



Preparing students for life beyond the classroom

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409 - HARASSMENT, INTIMIDATION OR BULLYING POLICY (HIB)

Approved by Board of Directors on 11/15/2012

On January 6, 2011, Governor Christie signed into law the “Anti-Bullying Bill of Rights”. This new law goes into effect September 2011 and amends the 2002 bullying law.

The Phoenix Center prohibits acts of harassment, intimidation or bullying.

The Phoenix Center believes that all students are entitled to work and study in school-related environments that are free of harassment, intimidation or bullying. The mission is based on a philosophy of deep respect for the inherent worth of each individual, of regard for the environment and belief in the capacity for personal change. The Phoenix Center staff commit to forming relationships with people so that each person may experience a sense of belonging, dignity and hope. It is through relationships that students and staff grow in self-understanding and self-esteem. Each person has the right to self-determination. Therefore, a safe and civil environment in school is necessary for our students to fulfill this mission and 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 the staff’s ability to educate students in a safe environment and therefore will not be tolerated.

Harassment, intimidation or bullying (HIB) includes any gesture, or any written, verbal or physical act, or any electronic communication. It can be a single incident or series of incidents.

Motivation for HIB behavior is any actual or perceived characteristic. Examples are race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental/physical/sensory disability, or ANY OTHER DISTINGUISHING CHARACTERISTIC.

The location of the incident could be on school property, a school-sponsored function, on a school bus, and off school grounds (including cyberspace). The law clarifies that school districts and approved private schools have the duty to address bullying that occurs off school grounds IF the behavior meets the legal definition, including causing a substantial disruption AND EITHER is demeaning to a student or group of students OR creates a hostile educational environment.

In addition to causing substantial disruption or interference, one of the following conditions must be met:

1. Has effect of insulting or demeaning student or group of students OR
2. Creates hostile educational environment for students by interfering with student’s education or severely or pervasively causing physical or emotional harm to student.

Reporting and Investigating Acts of Harassment, Intimidation or Bullying (HIB)

School employees and members of the school community must direct complaints alleging violations of this policy to the Principal or his/her designees. All Phoenix Center school personnel will be responsible for adhering to this policy.

New Investigation Procedure

A verbal report must be made to the Principal on same day incident occurs. A follow-up written report must be made within two days of verbal report. The Principal must initiate an investigation within one school day of receiving the written/verbal report.

An investigation must be conducted by the Anti-Bullying Specialist. The Principal may appoint others to assist this investigation and it must be completed as soon as possible, no later than 10 school days from the date of the written report. The written report must be given to the Executive Director within two school days of completing investigation. The report may be amended later, if additional information is received.

The Executive Director must decide actions to take, i.e., intervention services, training programs, imposing discipline and/or order counseling. The Executive Director must make a report to the Board at the next Board meeting following completion of investigation.

Due Process Rights for Alleged Accused and Alleged Victim(s)

Parents of all parties involved have the right to receive information – includes parents of alleged victim and alleged bully. This information must be provided within five school days after results of investigation reported to the Board. Parents may request a hearing after receiving information, and it must be provided within 10 days of request.

The Board must issue a decision in writing at the next Board meeting following receipt of the report. Parents of parties may appeal decision to Commissioner of Education within 90 days. Parents of alleged victim may separately file a complaint with NJ Division of Civil Rights within 180 days of alleged incident.

Parents may also file in the Superior Court or federal district court if bullying is based on protected characteristic under state or federal law.

Consequences and Remedial Actions

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, administration will consider the following factors: the development and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past or continuing patterns of behavior, the relationship between the parties involved, the contexts in which the alleged incident occurred, current interventions as outlined in the student's BIP and whether the behavior was active or passive. Concluding whether a particular action incident constitutes a violation of the policy requires a determination based on all of the facts and surrounding circumstances. After meaningful consideration of these factors the Administrative Team will determine an appropriate consequence that is consistent with the case law, Federal and State statutes, regulations and policies, and Phoenix Center policies and procedures. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or removal from the program, as permitted under N.J.S.A. 18A: 37-1, Discipline of Pupils.

As mandated by the law, The Phoenix Center has established a new position, Anti-Bullying Specialist. The school psychologist has been appointed to this position. In her absence, one of The Phoenix Center's school social workers will be appointed. In addition, to assure compliance, The Phoenix Center has organized a school safety team and has appointed an Anti-Bullying Coordinator. The Supervisor of Mental Health Services has been appointed to this position.

Reprisal or Retaliation for Reporting an Act of Harassment, Intimidation or Bullying

Reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying will be strictly prohibited. The Principal, following the guidelines in the Disciplinary Procedures, shall determine the consequences and appropriate remedial action for a person who engages in reprisal or remediation after consideration of the nature and circumstances of the act.

Consequences for False Accusations

Consequences and appropriate remedial action for a student found to have falsely accused another, as a means of harassment, intimidation or bullying will be dealt with according to the disciplinary procedures. 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 agency policies, procedures and agreements and could include legal actions. Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the Principal, or designee, after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials and possible legal action.

Publicizing the Policy

This policy shall be disseminated annually to all school staff and parents. This shall be accompanied by a statement from the Principal explaining that the policy applies to all acts of harassment, intimidation and bullying that occur on and off school property. This policy will also be discussed in the Staff Orientation that takes place each September. The Behavior Intervention Plans will be utilized as a means of ensuring students understand and adhere to the policy, with consideration to their levels of development, maturity and demonstrated capabilities.

Establishment of Bullying Prevention Programs

This policy will be included in the review of all school policies and procedures conducted annually prior to the start of the new school year with all school personnel. Each staff member will be required to sign a form indicating that they have been fully informed of the policy and will comply with the policy as set forth. In addition, The Phoenix Center will provide on-going training on harassment, intimidation and bullying to school employees.

Prevention of the aforementioned behaviors will also be emphasized by BIPs that are based on positive behavior management strategies.

Reviewed by the Board of Directors on 12/6/2016