

Understanding and Applying the Anti-Bullying Bill of Rights

North Arlington Public Schools



What is HIB

HIB means any gesture, any written , verbal or physical act, or electronic communication, whether it be a single incident or a series of incidents, that (must meet all 3 of the following conditions):

- * Is reasonably perceived as being 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;



What is HIB (continued)

- * Takes place on school property, at any school sponsored function, or off school grounds as provided by section 10 of P.L. 2010, c 122;
- * Substantially disrupts or interferes with the orderly operation of the school or the rights of other students.



What is HIB (continued)

Must also meet 1 of the following 3 conditions:

- * 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/her person or damage to his/her property;
- * Has the effect of insulting or demeaning any student or group of students;



HIB (continued)

- * 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.



Role of the Anti-Bullying Specialist

- * Chair the School Safety Team
- * Lead, in coordination with the principal, the investigation of the reported HIB incidents
- * Act as the primary school official responsible for preventing, identifying, and addressing incidents of HIB in the school
- * Assist the principal in determining the responses to be implemented that have been established by the BOE
- * Provide input to the BOE on the annual re-evaluation , reassessment, and review of the HIB policy
- * Provide input at the BOE meeting, in executive session, on reported HIB incidents, recommendations for discipline or services and any programs instituted to reduce these incidents
- * Engage colleagues and school committees in HIB prevention
- * Set agenda for School Safety Team meetings
- * Aid in data collection and reporting



Responsibilities of the School Safety Team

The School Safety Team will consist of the Anti-Bullying Specialist, Principal, teacher in the school, a parent of a student in the school, and any other member determined by the Principal

- * Meet at least 2 times per school year
- * Receive complaints of HIB of students that have been reported to the principal***
- * Receive copies of the investigation reports of HIB of students***
- * Identify and address patterns of HIB of students in the school
- * Develop, foster, and maintain a positive school climate by focusing on the ongoing, systematic practices in the school and addressing climate issues, such as HIB
- * Review and strengthen the school climate and policies of the school in order to prevent HIB of students
- * Educate the community, including students, teachers, administrators and parents to prevent and address HIB of students
- * Based on data and input, discuss short and long term solutions to HIB problems
- * Execute other HIB related duties as requested by the principal or Anti-Bullying Coordinator

**** Parents are not to see specific investigation reports, investigation paperwork, etc.*



Principal's Role in HIB

- * Appoint the ABS (must be a guidance counselor, school psychologist or other current school employee trained to act as the ABS)
- * Receive all HIB reports (after principal is notified verbally or through a written report, information is brought to the ABS to start the investigation)
- * Contact parents of HIB victims and offenders immediately
- * Coordinate and assist the ABS in investigating reported HIB incidents
- * Assure investigations are completed ASAP, within 10 days of report
- * Implement, in conjunction with the ABS, the range of responses to HIB established by BOE (consequences and remediations)
- * Submit written report of HIB investigations to the superintendent within 2 days of the completion of the investigation
- * Serve as a member of the SST
- * Parents of HIB offenders and victims must be informed within 5 days of the end of the investigation (the nature of the investigation, whether there was evidence of HIB or not, and whether discipline was imposed or services provided). This comes from the superintendent's office.



Difference Between Conflict and HIB

Conflict

- * “Mutually” competitive or opposing action or engagement
- * Includes disagreements, arguments, and fights
- * A normal part of growing up and life

HIB

- * HIB is one-sided
- * One or more students are victims of one or more person’s aggression, as it applies to HIB
- * The intent is to physically or emotionally hurt someone



Training

All adults who work in your building in any capacity must be trained

- * Teachers (all new teachers and all teachers must complete training in a 5 year cycle)
- * Cafeteria Staff
- * Custodians
- * Aides
- * Substitutes
- * Volunteers
- * Etc.



Staff Reporting Procedure

- * Staff must report potential HIB to the principal/assistant principal IMMEDIATELY
- * Principal/Assistant Principal will notify the Anti-Bullying Specialist
- * Staff will file a report with the Anti-Bullying Specialist within 1 day of the initial notification
- * Staff will not be permitted to report anonymously
- * Investigation will start



Student Reporting Procedure

- * If a student is to report HIB to any staff member, it must be reported to the school administration (whether done so by the student or the staff member)
- * After reported to the school administration, an investigation will be started by the anti-bullying specialist and a written report will be prepared
- * Students (and parents) can report any potential HIB offense anonymously. In these cases, please seek out the school administration to file an anonymous report.



Timeline of Investigation

- * Day 1-HIB occurs and staff reports to principal/assistant principal. Parents/guardians are informed
- * Day 2-Principal/Assistant Principal initiates investigation with Anti-Bullying Specialist within 1 day of verbal report
- * Day 11-Investigation complete
- * Day 13-Results of investigation given to superintendent (within 2 days of completion of investigation)



Timeline of Investigation (continued)

- * Report to Board –next board meeting, superintendent reviews with members
- * Report to parent/guardian- District must provide information to parent of alleged “bullies” and “victims” about the investigation within 5 days of the board meeting
- * Board hearing- Parent can request a confidential hearing (within 10 days of request)
- * Board decision- Board to make a decision to affirm or reject (or also modify) by next Board meeting (Board’s decision may be appealed to the Commissioner of Education with 90 days)
- * Civil Rights Complaint-Parent may file complaint to the NJ Division of Civil Rights within 180 days of incident (or in state or federal court-if HIB is based on characteristic protected under state or federal law)
- * ECS Investigation- Executive County Superintendent shall investigate a complaint of a violation by a school district when the complaint is not adequately addressed on the local level



Additional Resources

Please review the following resources:

- * <http://bullyingnomore.com/>
- * <http://www.state.nj.us/education/students/safety/behavior/hib/>
- * <http://www.pacer.org/bullying/resources/>
- * <http://www.stopbullying.gov/>
- * <http://www.edutopia.org/article/bullying-prevention-resources>
- * http://www.kzoo.edu/psych/stop_bullying/resources/websites.html
- * <http://www.nea.org/tools/lessons/teaching-students-to-prevent-bullying.html>



Understanding Affirmative Action and Civil Rights Policies

North Arlington Public Schools




Affirmative Action

In North Arlington Public Schools we are committed to providing a work and school environment free from all forms of prejudice, discrimination and harassment that promotes equal educational opportunity.

The District's Affirmative Action Program recognizes and values the diversity of persons and groups within society and promotes the acceptance of persons of diverse backgrounds.





Our school policies comply with federal and state laws which ensure equal access to educational programs and services regardless of race, creed, color, national origin, ancestry, age, marital status, religion, gender, disability, affectional or sexual orientation, or socioeconomic status.

This assurance applies to staff, students, vendors, volunteers, curricula, course materials and athletics.

All adults in our district must be trained to deal with Affirmative Action Issues---teachers, aides, substitutes, custodians, cafeteria staff, coaches, administrators, administrative staff, nurses, student teachers and volunteers.

Classroom Posting

Teachers will be asked to post the district's Civil Rights Policy in their classrooms at the beginning of the year and discuss our policy with the students in an age appropriate manner. In the middle school and high school this should be done by the first period teachers.



Our Civil Rights Policy

The North Arlington Public School District prohibits discrimination on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, socioeconomic status, or disability in all programs, activities, and employment practices.

Coordinators: Frances Lipsky, School Counselor and Affirmative Action Officer/Coordinator Title IX 201-991-6800 ext. 2051, NAHS Guidance Office; Dr. Lynne Crawford, District Supervisor of Special Services and Coordinator Section 504/ADA 201-991-6800 ext. 2102



Equality and Equity in School and Classroom Practices

Federal and State laws require that we--

- Ensure equal access to all schools, facilities, programs, curricula, activities and benefits for all students.
- Eliminate all forms of prejudice and discrimination in all school programs, practices, curricula, instructional materials and assessments.
- Provide equitable treatment for pregnant and married students.
- Prohibit all forms of harassment, including sexual harassment, intimidation and bullying.



Equality and Equity in Employment and Contract Practices

The school district provides equal and bias free access to all categories of employment by using equitable hiring practices, monitoring promotions and transfers to ensure non-discrimination and ensuring that all employment practices are equitable.

Employees are entitled to a work environment free of harassment and discrimination.



Definitions

Discrimination: Subjecting people to different treatment based on legally recognized protected classes which include

Race

Creed

Color

National Origin

Nationality

Ancestry

Age

Sex (including pregnancy)

Familial status

Marital Status

Domestic partnership status

Affectional or sexual orientation

Atypical hereditary cellular or blood trait

Genetic Information

Liability for military service

Mental or physical disability

Perceived disability

AIDS and HIV status

Political activities

Domicile

Membership or participation in or association with activities of any employee organization






Harassment/Offensive Actions:

Unprovoked behavior of a physical, verbal, and/or psychological nature that is unwelcome, unwanted or uncomfortable in the view of the recipient.

Sexual Harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that causes unreasonable interference with an individual's performance or creates an intimidating, hostile or offensive environment. There are two types of sexual harassment.

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- **Quid Pro Quo Sexual Harassment** is an implicit or explicit threat that if one does not accede to a sexual demand it will have a negative consequence or offering an employee preferential treatment for sexual favors.
 - **Hostile Work Environment Sexual Harassment** occurs when an employer or fellow employee harasses another employee because of his or her gender or sexual preference or takes other action to the extent that the working environment becomes hostile or abusive.



Hostile Educational Environment:

- For Adult- Harassment that is sufficiently severe, persistent or pervasive to limit an employee's ability to function in the workplace.
- For Student- Harassment that is sufficiently severe, persistent or pervasive to limit a student's ability to participate in or benefit from an educational program.
- A student or employee can be the victim of a hostile educational environment even if they are not the target of the offensive behavior.
- A hostile educational environment can be the result of a single incident.

Behaviors that might prompt a Discrimination Complaint

- Applying policies in an unequal and negative manner to an individual based on protected class status
- Refusing to hire or promote an individual or employee on the basis of protected class status
- Disciplining or terminating an employee on the basis of protected class status



Behaviors that might prompt a Harassment Complaint

- Unwelcome, hurtful jokes, or comments that belittle and are directed toward a protected class
- Inappropriate nicknames, comments or behaviors that show a lack of respect for a protected class
- Direct or subtle threats
- Crude, offensive or indecent language or gestures
- The telling of off-color/ inappropriate jokes
- Unnecessary or inappropriate touching
- Ignoring, isolating or segregating a person



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- Biased language
 - Ethnic stereotyping
 - Sexual propositions
 - Sexual innuendos or suggestive comments
 - Commenting on people's bodies
 - Discussions of, or questions about, one's sexual activity
 - Leering or whistling
 - Public displays of suggestive photographs, articles objects or other printed or visual material
 - Forwarding offensive emails

For Our Students

Our students are entitled to a non-discriminatory learning environment.

The District reviews curriculum to ensure that it is bias free. Staff should be mindful of multicultural and equity issues in classroom and school-wide practices, activities and extracurricular opportunities.

Always maintain an atmosphere of respect, tolerance and equity in your classroom and building.






Be aware of religious and cultural holidays and celebrations.

Be sensitive to controversial issues and if you are not sure about teaching or discussing a particular topic, consult with your colleagues, supervisor, building administrator, guidance or Affirmative Action Officer as appropriate.

Report any issues of concern to your building principal, the Affirmative Action Officer, or a member of the Affirmative Action Team.



Staff must also monitor students' interactions with one another and be prepared to intervene. Bullying and harassment between students must be reported under HIB procedures. Discrimination complaints should be reported to be dealt with under Affirmative Action procedures.


If you witness or receive a report of harassment or discrimination involving a staff member and a student, immediately report this to the building principal and the Affirmative Action Officer so that appropriate action may be taken without delay.

Staff Complaints

If you feel you have experienced harassment or discrimination you should:


- If you are comfortable doing so, attempt to resolve the matter informally, by telling the harasser that their actions are unwanted and asking them to stop immediately. If it is an employment or contract issue, discuss the matter with your immediate supervisor to see if the matter can be resolved.
- Make notes for yourself in writing of what occurred and when it happened. If this involves multiple instances, keep a log.



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- Report the incident to the Affirmative Action Officer, a supervisor or building administrator, who may, if you wish, attempt to resolve the matter informally.

If the matter is not resolved to the satisfaction of the complainant through the informal route within 30 working days, the complainant may submit a written complaint to the Affirmative Action Officer, who will investigate the matter and respond to the complainant within 7 working days after receipt of the complaint.

While attempts will be made to keep information confidential, investigation results will be reported to the Superintendent and the Board of Education, and any remedial action taken may require disclosure of individuals' identities.



The response of the AAO may be appealed to the Superintendent, and subsequent decisions may be appealed to the Board of Education, the State Commissioner of Education, and the New Jersey Division on Civil Rights. The timelines and procedures to be followed are explained in District Regulations available for review in the Superintendent's office.

Any person who believes he has been discriminated against may also file a complaint with the U.S. Office of Civil Rights, the New Jersey Department of Education, the Equal Employment Opportunity Commission, and/or the New Jersey Division on Civil Rights. These filings may occur at the same time a grievance procedure is filed, after the grievance process is completed, or without using the school grievance process at all.

District Regulations for Affirmative Action Complaints

Procedures and timelines for filing complaints are explained in:

- District Regulation 1550—Affirmative Action Program for Employment and Contract Practices/Employment Practices Plan Complaint Procedure.
- District Regulation 2260 – Affirmative Action Program for School and Classroom Practices Complaint Procedure



Applicable Federal Law

Title VII of the Civil Right Act of 1964

Prohibits discrimination against and individual in all matters of employment because of an individual's race, color, religion, sex or national origin.





Title IX of the Education Amendments of 1972

Title IX is the key federal law prohibiting sex discrimination against students and employees in education programs and activities receiving federal assistance.

Under Title IX males and females are to receive fair and equal treatment in all areas of schooling: recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarships, athletics, and prohibition of sexual harassment.



Americans with Disabilities Act

Prohibits discrimination against a qualified individual with a disability in hiring, advancement, training, compensation, discharge and other areas of employment.

Requires reasonable accommodations to allow a qualified employee with a disability to perform the essential functions of a position.

Applicable New Jersey Law and Regulations

New Jersey Law Against Discrimination

Broadens the list of protected groups. Prohibits discrimination on the basis of race, creed, color, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, genetic information, sex, disability or atypical hereditary cellular or blood traits, the liability for service in the armed forces, nationality or the refusal to submit to genetic testing.





NJ Administrative Code 6A:7

- Key state regulation that provides management for equality and equity in education in all New Jersey educational programs.
- Guarantees equal access to education programs and services for all students
- Services include teaching of challenging curriculum, differentiated instruction, formative assessment, qualified teachers, high expectations for student learning



Conscientious Employee Protection Act

N.J.S.A. 34:19-5 prohibits retaliation for filing legitimate complaints or for disclosing, objecting to or refusing to participate in an activity the employee reasonably believes is illegal, fraudulent, criminal, or against public policy concerning public health, safety or welfare, or protection of the environment.

Additional Resources

Please check these websites:

<http://www.tolerance.org>

<http://www.adl.org/education-outreach/anti-bias-education/>

<http://napequity.org>

<http://www.beyonddiversity.org>

