



Reviewing and Updating Your Harassment, Intimidation and Bullying Policy

Tip Sheet

When reviewing and updating your existing policy on Harassment, Intimidation, and Bullying (HIB), consider the following issues and questions contained in this document. Further details regarding items for consideration can be found in the “Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying, on School Property, At School-Sponsored Functions and On School Buses,” revised by the New Jersey Department of Education in November 2008. This Tip Sheet is meant to be used in conjunction with the model policy and you should refer to the model policy for all details related to statutes and regulatory requirements related to the development and implementation of local policies.

The tip sheet addresses two parts of the model policy. Part 4: "Model Policy Development: Issues for Consideration, Sample Policy Language and Requirements," reviews each required section of the HIB policy, references the related statute and regulation, and provides a set of issues for consideration when developing a local policy. Similarly, Part 5: "Implementation of Bullying Prevention Policies and Procedures," reviews each statutory and regulatory provision related to the implementation of HIB policy and provides issues for consideration when implementing HIB prevention policies and procedures.

Part 4, Model Policy Development: Issues for Consideration, Sample Policy Language and Requirements

Section #1 – Statute and Regulatory Requirement

The policy shall contain a statement prohibiting harassment, intimidation or bullying of a student. N.J.S.A. 18A: 37-15 (3) (b) (1) & N.J.A.C. 6A: 16-7.9 (a) 2i

Issues for Consideration in Local Policy Development

- Has the district considered including a statement of purpose in the policy?**
- Has a broad-based representation of school, parents, and community members been involved in the development of the policy?**
- Has the district considered including expectations against HIB to include employees, visitors, and volunteers?**

Section #2 – Statute and Regulatory Requirement

The policy shall contain a definition of harassment, intimidation or bullying, no less inclusive than the definition set forth in the model policy. N.J.S.A. 18A:37-15(3)(b)(2) and N.J.A.C. 6A:16-7.9(a) 2ii

Issues for Consideration in Local Policy Development

- Does the policy address bullying incidents not motivated by characteristics such as the target’s race, color, religion, gender, or sexual orientation?**
- Do district policies and procedures address and impose consequences for acts of HIB that occur off of school grounds including all forms of electronic communication, such as cyber-bullying?**
- Does the definition of HIB include “any electronic communication?”**
- Does the policy provide clear examples of what is meant by “electronic communication?”**

Section #3 – Statute and Regulatory Requirement

The policy shall include a description of the type of behavior expected from each student. N.J.S.A. 18A: 37-15 (3)(b)(3) & N.J.A.C. 6A: 16-7.9 (a) 2iii

Issues for Consideration in Local Policy Development

- Does the policy explain global expectations for student conduct while leaving administrators with the flexibility to address developmental ages and abilities of students, as well as the unique characteristics of the schools?
- Has the district developed guidelines for a code of student conduct involving a broad-base of school and community members, and based on locally determined and accepted core ethical values?
- Does the policy appear in all publications of the district’s rules, procedures, and standards of conduct, including the student handbook, and is the policy posted on the district’s website?
- Has the district made provisions to provide access to the policy for parents and guardians whose primary language is other than English?
- Does the policy include a statement prohibiting active or passive support for acts of harassment, intimidation and bullying?
- Does the policy provide guidance and encouragement to students to work constructively to stop acts of harassment, intimidation and bullying?
- Does the policy prohibit harassment, intimidation and bullying of school employees, visitors, or volunteers?

Section #4 – Statute and Regulatory Requirement

The policy shall include the consequences and appropriate remedial actions that is varied and graded for a person who commits an act of harassment, intimidation or bullying. N.J.S.A. 18A:37-15 (3)(b)(4) and N.J.A.C. 6A:16-7.9 (a) 2iv

Issues for Consideration in Local Policy Development

- Does the policy address consequences and appropriate remedial actions for both students and district staff members who commit an act of HIB?
- Are consequences for students who commit an act of harassment, intimidation and bullying consistent with the district board of education’s Code of Student Conduct?
- Are school officials aware that they are responsible for taking all appropriate steps to understand and rectify HIB-related problems that involves more than traditional punitive disciplinary actions?

- Has the district considered the factors for determining consequences, factors for determining remedial measures, examples of consequences, and examples of remedial measures, as bulleted in the model policy?
- Has school climate and culture been considered in the response to an act of harassment, intimidation, or bullying?
- Is an attempt made to actively involve parents in the remediation of behavior(s) of concern?

#5 – Statute and Regulatory Requirement

The policy shall include a procedure for reporting an act of harassment, intimidation or bullying including a provision that permits a person to report anonymously; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report. N.J.S.A. 18A: 37-15 (3) (b) (5) & N.J.A.C. 6A:16-7.9 (a) 2vii

Issues for Consideration in Local Policy Development

- Is the reporting procedure simple and non-threatening?
- Has the district created an incident reporting form?
- Has the district considered every mechanism available to facilitate reporting (e.g. oral reports, web-based reporting mechanisms and locked boxes in the areas of schools where reports can be submitted without fear of being observed)?

Section #6 – Statute and Regulatory Requirement

The policy shall include a procedure for prompt investigation of reports of violations and complaints, identifying either the principal or the principal’s designee as the person responsible for the investigation. N.J.S.A. 18A: 37-15 (3)(b)(6) & N.J.A.C. 6A:16-7.9 (a) 2viii

Issues for Consideration in Local Policy Development

- Does the district use existing policies and procedures, including those used to investigate alleged violations of the district’s code of student conduct, as appropriate?
- Have record keeping policies and procedures been established that create a defensible record which demonstrates the district’s efforts to remediate and reduce incidents of HIB, and that facilitate the evaluation of the district’s efforts to reduce incidents of HIB?

Section #7 – Statute and Regulatory Requirement

The policy shall contain the range of ways in which a school will respond once an incident of harassment, intimidation or bullying is identified. N.J.S.A. 18A: 37-15 (3)(b)(7) & N.J.A.C. 6A:16-7.9 (a) 2ix

Issues for Consideration in Local Policy Development

- Does the district respond appropriately to the individual who committed an act of HIB in every incident?
- Has the district set a range of responses at the individual, classroom, school, and district-wide level, as appropriate?
- Has support (e.g. counseling) been made available to individual victims of HIB and are responses conducted in a manner that provides relief to victims rather than stigmatize them?
- Do school officials respond to suspected hate or bias-related acts by reporting these incidents to law enforcement?
- Are all incidents of HIB, including related offender and victim information, reported over the NJDOE’s Electronic Violence and Vandalism Reporting System(EVRS)?

Section #8 – Statute and Regulatory Requirement

The policy shall contain a statement that prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying and the consequence and appropriate remedial action for a person who engages in reprisal or retaliation. N.J.S.A. 18A: 37-15 (3)(b)(8) & N.J.A.C. 6A:16-7.9 (a) 2x

Issues for Consideration in Local Policy Development

- Is a norm established in the district that all suspected acts of reprisal or retaliation are taken seriously and that appropriate responses are made?
- Are all suspected acts of reprisal or retaliation handled consistently?
- Are consequences and remedial actions specific to students, school employees, visitors or volunteers?

Section #9 – Statute and Regulatory Requirement

The policy shall contain the consequences and appropriate remedial action for a person found to have falsely accused another as a means of harassment, intimidation or bullying. N.J.S.A. 18A: 37-15 (3)(b)(9) & N.J.A.C. 6A:16-7.9 (a) 2xi

Issues for Consideration in Local Policy Development

- In the district, are the totalities of the circumstances surrounding individuals who falsely accuse others as a means of HIB considered?**
- Are decisions about consequences and remedial actions consistent with existing case law, Federal and State statutes and regulations, and district policies and procedures?**
- Is the policy clear that the district prohibits any person from falsely accusing another as a means of HIB?**
- Are consequences and remedial actions specific to students, school employees, visitors or volunteers?**

Section #10 – Statute and Regulatory Requirement

The policy shall contain a statement of how the policy is to be publicized, including notice that the policy applies to participation in school-sponsored functions. N.J.S.A. 18A: 37-15 (3)(b)(10) & N.J.A.C. 6A: 16-7.9 (a) 2xii

Issues for Consideration in Local Policy Development

- Is the policy widely disseminated in the district?**
- Are multiple strategies and strategies that are specific to the district's needs utilized to publicize the policy? (e.g. requiring all employees, students and parents to sign a written statement indicating that they have received and read the policy and agree to abide by the provisions of the policy)**
- Does the policy require that it be posted on the district's website?**
- Does the policy state that students and parents and guardians will be notified that the policy is available on the school district's website?**
- Is the policy distributed annually to parents and guardians who have children enrolled in the school in the school district?**
- Is the policy transmitted to the appropriate executive county superintendent of schools each time that it is updated?**

Part 5, Implementation of Bullying Prevention Policies and Procedures

Statutory and Regulatory Provision #1

Information regarding the district's policy against harassment, intimidation, and bullying, must be incorporated into a school's employee training program.

N.J.S.A.:37-17(5)(c) N.J.A.C. 6A: 16-7.9(d) 1i

Issues for Consideration in Local Policy Implementation

- Has the district included training on the policy in its employee training program?

Are the following components addressed in the district's training approach:

- Are staff members encouraged to become trained in skills and strategies for developing student self-discipline and to apply best practices for *positive* behavioral interventions?
- Is the policy used to help prepare staff to intervene with instances of HIB and also used as a prevention tool by explaining to students the district's expectation for their behavior?
- Does the district use explanation and dialogue with students and staff to help distinguish:
 - What is an instance of HIB vs. not?
 - What is "telling" and responsible "reporting" vs. "ratting" and "tattling"?
- Are experiential learning techniques used, such as role plays?
- Is the ultimate goal of the training to prevent and remediate problem behaviors?

Statutory and Regulatory Provision #2

The district is required to annually review the extent and characteristics of harassment, intimidation, and bullying behavior in the school buildings of the school district and implement locally determined programmatic or other responses if deemed appropriate by the district board of education. N.J.A.C. 6A: 16-7.9(d) 3

Issues for Consideration in Local Policy Implementation

- When did the review take place and what data sources were used?
- What were the results of the review?
- What was done with the results of the review?

Statutory and Regulatory Provision #3

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

Issues for Consideration in Local Policy Implementation

- When did the review take place?**
- What were the results?**
- Was the code of student conduct reviewed and updated?**

Statutory and Regulatory Provision #4

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

Issues for Consideration in Local Policy Implementation

- When did the discussion(s) take place?**
- How did the discussion(s) take place?**