

CARRIER CLINIC

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Title: Process and Procedures for Hazing, Harassment, Intimidation and Bullying	Chapters: (S) East Mountain School #5512
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References: NJSA 18A:37-13 et seq, N.J.A.C. 6A:16-7, N.J.S.A. 18A:37-15.	Signature: VP, Administrative Services

POLICY:

This policy is intended to help reinforce and maintain a safe and orderly school environment; to prevent harassment, intimidation, and bullying among students; and to establish reporting procedures and consequences for violations of this policy (as per NJSA 18A:37-13 *et seq.*). It applies to all school activities which occur on or off grounds during regular or special school hours, and on the school bus. In order for our students to learn and benefit from our program, they need to feel that they are in a safe environment. This policy is one among many that are intended to create a safe and orderly school environment at East Mountain School (a division of Carrier Clinic).

PROCEDURES:

- I. Harassment, intimidation and bullying of a student are strictly prohibited.
A safe, civil and orderly school environment is necessary for learning and achievement to occur. Disruptive and violent behaviors such as harassment, intimidation and bullying interfere with the teaching/learning process and disrupt the school's ability to provide a safe and orderly environment for students. All individuals associated with the school should treat others with civility and respect, and refuse to tolerate acts of harassment, intimidation and bullying.

- II. Definition
Harassment, intimidation or bullying means any gesture or written, verbal or physical act that takes place on school property, at any school-sponsored function or on a school bus and that:
 - a. 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
 - b. by any other distinguishing characteristic; and

- c. a reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property; or
- d. has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.
- e. The motivating factors related to the behavior in question will distinguish an act of harassment, intimidation or bullying from other behaviors. One student exercising power or control over another student either in an isolated event or a series or pattern of events is also considered harassment, intimidation or bullying and a violation of this policy.

Bullying is unwanted, aggressive behavior that may involve a real or perceived power imbalance.

III. Behavioral Expectations

The East Mountain School (a division of Carrier Clinic) administration expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

Students that are affected by emotional and behavioral disorders face a greater challenge than non-disabled students when trying to meet the behavioral expectations of a school. The staff of the East Mountain School (a Division of Carrier Clinic) recognizes, understands and accepts this reality. Anger control problems, aggressiveness, impulse control problems and a disregard for the rights of others are common characteristics of our students. Nevertheless, our mission is to help students improve their school behavior and progress towards their Individual Education Plan (IEP) goals through a combination of counseling services, a behavior management program, and an individualized instructional program. Behavioral expectations for our students, along with appropriate rewards, consequences, disciplinary measures, and other interventions should be included in the IEP and the behavioral intervention plans. The goals of an IEP should include the development of behaviors that are conducive to learning; conform to reasonable standards of socially acceptable behavior; reinforce respect for people, property and the rights of others; and reinforce acceptance of and compliance with constituted authority. The school's behavior management program shall include a process for recognizing, reinforcing and rewarding appropriate behaviors – behaviors that reflect good conduct, self-discipline, good citizenship and academic achievement.

Due Process:

Should a student disagree with a staff member regarding the staff's determination that behavioral expectations were not met and that consequences/discipline should be applied, the student may do one or more of the following:

- a. review the matter with the staff member directly;
- b. Ask a counselor or other staff member to intervene on their behalf;
- c. Ask a supervisor/administrator to intervene on their behalf;
- d. Ask a parent/guardian to intervene on their behalf.

When a matter of discipline is being reviewed, the student should have an opportunity to present his/her side. The staff member initiating the complaint should be able to present his/her side as well. Other staff or students may be interviewed as needed. The student's current behavioral status, progress towards current goals, strengths and weakness, social and emotional issues, the student's IEP and behavioral intervention plan and other relevant

information should be taken into consideration before determining that a violation occurred and what if any consequences should be applied.

Bystanders:

Research has shown that bystanders play a crucial role in the dynamics of bullying, harassment and intimidation. The act of watching one student bully another can support and reinforce this aggressive behavior. Active or passive support of bullying harassment or intimidation is prohibited and subject to disciplinary action up through and including suspension from school. Consequences for 'bystander' behavior shall be determined after a careful review of the incident, the student's behavior and the student's history. When appropriate, an intervention for 'bystander' behavior may be considered for inclusion in the student's IEP behavioral intervention plan. Bystander behavior shall be documented and tracked via the school's behavior management program.

Discouraging Bystanders:

Students will be encouraged to walk away from bullying situations, to encourage others to walk away from a bullying situation, to try to constructively stop the inappropriate behavior, and to report any incident of bullying, harassment or intimidation of a student. Appropriate recognition and rewards shall be included in the school's behavior management program.

IV. Consequences and Remedial Actions

Any student found to be engaging in bullying, harassment or intimidation shall be subjected to consequences and/or remedial actions. The consequences/remedial actions shall be determined by the Supervisor in consultation with the student's school counselor, parent/guardian and other staff members as needed. The consequences/remedial actions shall be consistent with the school's behavior management program and with the student's IEP. Before determining the consequences/remedial actions the Program Supervisor, counselor and other staff shall take into consideration the following factors:

- a. developmental and maturity levels of the students involved
- b. level of harm
- c. surrounding circumstances
- d. nature of the behaviors
- e. past incidences or past/continuing patterns of behavior
- f. relationship between the students involved
- g. context in which the alleged incident occurred
- h. psychiatric, social/emotional factors
- i. IEP
- j. behavioral intervention plans

All facts and circumstances surrounding an incident must be considered before determining that a violation of this policy occurred. Consequences/remedial actions may range from positive behavioral interventions to suspension or termination of placement. Consequences need to be consistent with case law, federal and state regulations, school and Carrier Clinic policies and procedures, and the student's IEP.

Due Process and Appeal, Parents or guardians of students who attend an APSSD and are parties to an HIB investigation may request a hearing before the sending district board of education concerning the information received about an investigation.

Any request by the parents or guardians for a hearing before the district board of education concerning the written information about an HIB investigation, shall be filed with the district board of education secretary no later than 60 calendar days after the written information is received by the parents or guardians

V. Reporting and Investigating Alleged Incidents

1. Any act of harassment, intimidation or bullying shall be reported to the HIB Coordinator and Supervisor(s) responsible for the students involved.
2. All staff are required to report alleged violations of this policy to the Supervisor, whether they have direct or indirect knowledge of an incident. The report shall be documented on an Incident Report.
3. Prior to initiating an investigation, the principal, or his or her designee, in consultation with the anti-bullying specialist, may make a preliminary determination as to whether a reported incident or complaint, assuming all facts presented are true, constitutes harassment, intimidation or bullying. If a preliminary determination finds the incident or complaint is a report outside the scope of the harassment, intimidation, or bullying, the determination may be appealed to the sending district board of education pursuant to district board of education policies and procedures governing pupil grievances, and thereafter to the Commissioner in accordance with applicable provisions of the New Jersey Administrative Code
4. East Mountain School will investigate a complaint or report of harassment, intimidation, or bullying, occurring on East Mountain School grounds, on East Mountain School buses, or at East Mountain School-sponsored activities, involving a student who attends an Approved Private School for Students with Disabilities (APSSD).
5. Students, either victims of or witnesses to acts of harassment, intimidation or bullying, are encouraged to report these incidents to the Supervisor as well. They may make their report directly to the Supervisor or through another staff member. These reports can be made orally or in writing, and they can be made anonymously.
6. Parents, bus drivers or any other individual with knowledge of an alleged violation of this policy are also encouraged to report an incident. These reports can be made orally or in writing and may be made anonymously.\
7. East Mountain School, an approved private school for students with disabilities (APSSD) shall notify the appropriate sending district board(s) of education personnel of the students involved when the APSSD receives a complaint or report of an act of HIB occurring on a sending district board of education school bus, at a sending district board of education school-sponsored function, and off school grounds. When a complaint or report of HIB involves students from more than one school district, the sending district board(s) of education of the victim(s) involved shall initiate the investigation.
8. The HIB Coordinator shall promptly investigate all reports of harassment, intimidation or bullying.
9. The investigation shall include at least the interviewing of all students involved – victims, witnesses, bystanders, etc.
10. Consequences and/or remedial actions shall be applied as described above (Section IV).
11. The school prohibits reprisals or retaliation against any person who reports an act of harassment, intimidation or bullying. Consequences and/or remedial actions for a person who engages in acts of reprisal or retaliation shall be determined by the Program Supervisor(s) after consideration of the factors described in Section IV.

12. Any person found to have made a false accusation as a means of harassing, intimidating or bullying another person shall be subject to consequences and/or remedial actions as described in Section IV.
13. Any employee found to be engaging in acts of harassment, intimidation or bullying in any form shall be subjected to disciplinary action as per Carrier Clinic policies. Employee accusations of HIB will be investigated by school administration and the Human Resources Department of Carrier Clinic.
14. Records shall be kept by the school's Chief School Administrator (Director/Principal) or his/her designee of all incident reports related to alleged policy violations. These reports will be used to evaluate the school's efforts to reduce incidents of harassment, intimidation and bullying.

VI. Publicizing the Policy

The Chief School Administrator (Director/Principal) shall be responsible for making arrangements to inform all staff, students, parents/guardians and other individuals associated with the school of this policy and the reporting and investigating procedures contained therein on an annual basis. Staff will be informed during orientation. Parent/guardians and students will have a copy of the policy and procedure mailed to them at the start of each year. New students will be informed during the admissions process. Bus drivers will be informed at the start of each school year. A copy of this policy will be posted on the East Mountain School Website.

The Chief School Administrator (Director/Principal) shall make it known that this policy applies to any and all acts of harassment, intimidation or bullying that occur on school property, at all school-sponsored activities on or off grounds, during or after school hours, and on school buses.

VII. Prevention Programs

As part of the school's training, orientation and supervision of staff, this policy, its reporting procedures and methods for detecting and preventing incidents of harassment, intimidation and bullying will be reviewed with staff at various times during the school year. Opportunities to review this information include the annual department orientation, in-service days and staff supervision.

This policy and its purpose and procedures will be given to students on an annual basis, will be discussed in both individual and group counseling sessions and may play a prominent role in a student's IEP and behavioral intervention plan. As has been our practice, we will continue to discuss with students the benefits of reporting incidents as opposed to not telling on someone.

Other programs may be developed to address situations related to harassment, intimidation and bullying as a result of the annual evaluation of the data related to this policy.