

GENERAL STATEMENT

The John P. Holland Charter School prohibits acts of harassment, intimidation or bullying of a student. The district board of education has determined that 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 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 or bullying.

Harassment, Intimidation and Bullying (HIB) Defined

The John P. Holland Charter School 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.

The John P. Holland Charter School 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.

The John P. Holland Charter School believes that standards for student behavior must be set cooperatively through interaction among the parents and other community representatives, school

administrators, school employees, school volunteers and students of the school district, 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 district 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.

The John P. Holland Charter School 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

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 2

conduct problems and foster students' abilities to grow in self-discipline.

The John P. Holland Charter School expects that students will act in accordance with the student behavioral expectations described below:

The John P. Holland Charter School will provide all students and staff with a safe and supportive

school environment. To ensure this commitment, the Board of Education will approve the District

Affirmative Action Officer and Building Affirmative Action Representatives at a public meeting each

spring. This list will be displayed in all main offices and employee lounges.

Members of the school community are expected to treat each other with mutual respect and to accept

the rich diversity that makes up our community. Expected student behaviors include courteous language

and behavior, respect toward self, school, classmates, colleagues and community. Students are

expected to obey and respond with respect to authorities in the school district. Disrespect among

members of the school community is unacceptable behavior that threatens to disrupt the learning

environment and reflects upon the integrity of the entire district as well as the individuals involved in this

behavior.

Any harassment, intimidation or bullying of a student or employee by a member of the school

community is a violation of this policy.

The Board of Education expects all students to have a proper respect for the rights and welfare of other

students and school staff; to exercise care in the use of school facilities and equipment; and to honor

and acknowledge the educational purpose underlying all school activities.

The BOE believes that the school community sets standards for student behavior cooperatively. It

requires focused interaction between our students, parents/guardians, district staff and others from our

greater community to produce an atmosphere that encourages growth and self-discipline, and that

fosters respect for self and others, as well as for district property.

The BOE believes that the best discipline is self-imposed. It is the responsibility of staff to use disciplinary situations as opportunities to help students learn to 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 that encourage students to develop the skills that enable them to make better choices in the future. Each district school employs a program to positively reinforce good conduct, self-discipline and good citizenship. The Superintendent shall annually provide BRSD students and their parent/guardians with the Board of Education's HIB Policy and the rules regarding student conduct. Notice of the BOE policies shall appear in all district publications that set forth the comprehensive rules, procedures and standards of student conduct in district schools, including but not limited to the District webpage (intra and internet), and the student handbook. Provisions shall be made for informing parents/guardians whose primary language is other than English. The John P. Holland Charter School shall act to investigate all complaints of harassment, intimidation, and bullying whether anonymous, formal or informal, verbal or written, and administer the appropriate action or discipline against any member of the school community who is found to have violated this policy.

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 3

HIB DEFINITION

Harassment, Intimidation or bullying (HIB) 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 reasonable 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 sensor (handicap) disability, or by any other distinguishing characteristic, that take place on school property, at any school-sponsored function or on a school bus, or off school grounds as provided for in section 16 of P.L. 2010, Chapter 122, 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 circumstance, will have the effect of physical or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear or 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 in a way as to cause

substantial disruption in, or substantial interference with, the orderly operation of the school
c. creates a hostile education environment for the student by interfering with a student's education

or by severely or pervasively causing physical or emotional harm to the student.

Any form of harassment, intimidation, bullying or threat that rises to the level of a criminal offense (See

policy 4106, Unlawful Harassment, Violence, Terrorist Threats) will be prosecuted to the fullest extent of

the law.

Within 5 days of the effective date of any amendment to the HIB policy by the BOE, the policy will be

posted on the district's website, and students and parents notified that the amended policy is available

on the district's website.

DEFINITIONS

School community includes, but is not limited to, all students, school employees, school board

members, student teachers, interns, parents and guardians, PTA/PTO members, other unpaid

volunteers, contractors, vendors, and other visitors.

School employee includes, but is not limited to, all teachers, secretaries, aides, administrators, bus

drivers and aides, custodians/maintenance personnel, cafeteria workers, coaches, counselors, social

workers, CD/A employees, school board members, and agents of the school district.

Electronic Communication means a communication transmitted by means of electronic device,

including, but not limited to, a telephone, cellular phone, computer, or pager.

Gender identity or expression means having or being perceived as having a gender related identity or

expression whether or not stereotypically associated with a person's assigned sex at birth.

(A) Direct - Negative actions are intentional infliction or attempts at such, including threatening,

taunting, teasing, name-calling, hitting, pushing, kicking, pinching, and restraining.

(B) Indirect - Negative actions can include making faces or dirty gestures, gossip, rumors, malicious secret-telling, playing tricks on someone, shunning or intentionally excluding

someone from a group, or pressuring someone to enter into or continue a relationship. It

includes cyber-bullying and other forms of electronic communication (e.g., sending insulting

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 4

or embarrassing email, text messages or photos/video to the child or to others about the child).

Gender Harassment means unwelcome sexual advances, requests for sexual favors, and other

verbal, physical, or emotional conduct of a sexual nature when:

(A) Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education or an employee's employment.

(B) Submission to, or rejection of, such conduct by a student or employee is used as a component of the basis for decisions affecting that person.

(C) The conduct has the purpose or effect of substantially interfering with a student's educational performance or employee's work performance, or the purpose or effect of creating an intimidating, hostile or offensive educational environment.

(D) Any member of the school community who wears clothing that:
(1) has designs or comments that are obscene, lewd or vulgar, and/ or
(2) is directed toward or intended to harass, threaten, intimidate or demean
an individual or group of individuals because of sex, skin color, age,
race, religion, disability, national origin, sexual orientation, or
appearance or size.

This applies whether the harassment is between people of the same or different gender.

Sexual

harassment can include unwelcome verbal, written, or physical conduct, directed at or
related to

a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually
suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual
nature

about someone, demanding sexual favors, forcing sexual activity by threat of punishment or
offer

of educational or employment reward, obscene graffiti, display or sending of pornographic
pictures or objects, offensive touching, pinching, grabbing, kissing or hugging or restraining
someone's movement in a sexual way.

Quid Pro Quo Harassment occurs when an individual explicitly or implicitly conditions a
person's

participation in an education program or activity or bases an educational decision on the
person's

submission to unwelcome sexual advances, requests for sexual favors, or other verbal,
nonverbal,

or physical conduct of a sexual nature. Quid pro quo harassment is equally unlawful whether
the

person resists and suffers the threatened harm or submits and thus avoids the threatened
harm.

Racial and Skin Color Harassment can include unwelcome verbal, written or physical
conduct

directed at the characteristics of a person's race or color. These include actions such as, but
not

limited to, nicknames emphasizing stereotypes, racial slurs, comments on manner of
speaking

and negative references to racial customs.

Religious or Creed Harassment is unwelcome verbal, written or physical conduct directed at
the

characteristics of a person's religion or creed. These include actions such as, but not limited
to,

derogatory comments regarding surnames, religious tradition, or religious clothing, religious
slurs, or graffiti.

National Origin and Ancestry Harassment is unwelcome verbal, written or physical conduct

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 5

directed at the characteristics of a person's national origin. These include actions such as,
but not

limited to, negative comments regarding surnames, manner of speaking, customs,
language, or

ethnic slurs.

Marital Status Harassment is unwelcome verbal, written, or physical conduct directed at the
characteristics of a person's marital status. These include actions such as, but not limited to,
comments regarding pregnancy or being an unwed mother or father.

Sexual Orientation and Gender Identity Harassment is unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation. These include actions such

as, but not limited to, negative name-calling and imitating mannerisms.

Physical, Mental or Sensory Handicap Harassment includes harassment based on a person's disabling mental or physical condition and includes any unwelcome verbal, written, or physical

conduct directed at the characteristics of a person's disabling condition. These include actions

such as, but not limited to, imitating manner of speech or movement or interference with necessary equipment or aides (e.g., wheelchair, crutches, walking stick, and/or working animal).

Appearance or Size Harassment is unwelcome verbal, written or physical conduct directed at the

characteristics of a person's physical appearance or size. These include actions such as, but not

limited to negative references to or comments made regarding a person's weight, height or other

types of physical differences.

REPORTING PROCEDURES:

Any employee who observes, overhears, or otherwise witnesses harassment, or to whom such

harassment is reported, must take prompt and appropriate action to stop the harassment and to prevent

its reoccurrence.

✓ All acts of HIB must be reported to the principal or principal's designee on the same day when the

school employee or contracted service provider witnessed or received reliable information regarding any such incident.

✓ Principal or principal's designee must inform parents of all students involved in the alleged incident

and may discuss the availability of counseling and other intervention services

✓ All acts of HIB also must be reported in writing to the principal or principal's designee within 2

school days of when the school employee or contracted service provider witnessed or received

reliable information.

✓ Reporting forms will be developed and made reviewed on an annual basis. Reporting forms will be

made available in hard copy in the schools and on the school websites. The location of forms will

be determined and publicized by the school principal.

REPORTING EXPECTATIONS

✓ A Board of Education member, school employee, contracted service provider, student or volunteer

who has witnessed, or has reliable information that a student has been subjected to HIB shall

report the incident to the appropriate school official designated by this policy, or to any school

administrator or security person, who shall immediately initiate the school district's procedures

concerning school bullying.

✓ A Board of Education member or school employee who promptly reports an incident of HIB to the appropriate school official designated by this policy, or to any school administrator or security

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 6

person, 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.

Any student who believes that s/he has been the target of harassment as defined in this policy is to

bring the complaint to the attention of any school employee who will then be responsible to report the

allegation to the appropriate personnel, as outlined above.

All members of the school community are to report any act that may be a violation of this policy. To

foster a climate of civility and respect among all members of and participants in the educational community,

HIB of the school community is prohibited.

Any employee who believes that s/he has been the target of harassment as defined in this policy is to

bring the complaint to the attention of the appropriate personnel, as outlined above.

If an administrator, bullying coordinator or affirmative action officer is the person alleged to be engaged

in the harassment, the complaint shall be filed with one of the alternative officials.

In all cases the building principal or building affirmative action officer will notify the district affirmative

action officer.

PREVENTION AND POSITIVE SUPPORTS

✓ Each school shall incorporate school community awareness activities to provide education support

in reducing HIB incidents (i.e.: Week of Respect activities; Positive Behavior Supports, such as

R.A.P.S.; incorporate in lesson planning and through the core curriculum content standards)

✓ Each school shall incorporate programs and activities to recognize and commend members of the

school community who demonstrate appropriate behaviors

✓ Since bystander support of HIB can reinforce these behaviors, active or passive support for acts of HIB

is prohibited. The district encourages 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.

CONSEQUENCES

The John P. Holland Charter School 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 or 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 or bullying.

The 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 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

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 7

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 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.

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.

Consequences and Remedial Measures May Include (but are not limited to):

Examples of Consequences

Parental contact; Admonishment; Temporary removal from the classroom; Deprivation of privileges;

Classroom or administrative detention; Referral to disciplinarian; In-school suspension during the school week

or the weekend; After-school programs; Out-of-school suspension (short-term or long-term); Reports to law enforcement or other legal action; Expulsion; and Bans from providing services, participating in school district-sponsored programs or being in school buildings or on school grounds.

Examples of Remedial Measures

Personal:

Restitution and restoration; Peer support group; Recommendations of a student behavior or ethics council; Corrective instruction or other relevant learning or service experience; • Supportive student interventions, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C. 6A:16-8; • Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate; Behavioral management plan, with benchmarks that are closely monitored; Assignment of leadership responsibilities (e.g., hallway or bus monitor); Involvement of school assistant principal; Counseling; Parent conferences; Alternative placements (e.g., alternative education programs); Student treatment; or Student therapy.

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 8

Environmental (Classroom, School Building or School District):

• 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 (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus); Teacher aides; 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; Supportive institutional interventions, including participation of the Intervention and Referral Services team, pursuant to N.J.A.C.

6A:16-8; Parent conferences; Family counseling; Involvement of parent-teacher organizations; Involvement of community-based organizations; Development of a general bullying response plan; Recommendations of a student behavior or ethics council; Peer support groups; Alternative placements (e.g., alternative education programs); School transfers; and •Law enforcement (e.g., safe schools resource officer, juvenile officer) involvement or other legal action.

The overall school climate and school culture and the individual and institutional factors that contribute to climate and culture might overtly or inadvertently support HIB behavior. These factors always should be considered in the response to an act of HIB. Additionally, in all cases the district should attempt to actively involve parents in the remediation of the behavior(s) of concern. It is only after meaningful consideration of the factors and examples described above that appropriate consequences and remedial responses can be determined, consistent with the documented needs of the student or staff member, the unique characteristics of the student's or staff member's situation and the requirements under N.J.S.A. 18A: 37-13 et seq. Consequences for a school employee who commits an act of harassment, intimidation or bullying should be varied and graded according to the nature of the behavior and the employee's history of problem behavior and repeat offenses.

RETALIATION

The John P. Holland Charter School prohibits a board of education 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. Retaliation includes, but is not limited to, any form of intimidation, bullying, reprisal, or harassment (including internet based harassment or any form of harassment by electronic communication), and false accusation as a means of retaliation. 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.

Consequences and remedial actions regarding any person found to have falsely accused another as a means of harassment, intimidation or bullying, may include:

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 9

1) Students – 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;

2) School Employees – For a school employee or contracted service provider who has contact with

students consequences could entail discipline in accordance with district policies, procedures and

agreements; and

3) Visitors or Volunteers – Consequences and appropriate remedial action for a visitor or volunteer

could be determined by the school administrator 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.]

FALSE REPORTS

A person who knowingly makes a false report will be subject to the same action that the district will take

against any other individual who violates this policy. The term "false report" refers only to those made in

bad faith and does not include a complaint that could not be corroborated or which did not rise to the

level of harassment.

PROCEDURES FOR ADDRESSING CASES OF HARASSMENT

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)

A member of a board of education, school employee, contracted service provider, student or volunteer who

has witnessed, or has reliable information that a student has been subject to, harassment, intimidation or

bullying shall report the incident to the appropriate school official designated by the school district's policy, or

to any school administrator or safe schools resource officer, who shall immediately initiate the school district's

procedures concerning school bullying. N.J.S.A. 18A: 37-16(b)

A member of a board of education or a school employee who promptly reports an incident of harassment,

intimidation or bullying, to the appropriate school official designated by the school district's policy, or to any

school administrator or safe schools resource officer, 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. N.J.S.A. 18A: 37-16(c)

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 10

Procedure:

The John P. Holland Charter School requires the principal or the principal's designee at each school

to be responsible for receiving all complaints alleging violations of this policy. All board of education

members, school employees, and volunteers and contracted service providers who have contact with students,

are required to verbally report alleged violations of this policy to the principal or the principal's designee on

the same day when the individual witnessed or received reliable information regarding any such incident.

All board of education members, school employees, and volunteers and contracted service providers who have

contact with students, also shall submit a report in writing to the school principal or principal's designee

within two school days of the verbal report.

The principal or principal's 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 the principal or

principal's designee 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.

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.

The investigation shall be initiated by the principal or the principal's designee within one school day of the report of the incident and shall be conducted by a school anti-bullying specialist. The principal 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 10 school days from the date of the written report of the incident of harassment, intimidation, or bullying. In the event that there is information relative 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 of the results of the investigation to reflect the information;

- The results of the investigation shall be reported to the superintendent of schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the superintendent may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or 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 education no later than the date of the

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 11

board of education meeting next following the completion of the investigation, along with information on any

services provided, training established, discipline imposed, or other action taken or recommended by the superintendent;

- Parents of the students who are parties to the investigation shall be entitled to receive information about the investigation, in accordance with Federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying.

This information shall be provided in writing within 5 school days after the results of the investigation are reported to the board.

- A parent or guardian may request a hearing before the board after receiving the information, and the hearing shall be held within 10 days of the request. The board shall meet in executive session for the hearing to protect the confidentiality of the students. At the hearing the board may hear from the school anti-bullying specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents;

- At the next board of education meeting following its receipt of the report, the board shall issue a decision, in writing, to affirm, reject, or modify the superintendent's decision. The board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than 90 days after the issuance of the board's 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. N.J.S.A. 18A:37-16(d)

INVESTIGATION

The John P. Holland Charter School authorizes the principal or principal's designee of each school 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 HIB, according to the parameters described below and in this policy.

The John P. Holland Charter School 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

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 12

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, to 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 security personnel.

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.

Upon receipt of a report of complaint alleging sexual harassment, or harassment based upon race, skin color, religion, creed, national origin, age, marital status, sex, sexual orientation, appearance or disability, the school principal or *principal's designee* shall immediately undertake or authorize an investigation as described above. The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents that may be relevant to the particular allegations.

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct

constitutes a violation of this policy, the district shall consider:

The nature of the behavior

How often the conduct has occurred

Whether there were past incidents or past continuing patterns of behavior

The relationship between the parties involved

The race, national origin, sex, and age of the alleged victim

The identity of the alleged perpetrator, including whether that person was in a position of power

over the alleged victim

The number of alleged harassers

The age of the alleged harasser(s)

Where the harassment occurred

Whether there have been other incidents in the school involving the same or other students

or

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 13

employees

Whether the conduct adversely affected the student's education or educational environment

or

the employee's work or work environment; and,

The context in which the alleged incident(s) occurred

Mandatory Law Enforcement Notification

In any case involving alleged sexual harassment against any student, the principal or

principal's designee

will contact the law enforcement agency of jurisdiction to report the matter and ask for assistance and direction.

Several behaviors listed as sexual harassment (i.e., sexual touching, grabbing, pinching, being forced to kiss someone, being forced to have unwanted physical contact other than kissing, sexual assault) may also constitute physical or sexual abuse. Sexual abuse is defined as any act or acts by any person involving sexual molestation or exploitation of a person, including but not limited to incest, prostitution, rape, sodomy, or any lewd or lascivious conduct. Thus, under certain circumstances, alleged harassment of or by a student may also be possible physical and/or sexual abuse under New Jersey law. Such harassment or abuse is subject to the duties of mandatory reporting and must be reported to the Division of Youth and Family Services (DYFS) and local law enforcement as soon as information regarding such allegations is received..

ALTERNATIVE COMPLAINT PROCEDURES

In addition to filing a harassment complaint through this policy, a person may choose to exercise other options, including, but not limited to, filing a complaint with outside agencies or filing a private lawsuit.

CONFIDENTIALITY

The district recognizes that both the complainant and the alleged harasser have strong interests in maintaining the confidentiality of the allegations and related information. The privacy of the complaining student or employee, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

HIB Responses

The range of responses to confirmed HIB acts should include individual, classroom, school or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each these categories are provided below:

- 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, law enforcement report or other legal action).
- Classroom responses can include class discussions about an incident of HIB, role-plays, research projects,

observing and discussing audio-visual materials on these subjects and skill-building lessons in courtesy, tolerance, assertiveness and conflict management.

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 14

- 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 or strategies for fostering expected student behavior.

- District-wide responses can include community involvement in policy review and development, professional

development programs, adoption of curricula and school-wide programs, coordination with community-based

organizations (e.g., mental health, health services, health facilities, law enforcement officials, faith-based

organizations) and disseminating information on the core ethical values adopted by the Paterson Regional

Board of Education's code of student conduct, per N.J.A.C. 6A:16-7.1(a)2.

In providing support for victims of HIB, strategies and resources include the following actions:

- Counseling; teacher aides; hallway and playground monitors; schedule changes; before- and after-school

supervision; school transportation supervision; school transfers; and therapy.

In all instances, the district shall respond in a manner that provides relief to victims and does not stigmatize

victims or further their sense of persecution. For example, while well intentioned, mediation is an

inappropriate strategy, because mediation is designed to help resolve conflict; however, HIB is not a conflict,

but is a form of abuse, where one or more persons exercise power over another. As a result, the use of

mediation to address HIB only serves to further victimize the target of the HIB, rather than provide relief from

HIB for the victim. In terms of prevention, social skills training provided to all students or a data-driven

school climate improvement process are examples of a school or a school district-wide response for

addressing victimization.

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 that 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.

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.

NOTICE AND PUBLICATION

The John P. Holland Charter School requires the chief school administrator to annually disseminate

the HIB policy to all school employees, contracted service providers who have contact with students, school

volunteers, students and parents who have children enrolled in a school in the school district, along with a

statement explaining that the policy applies to all acts of HIB that occur on school property, at schoolsponsored

functions or on a school bus and, as appropriate, acts that occur off school grounds.

The chief school administrator shall post the name, school phone number, school address and school email

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 15

address of the district anti-bullying coordinator on the home page of the school district's Website. Each

principal shall post the name, school phone number, school address and school email address of the both the

school anti-bullying specialist and the district anti-bullying coordinator on the home page of each school's

Website.

The chief school administrator and the principals shall provide training on the school district'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 district's employee

training program shall include information regarding the school district 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 district policy on HIB with students. The chief school administrator and the principals shall annually conduct a re-evaluation, reassessment, and review of the HIB policy, with input from the school anti-bullying specialists, and recommend revisions and additions to the policy as well as to HIB prevention programs and approaches based on the findings from the evaluation, reassessment, and review. The district shall provide notice of the policy and procedures to students, custodial parents or guardians, and school employees. Notice to students shall be in age-appropriate language and shall include examples of harassment. At a minimum, the policy shall be appear in the schools' handbooks, posted on the district's web site and other publications of the school district that sets forth the comprehensive rules, procedures, and standards of conduct for the school. There shall be procedures for annually publicizing the identities of the district and building affirmative action officers. The board shall use its discretion in developing and initiating age appropriate programs to inform students and school employees effectively about the substance of the policy and procedures in order to help prevent harassment.

Harassment, Intimidation and Bullying Prevention Programs

District employee training programs include information regarding the district's policy against HIB. In addition all district employees, students, volunteers, parents, law enforcement and community members are encouraged to participate in bullying and harassment prevention training and programs. Prevention programs are mandated to include opportunities to review and discuss the district's HIB policies with students.

DISTRICT POLICY AGAINST harassment based on race, skin color, religion, creed, national origin, marital

status, age, sex, sexual orientation, appearance or disability

1. Everyone at the John P. Holland Charter School has a right to feel respected and safe. Consequently, we want you to know about our policy to prevent harassment based on race, color, religion, creed, national origin, marital status, sex, sexual orientation, or disability.

2. A harasser may be a student or an adult. Harassment may include the following:

JOHN P. HOLLAND CHARTER SCHOOL

Harassment, Intimidation and Bullying Page 16

- a. name calling
- b. pulling on clothing

- c. graffiti
- d. notes or cartoons
- e. unwelcome touching of a person or clothing
- f. offensive or graphic posters or book covers; or
- g. violent acts

3. If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, counselor, the principal or the affirmative action officer.

4. You may also make a written report. It should be given to a teacher, counselor, the principal or principal's designee or the affirmative action officer; you may make a report anonymously.

5. Your right to privacy will be respected as much as possible.

6. We take seriously all reports of sexual harassment, and harassment based upon race, national origin, and disability, and will take all appropriate action to investigate such claims, to eliminate that harassment, and to discipline any persons found to have engaged in such conduct.

7. The School District will also take action if anyone tries to intimidate you or take action to harm you because you made such a report.

8. This is a summary of this district's policy against sexual harassment, and harassment because of race, national origin, and disability. A complete copy of the policy is available at the office upon request.

9. Certain forms of harassment may rise to the level of a criminal offense. Such actions will be prosecuted to the fullest extent of the law.

HARASSMENT BASED ON race, color, religion, creed, national origin, marital status, sex, sexual orientation, or disability