

REGULATION

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R 5512 HARASSMENT, INTIMIDATION, OR BULLYING INVESTIGATION PROCEDURE (M)

The Board of Education authorizes a prompt investigation of reports and violations and complaints of harassment, intimidation and bullying in accordance with the provisions of N.J.S.A. 18A:37-15(b)6.

The following investigation procedure shall be used for all allegations of harassment, intimidation, or bullying:

1. Upon receipt of a reported incident or complaint of harassment, intimidation or bullying by an adult or youth against a student, including students who attend approved private schools for students with disabilities, the Principal, 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, is a report within the scope of N.J.S.A. 18A:37-14.
2. If the Principal's preliminary determination is that the incident or complaint reported is outside the scope of N.J.S.A. 18A:37-14, the individual reporting the incident will be notified and the Principals' determination may be appealed to the Board of Education and thereafter to the Commissioner of Education in accordance with N.J.A.C. 6A:3. The Board's Pupil Grievance Policy 5710 shall govern.
3. If the Principal determines that the reported incident or complaint is within the scope of N.J.S.A. 18A:37-14, then s/he will inform the parents of all students involved in the alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services.
 - a. The Principal shall take into account the circumstances of the incident when providing notification to parents and guardians of all students involved in the reported harassment, intimidation, or bullying incident and when conveying the nature of the incident, including the actual or perceived protected category motivating the alleged offense.
4. An investigation shall be initiated by the Principal or the Principal's designee within one school day of the report of the incident and shall be conducted by a school's Anti-Bullying Specialist.
 - a. The Principal may appoint additional personnel who are not school Anti Bullying Specialists to assist in the investigation.
 - b. For investigations concerning students who attend approved private schools for students with disabilities, the anti-bullying specialist shall

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conduct his/her investigation in consultation with the anti-bullying specialist of the approved private school.

- c. Investigations of complaints concerning staff members shall not be conducted by a member of the same collective bargaining unit as is the individual who is the subject of the investigation.
5. The investigation shall be completed as soon as possible, but not later than ten school days from the date of the written report of the incident of harassment, intimidation, or bullying.
 - a. In the event that there is information relative to the investigation that is anticipated but not yet received by the end of the ten-day period, the school Anti-Bullying Specialist may amend the original report of the results of the investigation to reflect the information.
6. The results of the investigation shall be reported to the Superintendent of Schools within two school days of the completion of the investigation, and in accordance with regulations promulgated by the State Board of Education pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
7. The Superintendent of Schools may decide to provide intervention services, establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, order counseling as a result of the findings of the investigation, or take or recommend other appropriate action.
8. The results of each investigation shall be reported to the Board of Education no later than the date of the next Board of Education Meeting following the completion of the investigation, along with information on any services provided, training established, discipline imposed, or other action taken or recommended by the Superintendent.

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9. Within five days of reporting the investigation findings to the Board of Education, the District shall provide parents or legal guardians of the pupils who are parties to the investigation with information about the investigation, in accordance with Federal and State law and regulation, including the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, or whether discipline was imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.
10. A parent or legal guardian may request a hearing before the Board of Education after receiving the information.
 - a. Parents have sixty (60) days, from the date they receive written information regarding the investigation and findings, to request a hearing before the Board of Education.
 - b. This hearing shall be held within ten days of the request;
 - c. If a parent requests a hearing before the Board of Education, the Superintendent or his/her designee shall notify the parent(s) of the other student parties of the opportunity to participate in the hearing as well.
 - i. If parents of multiple students choose to participate in a hearing before the Board of Education, their presentations shall be sequestered.
 - d. The Board shall meet in executive session for the hearing to protect the confidentiality of the pupils; and
 - e. At the hearing the Board may hear from the school Anti-Bullying Specialist about the incident, recommendations for discipline or services, and any programs instituted to reduce such incidents.
11. At the next Board of Education meeting following its receipt of the report, the Board of Education shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with the procedures set forth in law and regulation, no later than ninety days after the issuance of the Board's decision.
12. A parent, pupil, legal guardian, or organization may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a

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protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

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