

**SPRINGFIELD PUBLIC SCHOOLS  
SPRINGFIELD, NEW JERSEY 07081**

**POLICY: HARASSMENT, INTIMIDATION, BULLYING AND HAZING**

Acts of harassment, intimidation or bullying may be a pupil exercising power and control over another pupil, in either isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying).

“Harassment, intimidation or bullying” is defined as any gesture or written, verbal or physical act or any electronic communication 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 handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:

A. A reasonable person should know, under the circumstances, will have the effect of harming a pupil or damaging the pupil’s property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or

B. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

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

Acts of harassment, intimidation, or bullying may also be a pupil exercising power and control over another pupil, either in isolated incidents (e.g. intimidation, harassment) or patterns of harassing or intimidating behavior (e.g. bullying).

This policy may impose consequences for acts of harassment, intimidation, or bullying that occur off school grounds, such as cyber-bullying (e.g. the use of electronic or wireless devices to harass, intimidate, or bully) to the extent this Policy complies with the provisions of NJAC 6A:16-7.6, conduct away from school grounds, and the district’s code of pupil conduct, pursuant to NJAC 6A:16-7.1. In all instances of harassment, intimidation, or bullying behavior occurring off school grounds, the consequences only may be exercised when it is reasonably necessary for pupil’s physical or emotional safety and well-being or for reasons relating to the safety and well-being of other pupils, staff or school grounds, pursuant to NJSA 18A:24-2 and 18A:37-2, and when the conduct which is the subject of a proposed consequence materially and substantially interferes with the requirements of appropriate discipline requirements of appropriate discipline in the

operation of the school. All acts of harassment, intimidation, or bullying that include the use of school property (e.g. school computers, other electronic or wireless communication devices) apply to the provisions of NJSA 18A:37-15 and NJAC 6A:16-7.9, harassment, intimidation, and bullying, whether the subject or recipient of the bullying is on or off school property.

### **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, the educational purpose underlying all school activities, and the care of school facilities and equipment consistent with the code of pupil conduct.

The Board believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of pupils, staff and community members.

The Board believes the best discipline is self-imposed, and it is the responsibility of school district staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply the best practices designed to prevent discipline problems and encourage pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the Superintendent in conjunction with school staff, and approved by the Board. These guidelines will be developed based on accepted core ethical values from broad community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, pupils and administrators. These guidelines for pupil conduct will be suited to the age level of the pupils and the mission and physical facilities of the individual school(s) in the district. This policy requires all pupils in the district to adhere to these rules and guidelines and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules and guidelines.

The district prohibits active and passive support for harassment, intimidation or bullying. Pupils are encouraged to support other pupils who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Building Principal or his/her designee. The district prohibits all types of bias based harassment.

Pupils are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to school district teaching, support and administrative staff. Each school Principal will develop and provide a school-based program for appropriate recognition for positive

reinforcement for good conduct, self-discipline, and good citizenship and academic success.

The Superintendent will provide annually to pupils and their parent(s) or legal guardian(s) the rules of the district regarding pupil conduct, pupil's due process and other rights. This policy will appear in all publications of the district's comprehensive rules, procedures and standards of conduct for school(s) within the district, including pupil handbooks and the district website. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

### **Consequences and Appropriate Remedial Actions**

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

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 Age, 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.

The following factors will be considered in determining the appropriate response for determining remedial measures:

#### **Personal**

1. Life skills deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interest;
7. Hobbies;
8. Extra-curricular activities;

9. Classroom participation; and
10. Academic performance.

#### Environmental

1. School culture;
2. School climate;
3. Pupil-staff relationships and staff behavior toward the pupil;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral support;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation, and bullying may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the Board adopted Pupil Discipline/Code of Conduct pursuant to NJAC 6A:16-7.1. Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the pupil and the pupil's history of problem behaviors and performance, and must be consistent with the district's code of pupil conduct. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action documented systemic problems related to harassment, intimidation, and bullying. The consequences and remedial measures may include, but are not limited to, the examples below:

#### Examples of Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. After-school programs;
8. Out-of-school suspension (short-term or long-term);
9. Legal action; and
10. Expulsion.

#### Examples of Remedial Measures – Personal

1. Restitution and restoration;
2. Mediation;
3. Peer support group;
4. Recommendations of a pupil behavior or ethics council;

5. Corrective instruction or other relevant learning or service experience;
6. Supportive pupil interventions, including participation of the Intervention and Referral Service Team, pursuant to NJAC 6A:16-8;
7. Behavioral assessment or evaluation, including but not limited to, a referral to the Child Study Team, as appropriate;
8. Behavioral management plan, with benchmarks that are closely monitored;
9. Assignment of leadership responsibilities (e.g. hallway or bus monitor);
10. Involvement of school disciplinarian;
11. Pupil counseling;
12. Parent conferences;
13. Pupil treatment; or
14. Pupil therapy.

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

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revisions;
6. Modifications of scheduling;
7. Adjustments in hallway traffic;
8. Modifications in pupil routes or patterns traveling to and from school;
9. Targeted use of monitors (e.g. hallway, cafeteria, bus);
10. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
11. General professional development programs for certificated and non-certificated staff;
12. Professional development plans for involved staff;
13. Disciplinary action for school staff who contributed to the problem;
14. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to NJAC 6A:16-8;
15. Parent conferences;
16. Family counseling;
17. Involvement of parent-teacher organizations;
18. Involvement of community-based organizations;
19. Development of a general bullying response plan;
20. Recommendations of a pupil behavior or ethics council;
21. Peer support groups;
22. School transfers; and
23. Law enforcement (e.g. school resource office, juvenile officer) involvement

NJAC 6A:16-7.9(a)2.vi requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying. The

consequences may include, but not be limited to, verbal or written reprimand, increment withholding, legal action, disciplinary action, and/or termination. Remedial measures may include, but not be limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

Concluding whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances. An appropriate consequence will be determined after meaningful consideration of these factors. The appropriate consequence will be consistent with the case law, Federal and State statutes, and district/school policies and regulations.

### **Reporting Procedure**

Complaints alleging violations of this Policy shall be reported to the Principal or his/her designee. All school employees are required to report alleged violations of this Policy to the Principal or his/her designee. All other members of the school community, including pupils, parent(s) or legal guardian(s), volunteers and visitors are encouraged to report any act that may be a violation of this Policy. While submission of an Incident Report Form to the Principal or his/her designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Principal of each building or available at the school district office. Oral reports will also be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of anonymous report.

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

### **Investigation**

The Principal or his/her designee is responsible for determining whether an alleged act constitutes a violation of this Policy. The Principal or his/her designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The Principal or his/her designee will maintain a record of each investigation regarding allegations of harassment, intimidation and bullying.

### **Response to Incident of Harassment, Intimidation or Bullying**

An appropriate response will be provided to the individual who commits any incident of harassment, intimidation, or bullying. Some acts of harassment, intimidation or bullying may be isolated incidents requiring the school respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation or bullying that require a response either at the classroom, school building or school district level or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation or bullying 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. In considering whether a response beyond the individual level is appropriate, the administrator will consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences, past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. The school district's responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff. The district's responses may include participation of parent(s) or legal guardian(s) and other community actions the context of acceptable student behavior or the consequences of such actions and involvement of law enforcement officers, including school resource officers. The district will also make resources available to individual victims of harassment, intimidation, and bullying, including, but not limited to, school counseling services and environmental modifications.

### **Services to Victims of Harassment**

**The Springfield School District will provide support for victims of harassment, intimidation or bullying. The Chief School Administrator or his/her designee will identify a range of strategies and resources (e.g., counseling, teacher aides, hallway and playground monitors, mediators, schedule changes, school transfers, before- and after-school and/or school transportation supervision, therapy) that will be available to individual victims of harassment, intimidation and bullying and will respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. Social skills training provided for all students is an example of a school or a school district-wide response for addressing victimization.**

### **REPRISAL OR RETALIATION PROHIBITED**

The school district prohibits reprisal or retaliation against any person 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 Principal or his/her designee after consideration of the nature and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures. The consequences for pupils will range from positive behavior interventions up to and including suspension or expulsion. The consequences for employees will range from an admonishment to termination of employment. The consequences for a volunteer will range from an admonishment to dismissal from the volunteer position.

### **Consequences for False Accusation**

The Board prohibits any person from falsely accusing another as a means of harassment,

intimidation, or bullying. Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation or bullying 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 NJAC 6A:16-7.2, Short-term Suspensions, NJAC 6A:16-7, Long-term Suspensions and NJAC 6A:16-7.5, Expulsions.

Consequences and appropriate remedial actions for a school employee found to have falsely accused another, as a means of harassment, intimidation or bullying shall be disciplined in accordance with district policies and procedures, and agreements.

Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the Principal or his/her designee, after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

### **Policy Publication**

This Policy will be disseminated annually to all school staff, pupils, parent(s) or legal guardian(s), along with a statement explaining the Policy applies to all acts of harassment, intimidation and bullying that occur on school property, at school sponsored functions or on a school bus. The Superintendent shall ensure notice of this Policy appears in any publication of the school district that sets forth the comprehensive rules, procedures, and standards for schools within the district, and in any pupil handbook that includes the pupil code of conduct. This notice shall also indicate the district's Harassment, Intimidation, and Bullying Policy is available on the district's website.

The Superintendent shall develop an annual process for the Principal(s) to discuss the school district's policy on harassment, intimidation and bullying with pupils.

## **HARASSMENT, INTIMIDATION AND BULLYING PREVENTION PROGRAMS**

Pursuant to NJSA 18A:37-17(5)(c) and NJAC 6A:16-7.9(d)1.i, information regarding the district's Harassment, Intimidation and Bullying policy shall be incorporated into a schools' employee training program.

Pursuant to NJAC 6A:16-7.9(d)3, the district is required to annually review the extent and characteristics of harassment, intimidation, and bullying behavior in the schools of the district and implement locally determined programmatic or other responses, if determined appropriate by the district Board of Education.

Pursuant to NJAC 6A:16-7.9(d)3, the district is required to annually review the training needs of district staff for the effective implementation of the Harassment, Intimidation, and Bullying Policy, procedures, programs, and initiatives of the district Board of

Education and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the code of pupil conduct, pursuant to NJAC 6A:16-7.1(a)3, as determined appropriate by the district Board of Education.

Pursuant to NJAC 6A:16-7.9(d)2, the school district is required to develop a process for annually discussing the school district's Harassment, Intimidation, and Bullying Policy with pupils.

Pursuant to NJSA 18A:37-15.1, this policy shall be transmitted to the Executive County Superintendent of Schools.

Pursuant to NJSA 18A:37-17(d), the district will establish bullying prevention programs, and other initiatives involving school staff, pupils, administrators, volunteers, parent(s) or legal guardian(s), law enforcement and community members in developing such programs and initiatives.

Pursuant to N.J.S.A. 18A:37-17.b., the district is encouraged to, and to the extent funds are appropriated for these purposes, provide training on the school district's harassment, intimidation and bullying policies to school employees and volunteers who have significant contact with pupils and develop a process for discussing the school district's harassment, intimidation and bullying policies with pupils.

Pursuant to N.J.S.A. 18A:37-19, the school district may apply to the Commissioner of Education for additional costs due to the implementation of the provisions of N.J.S.A. 18A:37-13 through N.J.S.A. 18A:37-18.

**Legal Reference:**

N.J.S.A. 18A:37-13 through 18A:37-19  
N.J.A.C. 6A:16-7.9 et seq.

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