

# HARASSMENT, INTIMIDATION, & BULLYING POLICY

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Mastery Schools of Camden prohibits acts of harassment, intimidation, and bullying (HIB) of a student. Mastery has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation, and 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 administrators, faculty, staff, and volunteers should be commended for demonstrating appropriate behavior; treating others with civility and respect; and refusing to tolerate harassment, intimidation, and bullying.

## **Definition of Harassment, Intimidation, & Bullying (as provided for in C.18A:37-14)**

Mastery Schools of Camden establishes that "harassment, intimidation, and bullying" means any gesture; any written, verbal, or physical act; or any electronic communication (i.e., a communication transmitted by means of an electronic device, including, but not limited to, a telephone, cellular phone, computer, or pager), 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.

## **HIB Staff**

### ***School Anti-Bullying Specialist***

Mastery Schools of Camden shall appoint a school anti-bullying specialist. When a school guidance counselor, school psychologist, or another similarly trained individual is currently employed in the school, Mastery shall appoint that individual to be the school anti-bullying specialist. If no individual meeting these criteria is currently employed in the school, the School Leader shall appoint a school anti-bullying specialist from currently employed school personnel. The school anti-bullying specialist shall:

- a) Chair the school safety team;
- b) lead the investigation of incidents of harassment, intimidation, and bullying in the school; and
- c) act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, and bullying in the school.

### ***School Safety Team***

Mastery shall form a school safety team in each school to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic process and practices in the school and to address school climate issues such as harassment, intimidation, and bullying. The school safety team shall meet at least two (2) times per school year.

The school safety team shall be appointed by the School Leader and consist of the School Leader or his/her designee who, if possible, shall be a senior administrator; a teacher in the school; the school anti-bullying specialist; a parent of a student in the school; and other members to be determined by the School Leader. The school anti-bullying specialist shall serve as the chair of the school safety team.

The school safety team shall:

- a) receive any complaints of harassment, intimidation, and bullying of students that have been reported to the School Leader;
- b) receive copies of any report prepared after an investigation of an incident of harassment, intimidation, and bullying;
- c) identify and address patterns of harassment, intimidation, and bullying of students in the school;
- d) review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, and bullying of students;
- e) educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, and bullying of students;
- f) participate in the training required pursuant to the provisions of N.J.S.A.18A:37-13 *et seq.* and other training which the School Leader or the school anti-bullying coordinator may request; and
- a) execute such other duties related to harassment, intimidation, and bullying as requested by the School Leader or school anti-bullying coordinator.

No parent/guardian who is a member of the school safety team shall:

- a) receive complaints of harassment, intimidation, and bullying of students that have been reported to the School Leader;
- b) receive copies of reports prepared after an investigation of a harassment, intimidation, and bullying incident;
- c) identify and address patterns of harassment, intimidation, and bullying of students; or
- d) participate in any other activities of the team which may compromise the confidentiality of a student.

### **Consequences and Appropriate Remedial Action**

Mastery requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, and bullying, consistent with the code of student conduct, and the consequences and remedial responses for staff members who commit one or more acts of harassment, intimidation, and bullying. 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 consider students' histories of inappropriate behaviors, per the code of student conduct and N.J.A.C.6A:16-7.

### **Procedure for Reporting an Act of Harassment, Intimidation, & Bullying**

Mastery requires the School Leader at each school to be responsible for receiving all complaints alleging violations of this policy. All Board of Trustee members, school employees, volunteers, and contracted service providers who have contact with students are required to verbally report alleged violations of this policy to the School Leader or the School Leader's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All members, school employees, volunteers, and contracted service providers who have contact with students also shall submit a report in writing to the School Leader within two (2) school days of the verbal report. The School Leader 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 the School Leader 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, and 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 the Board of Trustees or a school employee who promptly reports an incident of harassment, intimidation, and 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.

A member of the Board of Trustees or a school employee who receives a report of harassment, intimidation, and bullying from a school employee and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, and bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, and bullying, may be subject to disciplinary action.

### **Procedure for Prompt Investigation of Reports of Violations and Complaints**

Mastery requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation, and bullying. All reported incidents of harassment, intimidation, and bullying shall be documented in writing and shall include, but not be limited to:

- a) the taking of statements from victims, witnesses, and the accused;
- b) the careful examination of the facts;
- c) the support for the victim; and
- d) a determination if the alleged act constitutes a violation of this policy.

However, prior to initiating the investigation, the School Leader or designee, in consultation with the Anti-Bullying Specialist, may make a preliminary determination as to whether the reported incident or complaint, assuming all facts presented are true, is a report within the scope of the definition of harassment, intimidation, and bullying under the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-14. The School Leader or designee, upon making a preliminary determination the incident or complaint is not within the scope of the definition of harassment, intimidation, and bullying, shall inform the parents of the parties involved, who may appeal the preliminary determination to the Board of Trustees and thereafter to the Commissioner of Education in accordance with N.J.A.C. 6A:3.

HIB investigations shall be initiated by the School Leader or the School Leader's designee within one school day of the report of an incident and shall be conducted by a school anti-bullying specialist. The School Leader may appoint additional personnel who are not school anti-bullying specialists to assist in the investigation.

The investigation shall be completed as soon as possible, but not later than ten (10) school days from the date of the written report of the incident of harassment, intimidation, and bullying. In the event that there is information related to the investigation that is anticipated but not yet received by the end of the 10-day period, the school anti-bullying specialist may amend the original report to reflect the additional information.

The results of the investigation shall be reported to the School Leader within two (2) school days of the completion of the investigation and in accordance with law and Board policy. The School Leader may initiate intervention services; establish training programs to reduce harassment, intimidation, and bullying and enhance school climate; impose discipline; order counseling as a result of the findings of the investigation; or take or recommend other appropriate action.

The results of each investigation shall be reported to the Board of Trustees no later than the date of the next board meeting following the completion of the investigation and include:

- a) any services provided;
- b) training established;
- c) discipline imposed; or
- d) other action taken or recommended by the School Leader.

The School Leader or his/her designee shall ensure that parents or guardians of the students who are parties to the investigation shall receive information about the investigation. This information shall be provided in writing within five (5) school days after the results of the investigation are reported to the Board and include:

- a) the nature of the investigation;
- b) whether the school found evidence of harassment, intimidation, and bullying; or
- c) whether discipline was imposed or services provided to address the incident of harassment, intimidation, and bullying.

### **Appeal Process**

The parents or guardians may request a hearing before the Board or the Board's designees after receiving the information from the School Leader regarding the investigation. The hearing shall be held within ten (10) days of the request. The Board or the Board's designees shall meet in an executive session to protect the confidentiality of the students. At the hearing, the school anti-bullying specialist may provide details regarding the incident, recommendations for discipline or services, and a description of any programs instituted to reduce such incidents.

At the next Board of Trustees meeting following its receipt of the report (regardless of whether a parent or guardian requests a hearing), the Board shall issue a decision, in writing, to affirm, reject, or modify the School Leader's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with law, no later than the ninety (90) days after the issuance of the Board's decision.

A parent, student, guardian, or organization may file a complaint with the Division on Civil Rights within 180 days of the occurrence of any incident of harassment, intimidation, and bullying based on membership in a protected group as enumerated in the "Law Against Discrimination."

### **How Mastery will Respond Following the Identification of an Incident of Harassment, Intimidation, & Bullying**

Mastery authorizes the School Leader of each school to define the range of ways in which school staff will respond once an incident of harassment, intimidation, and 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. Mastery recognizes that some acts of harassment, intimidation, and 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, and 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, and 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, and school district) responses can include any of the following:

- a) school and community surveys;
- b) mailings;
- c) focus groups;
- d) adoption of research-based HIB prevention program models;
- e) training for certificated and non-certificated staff;
- f) participation of parents and other community members and organizations;

- g) 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
- h) 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, and bullying occurring off school grounds when:

- a) the alleged harassment, intimidation, and bullying has substantially disrupted or interfered with the orderly operation of the school or the rights of other students; and either
- b) 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
- c) the alleged behavior has the effect of insulting or demeaning any student or group of students; or
- d) 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.

### **Consequences and Appropriate Remedial Action Following a False Accusation**

Mastery prohibits reprisal or retaliation or false accusation against any person who witnesses and/or reports an act of harassment, intimidation, and bullying by any student, school employee, board member, contracted service provider, visitor, or volunteer. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation or false accusation shall be determined by the School Leader or his/her designee after consideration of the nature, severity, and circumstances of the act, in accordance with case law and Board policies and procedures.

Any act of retaliation or reprisal or false accusation against any person who reports an act of harassment, intimidation, and bullying shall not be tolerated. Any student, school employee, board member, contracted service provider, volunteer, or visitor who engages in the act of retaliation or reprisal or who falsely accuses another shall be subjected to consequence and appropriate remedial action. In cases where any NJ State or federal law has allegedly been violated, the local law enforcement agency shall be notified.

### **Approved Private Schools for Students with Disabilities (APSSD)**

In accordance with the provisions of N.J.A.C. 6A:16-7.7(a).2.ix.(2), Mastery shall investigate a complaint or report of harassment, intimidation, or bullying, pursuant to N.J.A.C. 6A:16-7.7(a).2.ix. and occurring on Mastery school buses, at Mastery school-sponsored functions, and off school grounds involving a student who attends an APSSD. The investigation shall be conducted by a Mastery Anti-Bullying Specialist, in consultation with the APSSD.

Mastery shall submit all subsequent amended Harassment, Intimidation, and Bullying Policies to the Executive County Superintendent of Schools within thirty days of Board adoption.