



Policy #: 4.05R

Subject: Harassment, Intimidation and Bullying

The Titusville Academy (TTA) Board of Trustees prohibits acts of harassment, intimidation, and bullying. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards.

Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and [a school's] an APSSD's ability to educate its pupils in a safe and disciplined environment; and since pupils 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.

Sending district Board of Education personnel are required to address harassment, intimidation, and bully occurring on a sending district Board of Education bus, at a sending district Board of Education school-sponsored function, and off school grounds.

The Titusville Academy shall address harassment, intimidation, and bullying on the school's property, at any TTA school-sponsored function, or on a TTA school bus.

Definition of Harassment, Intimidation, or Bullying

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

"Harassment, intimidation, or bullying" means, as set forth in N.J.A.C. 6A:16-17.8(a)3.ii, any gesture, written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents that:

1. Takes place on school property, at any school-sponsored function or on a school bus,
2. 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 by any other distinguishing characteristic;
3. A reasonable person should know, under the circumstances, that the act(s) will have the effect of physically or emotionally harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of physically or emotionally harm to their person or damage to their property; or
4. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school or the rights of other students.
5. 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.

"Parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

The policy will impose consequences for acts of harassment, intimidation, or bullying that occur off school grounds, such as cyber-bullying (e.g., the use of electronic or wireless devices to harass, intimidate, or bully), to the extent this policy complies with the provisions of N.J.A.C. 6A:16-7.6, Conduct Away From School Grounds, and TTA's pupil code of student conduct, pursuant to N.J.A.C. 6A:16-7.1.

In all instances of harassment, intimidation, or bullying behavior occurring off school grounds, the consequences only may be exercised when it is reasonably necessary for the offending pupil's physical or emotional safety and well-being or for reasons relating to the safety and well-being of other pupils, staff or school grounds pursuant to N.J.S.A. 18A:25-2 and 18A:37-2, and when the conduct which is the subject of a proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. All acts of harassment, intimidation, or bullying that include the use of school property (e.g., school computers, other electronic or wireless communication devices) apply to the provisions of N.J.S.A. 18A:37-15 and N.J.A.C. 6A:16-7.9, harassment, intimidation, and bullying, whether the subject or recipient of the bullying is on or off school property.

Expected Student Behavior

The Board of Trustees expects pupils to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with proper regard for the rights and welfare of other pupils and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment.

The Board of Trustees believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for TTA and community property on the part of pupils, staff and community members.

The Board of Trustees believes the best discipline is self-imposed, and it is the responsibility of TTA staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply best practices designed to prevent discipline problems and encourage pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the Executive Director, in conjunction with TTA's administrative staff, and approved by the Board of Trustees. These guidelines will be developed based on accepted core ethical values from a broad community involvement with input from parent(s) or legal guardian(s) and when applicable other community representatives, school employees, volunteers, pupils and administrators. These guidelines for pupil conduct will be suited to the age level of the pupils and TTA's mission and physical facilities. This policy requires all pupils to adhere to these rules and guidelines and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules and guidelines.

TTA prohibits active or passive support for harassment, intimidation, or bullying. Pupils are encouraged to support other pupils who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Principal or designee.

Pupils are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to TTA teaching, support and administrative staff. The Principal will develop and provide a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

The Executive Director will provide annually to pupils and their parent(s) or legal guardian(s) the rules regarding pupil conduct, pupil's due process and other rights. This policy will appear in all publications of TTA's comprehensive rules, procedures, and standards of conduct, including pupil handbooks. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

Consequences and Appropriate Remedial Actions - Students

The following factors, at a minimum, shall be given full consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying:

Factors for Determining Consequences

1. Age, developmental and maturity levels of the parties involved;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behaviors;
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

Factors for Determining Remedial Measures

Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Traits;
6. Interests;
7. Hobbies;
8. Extra-curricular activities;
9. Classroom participation; and
10. Academic performance

Environmental

1. School culture;
2. School climate;
3. Pupil-staff relationships and staff behavior toward the pupil;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, and protect the victim of the act. The consequences and remedial measures may include, but are not limited to, the examples listed below:

Examples of Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week;
7. After-school programs;
8. Out-of-school suspension;
9. Legal action; and
10. Expulsion

Examples of Remedial Measures -Personal

1. Restitution and restoration;
2. Mediation;
3. Peer support group;
4. Recommendations of a pupil behavior or ethics council;
5. Corrective instruction or other relevant learning or service experience;
6. Supportive pupil interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C 6A:16-8;
7. Behavioral assessment or evaluation, including, but not limited to, a referral to the Child Study Team, as appropriate;
8. Behavioral management plan, with benchmarks that are closely monitored;
9. Assignment of leadership responsibilities (e.g., hallway or bus monitor);

10. Involvement of school disciplinarian;
11. Pupil counseling;
12. Parent conferences;
13. Pupil treatment; or
14. Pupil Therapy

Examples of Remedial Measures - Environmental (Classroom, School Building)

1. School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation or bullying;
2. School culture change;
3. School climate improvement;
4. Adoption of research-based, systemic bullying prevention programs;
5. School policy and procedures revision;
6. Modifications of schedules;
7. Adjustments in hallway traffic;
8. Modifications in pupil routes or patterns traveling to and from school;
9. Targeted use of monitors (e.g.; hallway, cafeteria, bus);
10. Small or large group presentations for fully addressing the behaviors and the responses to the behaviors;
11. General professional development programs for certificated and non-certificated staff;
12. Professional development plans for involved staff;
13. Disciplinary action for school staff who contributed to the problem;
14. Supportive institutional interventions, including participation of the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
15. Parent conferences;
16. Family counseling;
17. Involvement of parent-teacher organizations;
18. Involvement of community-based organizations;
19. Development of a general bullying response plan;
20. Recommendations of a pupil behavior or ethics council;
21. Peer support groups; and
22. Law enforcement (e.g., school resource office, juvenile officer) involvement.

Consequences and Appropriate Remedial Actions - Adults

N.J.A.C. 6A:16-7.9(a)2.vi requires appropriate consequences and remedial actions for any staff member who commits an act of harassment, intimidation, or bullying. TTA will also impose appropriate consequences and remedial actions to a staff member who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but are not limited to, verbal or written reprimand, legal action, disciplinary action, and/or termination. Remedial measures may include, but are not limited to, in or out-of-school counseling, professional development programs, and work environment modifications.

Target/Victim Support

TTA will identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment. Examples of support for student victims of harassment, intimidation, and bullying may include, but are not limited to, the following:

1. Staffing changes including assignment of paraprofessionals;
2. Adult mentor;
3. Seating changes;
4. Counseling;
5. Treatment or therapy; and/or
6. Schedule change (e.g., re-assign staff members).

Harassment, Intimidation, or Bullying Reporting Procedure

The Board of Trustees requires the Principal to be responsible for receiving all complaints alleging harassment, intimidation, or bullying committed by an adult or youth against a student. All Board members, school employees, and volunteers and contracted service

providers who have contact with students, are required to verbally report alleged acts of harassment, intimidation, or bullying to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident & also shall submit a New Jersey Department of Education-approved HIB 338 Form to the Principal within two school days of the verbal report.

The HIB 338 Form shall be kept on file at the school but shall not be included in any student record unless the incident results in disciplinary action or is otherwise required to be contained in a student's record under State or Federal Law.

TTA may not fail to initiate an investigation of harassment, intimidation, or bullying solely because written documentation was not provided. Failing to conduct a harassment, intimidation, or bullying investigation solely because a parent/caregiver or student did not submit written documentation violates the Anti-Bullying Bill of Rights Act and this Policy. If a parent/caregiver makes a verbal allegation of harassment, intimidation, or bullying to a staff member, but does not complete and submit the HIB 338 Form, the staff member or a designee must complete and submit the HIB 338 Form.

The Principal or designee is required to inform the parents/caregivers of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. Pursuant to N.J.A.C. 6A:16-7.7(a)2.viii.(2), when providing notification to the parents/caregivers of all students involved, the Principal or designee shall consider the circumstances of the incident when conveying the nature of the incident, including the actual or perceived category motivating the alleged offense. The Principal or designee shall keep a written record of the date, time, and manner of notification to the parents/caregivers.

The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

Students, parents/caregivers, and visitors are encouraged to report alleged acts of harassment, intimidation, or bullying to the Principal or designee on the same day when the individual witnessed or received reliable information regarding any such incident. TTA shall provide a person an online means to complete the HIB 338 Form to anonymously report an act of harassment, intimidation, or bullying. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

The Principal shall promptly submit a copy of each completed HIB 338 Form to the Executive Director.

The Principal or designee who receives a report of harassment, intimidation, or bullying or who determines a reported incident or complaint, assuming all facts presented are true, is a report within the scope of N.J.S.A. 18A:37-14 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. TTA also will consider procedures and disciplinary action when it is found that a reporting adult had information regarding a harassment, intimidation, or bullying incident, but did not make the required report(s).

Investigating Allegations of Harassment, Intimidation, or Bullying

The Board of Trustees requires a thorough and complete investigation to be conducted for each report of an alleged incident of harassment, intimidation, or bullying. All details

of an alleged incident must be populated into the HIB 338 Form. However, completing the form shall not delay beginning the investigation in accordance with the law. 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.

The investigation shall be initiated by the Principal or designee within one school day of the verbal report of the incident. The Principal shall report to the appropriate sending district Board of Education personnel any complaint or report of harassment, intimidation, or bullying pursuant to N.J.A.C. 6A:16-7.7(a)2.ix, occurring on sending district Board of Education school buses, at sending district Board of Education school-sponsored functions, and off school grounds involving a student who attends an APSSD. These complaints or reports shall be investigated by the appropriate sending district personnel, in consultation with TTA. When a complaint or report of harassment, intimidation, or bullying involves students from more than one sending school district, the sending district Board(s) of Education of the victim(s) involved shall initiate the investigation.

The investigation shall be completed, and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the alleged incident of harassment, intimidation, or bullying or from the date of the written notification from the Executive Director to the Principal to initiate an investigation. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school anti-bullying specialist or the 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 Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Executive Director within two school days of the completion of the investigation. As appropriate to the findings from the investigation, the Executive Director 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, including seeking further information as necessary.

The Executive Director shall report the results of each investigation to the Board no later than the date of the regularly scheduled Board meeting following the completion of the investigation. The Executive Director'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.

Parents/caregivers of 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/caregivers includes the nature of the investigation, whether TTA 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 Board. TTA may not divulge personally identifying information or any information that could result in the identification of any student other than the child of the parents/caregivers being notified.

Responding to an Incident of Harassment, Intimidation or Bullying

An appropriate response will be provided to the individual who commits any incident of harassment, intimidation, or bullying. Some acts of harassment, intimidation or bullying may be isolated incidents requiring the school to respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation, or bullying that require a response either at the classroom or school building level or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation or bullying 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 level is appropriate, the administrator 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.

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, or school responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. 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).
2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying, role plays, research projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.
3. School responses can include theme days, parent/caregiver programs and information disseminated to students and parents/caregivers, such as fact sheets or newsletters explaining acceptable uses of electronic and wireless communication devices or strategies for fostering expected student behavior.

In providing support for victims of harassment, intimidation, or bullying, TTA should identify a range of strategies and resources, which may include, but is not limited to, the following actions for individual victims:

- Counseling
- Teacher Aides
- Hallway & Playground monitors
- Schedule changes
- Therapy

Reprisal or Retaliation Prohibited

The Board of Trustees prohibits reprisal or retaliation against any person 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 or Principal after consideration of the nature, severity and circumstances of the act, in accordance with case law, federal and state statutes and regulations and TTA policies and procedures.

False Accusation of Harassment, Intimidation or Bullying

The Board of Trustees prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying. Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation, or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., 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.

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 discipline in accordance with TTA 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 Executive Director or Principal [or designee], after consideration of the nature, severity, and circumstances of the act, including [reports to appropriate law enforcement officials.] including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with students or the provision of student services.

Policy Publication

This policy will be disseminated annually to all school staff, pupils, parent(s) or legal guardian(s), along with a statement explaining the policy applies to all applicable acts of harassment, intimidation, and bullying that occur on school property, at school-sponsored functions or on a school bus.

A range of options may be implemented by TTA for publicizing this policy to include, but not limited to, publishing in pupil handbooks that are provided to pupils, parent(s), or legal guardian(s); posting this policy to the school website

Harassment, Intimidation, and Bullying Prevention Programs

Pursuant to N.J.S.A. 18A:37-17.c and N.J.A.C. 6A:16-7.9(d)1.i, information regarding the school's harassment, intimidation, and bullying policy shall be incorporated into a school's employee training program.

Pursuant to N.J.A.C. 6A:19-7.9(d)e, TTA is required to annually review the extent and characteristics of harassment, intimidation, and bullying behavior in the school and implement locally determined programmatic or other responses, if determined appropriate by the Board of Trustees.

Pursuant to N.J.A.C. 6A:16-7.9(d)1, TTA is required to annual review the training needs of staff for the effective implementation of the harassment, intimidation, and bullying policy, procedures, programs, and initiatives of the Board of Trustees and implement locally determined staff training programs consistent with the annual review of training needs and the findings of the annual review and update of the code of pupil conduct, pursuant to N.J.A.C. 6A:16-7.1(a)3, as determined appropriate by the Board of Trustees.

Pursuant to N.J.A.C.6A:16-7.9(d)2, TTA is required to develop a process for annually discussing TTA's harassment, intimidation, and bullying policy with pupils.

N.J.S.A. 18A:37-13 through 18A:37-19

N.J.A.C. 6A:16-7.9 et seq.

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses - August 2022- N.J. Dept. of Education