

## SEARCH DAY PROGRAM

### HARASSMENT, INTIMIDATION AND BULLYING

1. The Board of Directors of the SEARCH Day Program prohibits acts of harassment, intimidation, or bullying. N.J.S.A. 18A:37-15(3)(b)(1)

A safe and civil environment in school is necessary for students to learn, staff, and administrators to teach, play and learn. Harassment; intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Because Students learn by example and school administrators, faculty, staff and volunteers demonstrate appropriate behavior, treating others with civility and respect; and refusing to tolerate harassment, intimidation, or bullying.

2. "Harassment, intimidation, or bullying" means any gesture or written, verbal or physical act that takes place on school property, at any school-sponsored function or in a school vehicle (N.J.S.A. 18A:37-15 (3)(b)(2)):

- a. Is motivated 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

- c. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his/her person or damage to his/her property; or

- d. Has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school. N.J.S.A. 18A:37-15(3)(b)(2)

3. The Board of Directors expects learners to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with proper regard for others and the care of school facilities and equipment's, as well, as community facilities. (N.J.S.A. 18A:37-15(3)(b)(3))

4. This policy includes the motivating factors set forth in the authorizing statute (N.J.S.A. 18A:37-14).

a. Not all acts of bullying, however, are motivated by characteristics such as the target's race, color, religion, gender or sexual orientation. Some acts of bullying are simply one child exercising power and control over another either in isolated incidents (e.g., intimidation, harassment) or patterns of harassing or intimidating behavior (e.g., bullying). Such behavior is managed according to guidelines of behavior management as described in the students' IEP or Positive Behavioral Support Plan, while 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.

b. Standards for student behavior must be set cooperatively through interaction among the students, parents/guardians, staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school and community property on the part of students, staff and community members. Students will be expected to engage in, and rewarded for acceptable social behavior including, polite and helpful behavior and other behaviors that are incompatible with socially inappropriate behavior. Staff members, volunteers, and visitors should be commended for demonstrating appropriate social behavior and treating others with respect. The school community and its educational practices positively reinforce sharing, kindness, cooperation, self-discipline, good citizenship and academic success N.J.S.A. 18A:37-15(3)(b)(3)

5. The response to learners who commit one or more acts in violation of this policy should be determined based on the totality of the circumstances N.J.S.A. 18A:37-15(3)(b)(4)

a. school administrators should consider the following factors: the developmental and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past incidences or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.

b. Responses shall be consistent with the framework of the existing Federal and State case law, statutes, regulations and policies and school policies and procedures.

c. Consequences and appropriate action may range from positive behavioral interventions up to and including suspension or expulsion.

6. The Principal or the Principal's designee is responsible for receiving complaints alleging violations of this policy. N.J.S.A. 18A:37-15(3)(b)(5)

a. All school employees are required to report alleged violations of this policy to the Principal or the Principal's designee.

b. Reports of an act of harassment, intimidation, or bullying may be made to the Principal or his/her designee and may be made anonymously; however, formal disciplinary action shall not be permitted solely on the basis of an anonymous report.

c. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy.

7. The Principal or the Principal's designee is responsible to promptly investigate reports of violations and complaints. N.J.S.A. 18A:37-15(3)(b)(6)

a. The Principal and/or the Principal's designee are responsible for determining whether an alleged act constitutes a violation of this policy.

b. The Principal and/or the Principal's designee shall conduct a prompt, thorough and complete investigation of the alleged incident.

c. The Principal and/or the Principals designee will complete a written report stating the specific nature and details of the current incident.

d. Reports will be submitted to The HIB Incident file located in the main office.

8. The Principal shall respond appropriately to validated reports NJ.S.A. 18A:37-15(3)(b)(7)

a. The Principal or designee will review completed report(s) and respond accordingly.

1. Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation, or bullying are ordinarily positive behavioral interventions, but may include suspension as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils.

2. Consideration will be given to the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred.

b. Responses may involve school building personnel and/or Law enforcement officers. (MOE Between Education and Law enforcement Officials N.J.A.C. 6A:16-6.2(b)12).

c. Resources (e.g., outside consultation) shall be made available to individual victims of harassment, intimidation, and bullying and response will not be stigmatizing to the victim.

8. SEARCH Day Program prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying.

9. The Principal sets the consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment, intimidation, or bullying. N.J.S.A. 18A:37-15(3)(b)(9)

a. Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying can range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Students.

b. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation, or bullying shall be disciplined in accordance with school policies, procedures and agreements. Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation, or bullying shall be determined by the school Principal after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials. Decisions about consequences and appropriate remedial action shall be consistent with existing case law, Federal and State statutes and regulations and school policies and procedures.

10 This policy is disseminated annually to all school staff students and parents, and when appropriate learners. N.J.S.A. 18A:37-15(3) (b)(10)

a. This policy shall be included in the SEARCH Day Program Employee Personnel Manual which is reviewed with staff at least annually N.J.S.A. 37-17(5)(c)

b. The policy shall be included and distributed in parent manuals annually. N.J.S.A. 37-17(5)(b)

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