



DEPARTMENT: Education

SUBJECT: Harassment, Intimidation and Bullying

POLICY: Harassment, Intimidation, and Bullying Policy

PAGE(S): 1-9

ORIGINAL DATE: September, 2003

DATE REVISED: February 2008
August 2011
October 2014

July 2020
December 2021
October 2022
December 2024

Board Approval-12/24

PURPOSE

Current New Jersey legislation,(C.18A:37-13 et seq.), mandates that all New Jersey schools develop, establish and implement policies, procedures and programs for the prevention, intervention and remediation of harassment, intimidation and bullying behavior in schools. The requirements for these policies are contained within P.L.2010, Chapter 122, which particularly highlights an "Anti-Bullying Bill of Rights" and other critical components of this legislation. In order to be in full compliance with these statutory requirements, Hampton Academy has developed the following policy.

1. POLICY

Hampton Academy strictly prohibits acts of harassment, intimidation or bullying of a student. Hampton Academy has determined that a safe and civil environment in our school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school leaders, 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: NJ STATE LAW 18A:37-14

Hampton Academy establishes that "harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication***, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents, that is:

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 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.

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

3. BEHAVIORAL EXPECTATIONS

Hampton Academy 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.

Hampton Academy believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school leaders, school employees, school volunteers and students of Hampton Academy, 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 Hampton Academy 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. Hampton Academy 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.

Hampton Academy expects that students will act in accordance with the student behavioral expectations described below:

- 1) Students must 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 will be granted through the Academy's Behavioral Incentive Program, Individual Classroom Management Programs, and various Student Recognition Events.
- 3) Student rights will always be respected.
- 4) Sanctions and due process for violations of the code of student conduct will be addressed by the Hampton Academy investigatory and disciplinary process.

Since bystander support of harassment, intimidation and bullying (HIB) can reinforce these behaviors, Hampton Academy prohibits active or passive support for acts of HIB. We encourage students to support students who:

- . Walk away from acts of HIB when they see them;
- . Constructively attempt to stop acts of HIB;
- . Provide support to students who have been subjected to HIB; and
- . Report acts of HIB to the designated school staff.

4. CONSEQUENCES AND REMEDIAL ACTION

Hampton Academy requires its school leadership to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation or bullying, consistent with the code of student conduct. The following factors, at a minimum, shall be given full consideration by the Academy's leadership in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offenses, consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the code of student conduct and N.J.A.C. 6A:16-7.

Factors for Determining Consequences

- Age, developmental and maturity levels of the parties involved
- 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.

Factors for Determining Remedial Measures

Personal

- Life skill deficiencies;
- Social relationships;
- Strengths;
- Talents;
- Traits;
- Interests;
- Hobbies;
- Extra-curricular activities;
- Classroom participation; and
- Academic performance.

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.

Examples of Consequences and Remedial Measures

Consequences and appropriate remedial actions for a student who commits one or more acts of HIB may range from positive behavioral interventions up to and including suspension or review of continued placement at Hampton Academy, conducted together with the student’s sending school district.

Consequences for a student who commits an act of HIB 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, 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 for documented systemic problems related to harassment, intimidation or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

- Admonishment;
- Temporary removal from the classroom;
- Deprivation of privileges;
- Referral to discipline advisor;
- In-school peer separation;
- Out-of-school suspension
- Reports to law enforcement or other legal action;
- Review of continued placement; and
- Bans from participating in Hampton Academy sponsored programs or events.

Examples of Remedial Measures

Personal

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Involvement of school “discipline advisor;”
- Student counseling;
- Parent conferences;
- Focused student therapy.

Environmental

- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying.
- School culture change.
- School climate improvement;
- Adoption of research-based, systemic bullying prevention programs;
- School policy and procedures revisions;
- Modifications of schedules;
- Adjustments in hallway traffic;
- Modifications in student routes or patterns traveling to and from school;
- Supervision of student before and after school, including school transportation;
- Targeted use of monitors;
- Paraprofessionals;
- Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
- General professional development programs for certificated and non-certificated staff;
- Professional development plans for involved staff;
- Disciplinary action for school staff who contributed to the problem;
- Parent conferences;
- Development of a general bullying response plan;
- Peer support groups;
- Law enforcement (e.g., safe schools resource officer, juvenile officer involvement or other legal action.

5. REPORTING PROCEDURE

Hampton Academy requires that leadership be responsible for receiving all complaints alleging violations of this policy. All Hampton Academy staff members who have contact with students, are required to verbally report alleged violations of this policy to leadership on the same day when the individual witnessed or received reliable information regarding any such incident. All Hampton Academy staff members who have contact with students, also shall submit a report in writing to the school executive director/principal or designee within two school days of the verbal report, using the HIB 338 Form. The executive director/principal or designee 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.

Students, parents, and visitors are encouraged to report alleged violations of this policy to leadership on the same day when the individual witnessed or received reliable information regarding any such incident. Students, parents, and visitors may report an act of harassment intimidation or bullying anonymously. Formal action for violations of the code of student conduct may not be taken solely on the basis of an anonymous report. Using the HIB 338 Form.

A Hampton Academy staff member 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.

The goal of this reporting procedure is to facilitate the identification, investigation and response to alleged violations of this policy by making the reporting process prompt, simple and non-threatening.

5A Preliminary Determination

Prior to initiating an investigation regarding a reported incident or complaint, the principal, or his or her designee, in consultation with the anti-bullying specialist, shall make a preliminary determination as to whether a reported incident or complaint, assuming all facts are presented as true, is a report within the scope of *N.J.S.A. 18A:37-14*.

Should the principal, or his or her designee, in consultation with the anti-bullying specialist determine that a reported incident or complaint, assuming all facts presented are true, is not a report within the scope of *N.J.S.A. 18A:37-14*, the incident will be addressed through Hampton Academy's code of student conduct policy. The HIB 338 Form shall be completed, even if a preliminary determination is made not to conduct an investigation of HIB because the reported incident or complaint is a report outside the scope of the definition of HIB and must be submitted to the Executive Director or his or her designee. Parents of the alleged offender(s) and victim(s) will be provided with formal notice of the decision not to initiate an HIB investigation.

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.

6. INVESTIGATION PROCEDURE

Hampton Academy 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 executive director/principal within one school day of the written report of the incident. The investigation shall be conducted by the school anti-bullying specialist appointed by the executive director/principal. The executive director/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 executive director/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 executive director/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 executive director/principal shall proceed in accordance with the code of student conduct, as appropriate, based on the investigation findings. As appropriate to the findings from the investigation, the executive director/principal 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 executive director/principal shall report the results of each investigation to the executive board no later than the date of the next executive board meeting following the completion of the investigation. The executive director/principal'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 executive director/principal.

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 Academy 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 executive board.

A parent or guardian may request a hearing before the executive board 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 executive 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 executive 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 next scheduled executive 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 executive director/principal's decision. The executive board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than 90 days after the issuance of the executive board's decision.

A school leader who receives a report of harassment, intimidation, or bullying from a Hampton Academy staff member, 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. SCHOOL RESPONSE

The Hampton Academy executive board authorizes the executive director/principal of Hampton Academy to define the range of ways in which school staff will respond once an incident of harassment, intimidation or bullying is confirmed, the executive director/principal respond to confirmed harassment, intimidation and bullying, according to the parameters described below and in this policy. The Hampton Academy executive board 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, or school building 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 review of placement, 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,) 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 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.

In providing support for victims of HIB, Hampton Academy has identified a range of strategies and resources, which include the following actions for individual victims:

- Counseling;
- Paraprofessionals;
- Hallway monitors;
- Schedule modifications;
- School transportation supervision;
- Focused therapy.

For school staff to address HIB that occurs off school grounds there must be reason to believe, at a minimum, that the alleged HIB has substantially disrupted or interfered with the orderly operation of the school or the rights of other students. Once this determination has been made, school staff must implement the district board of education's HIB policy and code of student conduct.

8. PROHIBITION OF REPRISAL OR RETALIATION

The Hampton Academy executive board prohibits an executive 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, 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 executive director/principal in consultation with the Human Resources Director of Hampton Behavioral Health Center 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. FALSE ACCUSATIONS

The Hampton Academy executive board prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying.

1) Students – Consequences and appropriate remedial action for a student could range from positive behavioral interventions up to and including suspension or review of placement, 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.

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 Hampton Academy and Hampton Behavioral Health Center policies, procedures and agreements; and

3) Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer could be determined by the executive director/principal 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.

10. PUBLICATION AND REVIEW OF POLICY

The Hampton Academy executive board requires the executive director/principal 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 executive director/principal shall post a link to the policy in the parent portal. The executive director/principal shall ensure that notice of Hampton Academy's policy appears in the student handbook and all other publications of Hampton Academy that set forth the comprehensive rules, procedures and standards for Hampton Academy.

The executive director/principal shall post the name, school phone number, school address and school email address of the school anti-bullying specialist on the home page of each school's Website.

The executive director/principal shall provide training on Hampton Academy'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. Hampton Academy's employee training program shall include information regarding the Hampton Academy 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 executive director/principal shall develop and implement a process for annually discussing Hampton Academy's policy on harassment, intimidation and bullying with students. The executive director/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.

Anti-Bullying Specialist

Ms. Valerie Flourney

56 Chestnut Street

Lumberton, N.J. 08048

valerie.flourney@uhsinc.com