

ANTI-HARASSMENT, INTIMIDATION, AND BULLYING (HIB) POLICY SUMMARY

Pineland Learning Center is an advocate of children and adolescents. One of our core values is the creation and consistent maintenance of a school environment that is physically and psychologically safe. This is a summary of our policy and procedures when an allegation of harassment, intimidation, or bullying is brought to administrative attention.

- 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 reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, economic status, national origin, gender, sexual orientation, gender identity and expression, gang or other group affiliation, or a learning, developmental, mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school sponsored function, on a school bus, or off school grounds, including the cyber environment, that substantially disrupts or interferes with the orderly operation of the school.
- Characteristics of physical, relational, and emotional bullying include (but may not be limited to):
 - Making fun of, name calling, insults, badgering
 - Subjecting to rumors
 - Threats of harm
 - Pushing, shoving, tripping, spitting on, throwing things at
 - Forcing another to do things they do not want to do
 - Purposeful exclusion
 - Destruction of property.
- Cyber bullying includes (but may not be limited to):
 - Posting hurtful information on the internet
 - Unwanted contact via instant messaging
 - Unwanted contact via text messaging.
- Each student at Pineland Learning Center is expected to be prepared mentally and physically, to the best of his or her ability, for the process of learning. Students are also expected to demonstrate respect at all times for other students, staff, people, and property and to take responsibility for their own behavior and education at home, in school, on school sponsored trips and activities, and on the school bus.

- Incidents of HIB are regarded as very serious and may result in emotional, social, or physical harm to both victim(s) and perpetrator(s). Students determined to have committed an act of HIB are subject to disciplinary action and clinical intervention.
- Students believing that they have been subjected to HIB have the right to directly or anonymously report incidents to PLC administration. PLC staff members believing that an act of HIB has occurred are required to report the act to Administration. Parents, guardians, advocates and other supportive parties are strongly encouraged to report any perceived acts of HIB to Administration.
- Upon receiving a report of alleged HIB, the PLC Anti-Bullying Coordinator will immediately inform the parents or guardians of all student parties involved and will immediately direct the PLC Anti-Bullying Specialist to begin a thorough investigation. Parents and guardians will be informed of any appropriate community resources as applicable. The investigation will be completed as soon as possible but no later than 5 days from the start.
- Investigations of HIB are driven by five desired outcomes:
 - The physical and psychological wellbeing of all involved students
 - Interventions and remedies indicated for victim(s)
 - Appropriate consequences and clinical interventions for the bully(s)
 - Demonstration of justice for all involved and observing parties
 - Enhancement of PLC anti-HIB policy and practice.
- Parents and guardians are entitled to receive written information about the investigation in a timely manner. Parents and guardians are entitled to meet with PLC administration to request any further information or clarification, for further assistance, or to request further remedy. An upward ladder of appeals is available to parents or guardians in the event of dissatisfaction or disagreement with PLC administration. Parents and guardians are entitled to translation services and external advocacy at any point in the process of investigation or outcome resolution.
- Any party knowingly filing a false allegation of HIB; providing false information; failing to carry out their responsibility of reporting, investigating, or working through to resolution; or retaliating in any way will be subject to disciplinary action and possible other penalties.
- The full text of our Anti-HIB policy and procedure is available through our website - pinelandschool.org, and in print form via mail or at the reception desk.

For additional information regarding our Anti-HIB policy and procedure, please contact:

- Mr. Darwyn Minor, Anti-Bullying Coordinator at 856-378-5020, ext. 229
- Mr. Derrick Minor, Anti-Bullying Specialist at 856-378-5020, ext. 237

ANTI- HARASSMENT, INTIMIDATION AND BULLYING POLICY

PINELAND LEARNING
CENTER

AUGUST 2011

PINELAND LEARNING CENTER

POLICY AND PROCEDURES GOVERNING PROTECTION AGAINST AND RESPONSE TO HARASSMENT, INTIMIDATION, AND BULLYING

AUGUST 2011

PRECIS

Pineland Learning Center (PLC) is an avowed advocate of children and adolescents. One of our core values is the creation and consistent maintenance of a school environment that is physically and psychologically safe. In addition to our educational campus, the school environment extends to the school bus, off-campus learning sites, school sponsored functions, and the student community at-large, including the cyber environment. Physical and psychological safety includes prohibition against harassment, intimidation, and bullying on the part of students and staff.

LIST OF ABBREVIATIONS

- PLC: Pineland Learning Center
- HIB: Harassment, Intimidation, and Bullying
- ASD: Assistant School Director
- ABS: Anti-Bullying Specialist

CENTER FOR DISEASE CONTROL STATISTICS

According to a March 2011 web report released by the CDC, 30% of American adolescents reported at least moderate bullying experiences as the bully, the victim, or both. This breaks down to 13% reporting being a bully, 11% reporting being a victim of a bully, and 6% reporting being both a victim and a bully. This establishes bullying as a current epidemic.

DEVELOPMENT OF HIB POLICY AND PROCEDURE

Our HIB policy and procedures governing protection against and responsive to harassment, intimidation, and bullying are based in our avowed commitment to effect and protect a physically and psychologically safe school environment. Existing policies and procedures effecting our commitment have been revised and reformatted to conform to N.J.A.C. 6A:16-1.3.

This revision was developed by a School Safety Team consisting of an Executive Director designee, the Anti-Bullying Coordinator, the Anti-Bullying Specialist, three faculty representatives, a parent representative, and the high school student council president.

HARASSMENT, INTIMIDATION, AND BULLYING BROAD DEFINITION

“Harassment, intimidation, or bullying” 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 reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, economic status, national origin, gender, sexual orientation, gender identity and expression, gang or group affiliation, or a learning, developmental, mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, including the cyber environment, 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 circumstances, 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;
- B. Has the effect of insulting or demeaning any student or group of students;
- C. 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.

HARASSMENT, INTIMIDATION, AND BULLYING SPECIFIC BEHAVIORS

According to the National Center for Education Statistics, bullying can occur on the part of an individual or a group (sometimes referred to as a “pack”). The mode of bullying can be physical and/or emotional. The medium of bullying can be face-to-face and/or cyber.

Characteristics of physical, verbal, relational and emotional bullying include (but may not be limited to):

- Making fun of, name calling, insults
- Subjecting to rumors

- Threats of harm
- Pushing, shoving, tripping, spitting on
- Forcing another to do things they do not want to do
- Purposeful exclusion
- Destruction of property.

Cyber bullying includes (but may not be limited to):

- Posting hurtful information on the internet
- Unwanted contact via instant messaging
- Unwanted contact via text messaging.

PROHIBITION AGAINST TARGETING GANG AFFILIATION

PLC students are strictly prohibited from engaging in overt and covert display of gang affiliation. The reality, unfortunately, is that due to personal circumstances, a small number of PLC students engage in gang affiliation. Students overtly and/or covertly publicizing gang affiliation will face disciplinary action.

By the nature of gang mentality, members of one gang tend to harass, intimidate, and bully members of rival gangs. Students perpetrating such behavior will be subject to appropriate student disciplinary action. Students targeted on the basis of gang affiliation will receive reasonable protection against such HIB and will be counseled regarding the consequences of gang affiliation.

STUDENT EXPECTATIONS

According to the Student Handbook, each student at Pineland Learning Center is expected to be prepared mentally and physically, to the best of his or her ability, for the process of learning. Students are also expected to demonstrate respect at all times for other students, staff, people, and property and to take responsibility for their own behavior and education at home, in school, on school sponsored trips and activities, and on the school bus.

POSSIBLE CONSEQUENCES FOR HIB

Incidents of HIB are regarded as very serious and fertile for serious emotional, social, or possible physical ramifications for both victim(s) and students acting-out HIB behaviors. As a result of a systematic and proper investigation (as outlined later), students determined to have committed acts of HIB are subject to (but not limited to) the following consequences:

- Parental notification

- Teacher detention and/or Crisis Intervention detention
- Development of a behavioral contract
- Designation as an Intensive and Exceptional Management student
- Assignment to the Intensive and Exceptional Management Room
- Restitution for damages for any loss incurred by a victim
- Complaint or criminal charges filed with police and/or probation officer
- Civil action
- Child study team notification
- Assignment of a one-to-one aide
- Physical restraint as a last resort to prevent injury or property damage
- Termination from Pineland Learning Center.

In addition to consequential disciplinary and/or safety measures, students determined to have committed acts of HIB will be required to work through a clinical process which will include, but not be limited to, Positive Behavior Intervention and Support elements, reparation with victims (if appropriate), and counseling intended to build insight, empathy, tolerance, self-esteem, and social skill.

REPORTING PROCEDURES

If a student believes that he or she has been subjected to harassment, intimidation, or bullying, that student has the right to report the incident(s) directly to any Pineland Learning Center staff member or administrator, a parent or guardian, child study team case manager, advocate, or any other support person. Alternatively, students may elect to file an anonymous report via the private and secure suggestion, request, and report boxes located in student-accessible areas. Parents/guardians, child study team case managers, advocates, and other support personnel are strongly encouraged to report observations or suspicions to the Assistant School Director or School Director.

PLC staff members must report observations or suspicions directly to the Assistant School Director (ASD), who serves as the school's Anti-Bullying Coordinator, or the School Director, at least verbally the same day when the staff member witnessed, suspected, or received reliable information regarding any such incident, and subsequently in writing via incident report (Appendix 1), no later than 24 hours following the verbal report.

Upon receiving a report of possible HIB, the Assistant School Director, or designee, will immediately notify the parents of all parties involved. The ASD will explain the investigatory process to be followed, establish a channel for communication, and will advise of any available school or community based resources, including counseling, as appropriate.

PLC staff members making such a report in good faith are immune from retribution and damages if acting in accordance with this policy. PLC staff failing to comply with this policy or filing a malicious report are subject to disciplinary actions and possible civil damages. Students filing a malicious report are subject to disciplinary and possible civil and/or criminal action.

An HIB allegation against a staff member will follow a similar reporting process.

INVESTIGATION PROCEDURES

Pineland Learning Center regards all direct or anonymous reports of possible Harassment, Intimidation, or Bullying as very serious, high priority, and subject to investigation to the fullest extent possible.

Upon receiving an initial report of HIB and notifying parents/guardians of the report, the Assistant School Director will immediately instruct the school's Anti-Bullying Specialist (ABS) to begin an investigation. The ASD will remain administratively responsible for the investigation and the ABS will be responsible for facilitating the investigation under the auspices of the ASD. Additional personnel, as needed, may be appointed by the ASD to assist with the investigation.

The ABS will conduct the investigation according to the protocol as established by the ASD (Appendix 2). In the conduction of the investigation, the ABS will act in a manner that is professional, ethical, objective, systematic, procedural, sensitive, and fair.

Essentially, there are two phases of the investigation. During the first phase, the ABS seeks to determine whether an act of HIB in fact occurred, regardless of motivation, and can be construed to offend any actual or perceived characteristic, such as race, color, religion, ancestry, economic status, national origin, gender, sexual orientation, gender identity and expression, gang or group affiliation, or a learning, developmental, mental, physical or sensory disability, or by any other distinguishing characteristic. As well, the full range of involved victims and HIB acting-out students is determined.

During the second phase, the ABS next seeks to determine the motivation on the part of the accused student(s). This inquiry is performed in conjunction with the ASD, select member(s) of the School Safety Team, and additional input, such as clinical opinion, as indicated. As PLC is a highly restrictive out-of-district setting for students known to have intensive behavioral and/or emotional disorders, the investigation seeks to differentiate manifestations of a disability and/or disorder from HIB offenses that are deliberate offenses.

The investigation will be completed as soon as possible, but not later than 5 days from the date of the written report. If additional anticipated information relevant to the investigation is not received within 5 days, the Anti-Bullying Specialist may amend the original report to reflect the information.

Any administrator, anti-bullying official, or member of the School Safety Team who receives a report of HIB from a district employee and fails to initiate or conduct an investigation, or should have known of an incident of HIB and fails to take sufficient action to

minimize or eliminate the HIB, may be subject to disciplinary action and may be held responsible for civil damages. Involved personnel failing to act in a timely manner, or who fail to carry out their respective role in the investigation, will be subject to disciplinary action and may be held responsible for civil damages.

Investigations of allegations against staff members follow a similar process with the additional involvement of the Assistant Executive Director who also serves as the Human Resources Director.

RESULTS OF INVESTIGATION

Investigations of HIB incidents are driven by five desired outcome objectives. The first and overriding objective is the physical and psychological well-being of all students. While we recognize that there are many reasons for bullying, there can be no excuse for any student being subjected to harassment, intimidation, or bullying. Second, we are concerned regarding the impact upon the victim(s) and we seek to determine what interventions and remedies may be indicated for healing and the development of resilience. Third, based upon the emotional status of the HIB acting-out student(s), we determine appropriate consequences and clinical intervention. Fourth, there has to be a demonstration of justice in the eyes of the victim(s) and other observers. And fifth, investigations seek to discover any breakdown or flaw in our environmental climate and/or structure and supervision of our students. As we actively investigate incidents we do so with questions of, "How did it happen and what can we do in the future to enhance prevention of HIB?"

Within 2 days of completing the investigation, the ASD will report the results of the investigation with recommendations to the Executive Director or designee. The ED/designee may decide to accept the results of the investigation and agree to the recommendations and/or may:

- Require further or other intervention services
- Request the assistance of other agencies
- Establish or advance training programs to reduce HIB and enhance school climate
- Impose discipline
- Require further clinical assessment and/or intervention
- Seek guidance from the school's legal counsel
- Convey findings and recommendations to the sending district(s) Child Study Team(s) and/or other appropriate parties
- Take or recommend other appropriate action.

If initially reported to a designee, the designee will report the incident, investigation, findings, outcomes, and disposition to the Executive Director (who serves as the chairman of the school's Board of Directors) within 48 hours of disposition. The Executive Director may accept the report as presented or may order further action.

In the case of a staff member committing an act of HIB, disciplinary actions and a plan of correction will be determined and facilitated by the School Director and Assistant, and the Assistant Executive Director/Human resources Director. As an act of HIB is a very serious offense, a staff member committing an act of HIB faces possible dismissal for cause and possible professional discipline.

PARENT/GUARDIAN RIGHTS, ENTITLEMENTS, AND REMEDIES

Parents or legal guardians of the students who are parties to the investigation are entitled to receive information about the investigation in writing within 5 days after the results of the investigation are reported to the PLC Executive Director:

- In accordance with Federal and State law and regulation
- Including the nature of the investigation and whether evidence of HIB was found
- Whether discipline was imposed or services provided
- The plan for student safety (if applicable)
- The school's plan of corrective action to prevent similar occurrences (if applicable).

Notification will be in the form of a letter providing narrative detail and advising of rights, entitlements, and remedies.

Parents and legal guardians may request a conference with appropriate PLC administration to request further information, for further discussion, to request further services, to question or challenge any aspect of the investigation and/or outcome, or to seek closure. The administrative conference must be held within ten days of the request. As a matter of due process, parents have the right to a conference with the PLC Executive or Assistant Executive Director to seek remedy. This is the equivalent of a "School Board hearing" in a public school setting. Parents/legal guardians have the right to have an external support person present at the administrative conference(s).

If parents or legal guardians believe that they have exhausted efforts to seek remedy through PLC Administration, they should next appeal to their school district's Director of Special Services. If parents or legal guardians believe that remedy has not been reached following appeal to the Director of Special Services, they should next appeal to their school district's Superintendent of Schools. As a last resort, parents or guardians have the right to appeal to the New Jersey Commissioner of Education via their county Office of Education. A parent, student,

guardian, advocate, or organization may also file a complaint with the New Jersey Division of Civil Rights (DCR) within 180 days of the occurrence of any incident of HIB.

REPRISAL, RETALIATION, AND FALSE ACCUSATION PROHIBITED

PLC Administration, school staff members, and students:

- Shall not file a false allegation of HIB
- Shall not retaliate against a student or staff member who has filed a complaint regarding an alleged act of HIB
- Shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of harassment, intimidation, or bullying.

Anyone knowingly filing a false allegation or acting in a retaliatory manner will be subject to school-based disciplinary action in the case of students, or employer-based disciplinary action in the case of staff. In addition, all parties may be subject to criminal charges and/or civil damages.

POLICY REVIEW AND REVISION

This policy will be reviewed no less frequently than the end of each semester. Mid-school year revisions will occur as indicated or as directed by the New Jersey Department of Education (NJDOE). On an annual basis, this policy will be evaluated in entirety by the school Safety Team under the direction of the school's Anti-Bullying Coordinator. The annual evaluation will occur during the summer administrative work sessions and will encompass compliance, completeness, and efficacy. All revisions will either meet or exceed NJDOE governing policies and will be approved by the school's governing board.

STAFF TRAINING

This policy in entirety will be a core aspect of annual orientation for all full and part-time staff, interns, volunteers, and contracted related services providers. This policy in entirety will be a core aspect of orientation for all mid-year hires. All staff will be informed via weekly staff meetings of policy and procedural updates occurring during the course of the school year. All full and part-time staff, interns, volunteers, contracted related services providers will be provided with a copy of this policy.

STUDENT TRAINING

Relevant aspects of this policy will be a core aspect of the new school year orientation process for all students and will be a core aspect of the new student orientation process.

HIB prevention will be an integral aspect of our meta-curriculum which pervades all curricular areas, will be an integral aspect of group counseling services, and will be incorporated into individual counseling services as indicated.

Each student will be provided with a student-friendly and readily available desk reference copy of a warning against HIB, a definition of HIB, possible consequences, and steps that a student can take in the belief that he or she has been targeted or witnessed HIB.

PUBLICATION OF ANTI-HARASSMENT, INTIMIDATION, AND BULLYING POLICY AND PROCEDURES

A summary print copy of this policy will be furnished to all parents and guardians at the beginning of each school year and upon enrollment in the case of mid-year admission. Print copies in entirety will be available anytime upon request and will also be available in the public literature section of the reception office. In addition to parents and guardians, a print copy of this policy will be provided, upon request, to any requesting person or agency.

This policy in entirety will also be readily available, in readable and downloadable forms, through the school website: pinelandschool.org.

This policy will be available in both English and Spanish translations in both print and web-based forms. Additional Spanish translation services are available upon request.

The Student Handbook will include definitive statements regarding the expected behavioral code of conduct; a warning against harassment, intimidation, and bullying; instructions to those who believe they are victims of HIB; and a statement of possible consequences for acts of HIB. Anti-HIB information will be incorporated into orientation protocol for newly enrolled and returning students.

Print, web, and Student Handbook forms will contain a statement advising that protected environmental venues include the educational campus, the school bus, off-campus learning sites, school sponsored functions, and the student community at-large, including the cyber environment.

Print and web forms of this policy will include the names and contact information for the Anti-HIB Coordinator and Anti-HIB Specialist.

This policy, with revisions, will be on file at the Cumberland County Office of Education.

APPENDICES

- A: PLC Incident Report
- B: PLC HIB Incident Investigation Protocol Worksheet

PLC ANTI-BULLYING OFFICIALS

The PLC Anti-Bullying Coordinator is Mr. Darwyn Minor

- Telephone: 856-378-5020, extension 229
- E-mail: darwyn.minor@pinelandschool.org

The PLC Anti-Bullying Specialist is Mr. Derrick Minor

- Telephone: 856-378-5020, extension 237
- E-mail: derrick.minor@pinelandschool.org

August 2011