
ANTI- HARASSMENT, INTIMIDATION AND BULLYING POLICY

PINELAND LEARNING
CENTER

October 2018

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

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POLICY STATEMENT

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
- ABS: Anti-Bullying Specialist

PLC ANTI-BULLYING OFFICIALS

The PLC Anti-Bullying Coordinator is Mr. Darwyn Minor, Principal

- Telephone: 856-378-5020, extension 118.
- E-mail: darwyn.minor@pinelandschool.org

The PLC Anti-Bullying Specialist is Mr. Derrick Minor

- Telephone: 856-378-5020, extension 212
- E-mail: derrick.minor@pinelandschool.org

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 response 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 and 6A:16-7.8

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, as provided for in section 16 of P.L. 2010, c.122 (C.18A:37-15.3) 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; or
- 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.
- Unwanted, aggressive behavior that may involve a real or perceived power imbalance.

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 consequences varied and graded according to the nature of the student's disability, developmental age, and history of problem behaviors, including 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 appropriate remedial action which takes into account the nature of the behavior, the nature of the student's disability, the developmental age of the student and the student's history of problem behaviors and performance which may include:

- Supportive Positive Behavior Intervention and Referral Services
- Reparation with the victims (if appropriate)
- Behavioral Assessment or Evaluation
- 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 (however, formal disciplinary action shall not be based solely on an anonymous report). Parents/guardians, child study team case managers, advocates, and other support personnel are strongly encouraged to report observations or suspicions to the Principal or School Director.

PLC staff members must report observations or suspicions directly to the Principal, 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 A), no later than 24 hours following the verbal report.

Upon receiving a report of possible HIB, the Principal, or designee, will immediately notify the parents of all parties involved. The Principal 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.

The PLC Principal will notify the appropriate sending district board(s) of education personnel of the students involved when a report of HIB occurred on a sending district school bus, at a sending district BOE school sponsored function, and off school grounds.

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 Principal will immediately instruct the school's Anti-Bullying Specialist (ABS) to begin an investigation. The Principal will remain administratively responsible for the investigation and the ABS will be responsible for facilitating the investigation under the auspices of the Principal. Additional personnel, as needed, may be appointed by the Principal to assist with the investigation. The Principal or his/her designee shall initiate the investigation within one school day of the report of the incident. The ABS will conduct the investigation according to the protocol as established by the Principal (Appendix B). 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 Principal, 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 10 school days from the date of the written report. If additional anticipated information relevant to the investigation is anticipated but not yet received by the end of the 10 school day period 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, and appropriate consequences and remedial action, 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?”

The Principal shall report to the appropriate sending district board(s) of education personnel of the students who are parties to the HIB investigation the results of each investigation no later than five school days following the investigation’s completion, along with information on any services, training established, discipline imposed or other action taken. Within 2 days of completing the investigation, the Principal 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 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 Principal, and the Executive Director/Human Resources Manager. 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 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). Parents who are party to a HIB investigation may also request a hearing before the sending district board of education concerning the information received about the investigation. Requests for hearing shall be filed within 60 calendar days after the written report is received.

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 annually 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;

PLC ANTI-HIB POLICY AND PROCEDURES

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

Revised October 2018