 Trustees 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.

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At the regularly scheduled Board of Trustees 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 Trustees' 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 Trustees' decision.

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

7. Range of ways to Respond to Harassment, Intimidation, or Bullying

The Board of Education authorizes the principal 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 Board of Trustees 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.

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, too 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 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 either
- 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.

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For every incident of harassment, intimidation, or bullying, the school must respond to the individual who committed the act. Responses may include:

- A. Individual responses can include positive behavioral interventions (e.g. peer mentoring, short-term counseling, life skills groups) and punitive actions (e.g. detention, in-school or out-of-school suspension, expulsion);
- B. Classroom responses can include class discussions about the incident of harassment, intimidation, or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management;
- C. School responses can include theme days, learning station programs, parent programs and information disseminated to students and parents, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices; and
- D. Additional responses can include community involvement in policy review and development, professional development programs, adoption of curricula and school-wide programs and coordination with community-based organizations (e.g. mental health, health services, health facilities, law enforcement, faith-based).

The school must provide support for the victims of harassment, intimidation, and bullying. The school must respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. Remedial measures for the victim(s) of acts of harassment, intimidation, or bullying, and others affected by such acts which may be undertaken on a classroom, school building, or school district basis:

- 1. Supportive institutional interventions, including participation of the intervention and referral services team;
- 2. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
- 3. School culture change;
- 4. School climate improvement;
- 5. Adoption of research-based, systematic bullying prevention programs;
- 6. School policy and procedures revisions;
- 7. Modifications of schedules;
- 8. Adjustment in hallway traffic;
- 9. Modifications in student routes or patterns traveling to and from school;
- 10. Supervision of students before and after school, including school transportation;
- 11. Targeted use of monitors;
- 12. Teacher aides;
- 13. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- 14. General professional development programs for certified and non-certified staff;
- 15. Professional development plans for involved staff;
- 16. Disciplinary action for school staff who contributed to the problem;
- 17. Parent conferences; and
- 18. Family counseling.

The *Memorandum of Agreement Between Education and Law Enforcement Officials* (N.J.A.C. 6A:16-6.2(b)13) defines the conditions under which school officials are required to report suspected bias-related acts to law enforcement authorities. Since some acts of HIB may be bias-related acts and potentially bias crimes, school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern. Additionally, all incidents of HIB, including related offender and victim information, must be reported over the NJDOE's Electronic Violence and Vandalism Reporting System, pursuant to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.

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8. Retaliation and Reprisal Prohibited

The Board of Trustees prohibits a Board of Trustees 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.

9. Consequences and Remedial Action for Retaliation and Reprisal

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 after consideration of the nature and circumstances of the act, in accordance with case law, federal and state statutes and regulations, and school policies and procedures.

A. Students

Consequences and appropriate remedial action for a student found to have engaged in retaliation, reprisal, and/or falsely accused another as a means 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 shall be consistent with this policy. 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;

B. School Employees

Consequences and appropriate remedial action for a school employee found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation, or bullying shall be determined in accordance with school policies; procedures and agreements, up to and including suspension or dismissal from service.

C. Visitors or Volunteers

Consequences and appropriate remedial action for a visitor or volunteer found to have engaged in retaliation, reprisal and/or falsely accused another as a means of harassment, intimidation, or bullying shall be determined by the chief school administrator after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials, or other legal actions, removal of building or grounds privileges, or prohibiting contact with students or the provision of student services.

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10. Dissemination and Implementation

The Board of Trustees 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 the school, 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's Website. The chief school administrator shall ensure that notice of the school'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.

The chief school administrator shall post the name, school phone number, school address and school email address of the both the school anti-bullying specialist and the school anti-bullying coordinator on the home page of the school's Website.

The chief school administrator and the principal shall provide training on the school'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's employee training program shall include information regarding the school 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.

The chief school administrator shall develop and implement a process for annually discussing the school policy on harassment, intimidation and bullying with students. The chief school administrator and the principal 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.



HIB

HARASSMENT, INTIMIDATION, AND BULLYING POLICY

Mr. Ruben Alicea, President Board of Trustees
Dr. Anna Villafane, Chief Executive Officer
Mr. Abel Garcia, Principal
Mr. Edward Molloy, Dean of Students