

# Holmstead School

## Policy

### Prohibiting Harassment, Intimidation or Bullying

In accordance with N.J.S.S. 18A: 37-15 (3)(b)(2)

1. **Holmstead School prohibits acts of harassment, intimidation or bullying.**  
Holmstead School believes that all students are entitled to work and study in a school-related environment that is free of harassment, intimidation and bullying. Our mission is based on a philosophy of deep respect for the inherent worth of each individual, regard for the environment, and belief in the capacity for personal change. We commit ourselves to forming relationships with people so that each person may experience a sense of belonging, dignity and hope. It is through relationships that students and staff grow in self-understanding and self-esteem. Each person has the right to self-determination. Therefore, a safe and civil environment in school is necessary for our students to fulfill this mission and to learn and achieve high academic standards. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and our ability to educate students in a safe environment, and therefore will not be tolerated.
  
2. **Definition:**  
“Harassment, intimidation or bullying” means any gesture or written (which includes cyber-bullying), verbal or physical act that takes place on school property, at a school-sponsored function or on a school bus 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 that
  - b. a reasonable person should know, under the circumstances, 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 that
  - c. has the effect of insulting, excluding, threatening, alarming, annoying, abusing 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; or that
  - d. has the purpose or effect of unreasonable interference with an individual's work performance or creating an otherwise intimidating, hostile, or offensive learning/recreational environment; or when
  - e. one student exercises power and control over another student, in either isolated incidents (e.g. intimidation / harassment) or patterns of harassing or intimidating behavior (e.g. bullying).

**3. Student behavioral expectations:**

The Holmstead School expects students to treat one another with kindness and respect. It is expected that they 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.

General guidelines and procedures for student behavior have been developed for our program and they are reviewed annually with our students. These guidelines and procedures are suited to the age of our students and the mission and physical facilities of the school. All students are required to adhere to these rules and guidelines along with their individual goals and to submit to such disciplinary measures as are appropriately assigned for infractions of these rules.

**4. Consequences & remedial actions:**

In determining the appropriate response to students who commit one or more acts of harassment, intimidation or bullying, we will consider the following factors: the development and maturity levels of the parties involved, the levels of harm, the surrounding circumstances, the nature of the behaviors, past or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incidents occurred.

Concluding whether a particular action or incident constitutes a violation of our policy requires a determination based on all of the facts and surrounding circumstances. After meaningful consideration of these factors, the Director will determine an appropriate consequence that is consistent with the case law, Federal and State statutes, regulations and policies, and Holmstead policies and procedures. Consequences and appropriate remedial action for students who commit acts of harassment, intimidation or bullying may range from behavioral interventions to suspension or removal from our program.

**5. Reporting a case of harassment, intimidation or bullying:**

Members of the Holmstead staff must direct complaints alleging violations of this policy to the Director. Incident reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report. Further, all Holmstead personnel will be responsible for adhering to this policy.

**6. Investigation of reports of violations & complaints:**

The Director is responsible for determining whether an alleged act constitutes a violation of this policy. A prompt, thorough, and complete investigation of the alleged incident will take place according to the standard Holmstead policy for investigating and reporting behavioral incidents. A detailed record of each investigation regarding allegations of harassment, intimidation and bullying will be maintained in the Director's office.

**7. Consequences and response of incidents of harassment, intimidation & bullying:**

Consequences and appropriate remedial actions for students who commit an act of harassment, intimidation or bullying may result in suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils.

In considering whether a response beyond the individual level is appropriate, the Director should consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences or past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. Responses may range from adoption of research based bullying prevention program models, to training certified staff. They may further include participation of parent(s) or legal guardian(s) and other community members and organizations, small or large group presentations for fully addressing the actions and our response to the actions, in the context of the acceptable student behavior and the consequences of such actions, or involvement of law enforcement officers.

**8. Reprisal or retaliation for reporting an act of harassment, intimidation or bullying:**

Reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying will be strictly prohibited. The Director shall determine the consequences and appropriate remedial action for a person who engages in reprisal or retaliation after consideration of the nature and circumstances of the act.

**9. Consequences for false accusations:**

Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation or bullying will be dealt with in a timely manner. Consequences and appropriate remedial action for a school employee found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the Director after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials and possible legal action.

**10. Publicizing the policy:**

The policy shall be disseminated annually to all school staff, students and parents, along with a statement explaining that it applies to all acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions or on school bus. This policy will be included in the annual orientation for staff and students. Each student will be required to sign a form which indicates that they have been fully informed of all school policies as outlined in the Parent Student Manual.

**11. Establishment of Bullying Prevention Programs:**

This policy will be included in the review of all school policies and procedures conducted annually prior to the start of the new school year with all school staff. In addition, the school will provide on-going training on harassment, intimidation and bullying to school employees who have significant contact with students.