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# University Academy

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AT NEW JERSEY CITY UNIVERSITY

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## **HARASSMENT, INTIMIDATION AND BULLYING POLICY**

### **Section 1: Policy Statement**

The University Academy Charter High School and its Board of Trustees prohibits acts of harassment, intimidation or bullying. A safe and civil environment in school is necessary for pupils to learn and achieve high academic standards. Harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe environment; and since pupils learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying.

### **Section 2: Definition**

"Harassment, intimidation or bullying" means any gesture, written, electronically communicated\*, verbal, or physical act that takes place on school property, at any school-sponsored function or on a school bus and that:

1. 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
2. By any other distinguishing characteristic; and
3. A reasonable person should know, under the circumstances, that the act(s) will have the effect of harming a pupil or damaging the pupil's property, or placing a pupil in reasonable fear of harm to his/her person or damage to his/her property; or
4. Has the effect of insulting or demeaning any pupil or group of pupils in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

*\*\*Electronic Communication" means a communication transmitted by means of any an electronic device, including but not limited to, a telephone, cellular phone, computer, or pager.*

### **Section 3: Expected Behavior**

The Board expects pupils 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 pupils and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The Board believes that standards for pupil behavior must be set cooperatively through interaction among the pupils, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline.

The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of pupils, staff and community members.

The Board believes the best discipline is self-imposed and it is the responsibility of school district staff to use disciplinary situations as opportunities to help pupils learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with pupils shall apply the best practices designed to prevent discipline problems and encourage pupils' abilities to grow in self-discipline.

General guidelines for pupil conduct will be developed by the school lead person or his/her designee in conjunction with school staff, and reviewed by the Board. These guidelines will be developed based on accepted core ethical values from broad community involvement with input from parent(s) or legal guardian(s) and other community representatives, school employees, volunteers, pupils and administrators. These guidelines for pupil conduct will be suited to the age level of the pupils and the mission and physical facilities of the individual school(s) in the district. This Policy requires all pupils in the district to adhere to these rules and guidelines and to submit to such disciplinary measures as are appropriately assigned for infraction of these rules and guidelines.

The district prohibits active and passive support for harassment, intimidation or bullying. Pupils are encouraged to support other pupils who walk away from these acts when they see them, constructively attempt to stop them, and report these acts to the Building Principal or his/her designee.

Pupils are required to conform to reasonable standards of socially acceptable behavior; respect the person, property and rights of others; obey constituted authority; and respond to school district teaching, support and administrative staff. Each school Principal will develop and provide a school-based program for appropriate recognition for positive reinforcement for good conduct, self-discipline, good citizenship and academic success.

The school lead person or his/her designee will provide annually to pupils and their parent(s) or legal guardian(s) the rules of the district regarding pupil conduct, pupil's due process and other rights. This Policy will appear in all publications of the school district's comprehensive rules, procedures and standards of conduct for school(s) within the district, including pupil handbooks. Provisions will be made for informing parent(s) or legal guardian(s) whose primary language is other than English.

#### **Section 4: Consequences and Appropriate Remedial Actions**

The following factors will be considered in determining the appropriate response to pupils who commit one or more acts of harassment, intimidation or bullying.

##### ***Factors for Determining Consequences***

1. The developmental and maturity levels of the parties involved;
2. The levels of harm;
3. The surrounding circumstances;
4. The nature of the behavior(s);
5. Past incidences or continuing patterns of behavior;
6. The relationships between the parties involved; and
7. The context in which the alleged incidents occurred.

Concluding whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances.

An appropriate consequence will be determined after meaningful consideration of these factors. Consequences and appropriate remedial action for pupils who commit acts of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The appropriate consequence will be consistent with the case law, Federal and State statutes, and district/school policies and regulations.

#### **Section 5: Reporting Procedure**

Complaints alleging violations of this Policy shall be reported to the Principal or his/her designee. All school employees are required to report alleged violations of this Policy to the Principal or his/her designee. All other members of the school community, including pupils, parent(s) or legal guardian(s), are encouraged to report any act that may be a violation of this Policy. While submission of an Incident Report Form to the Principal or his/her designee is not required, the reporting party is encouraged to use the Incident Report Form available from the Principal of each building or available at the school district office. Oral reports will also be considered official reports. Reports may be made anonymously, but

formal disciplinary actions may not be based solely on the basis of an anonymous report.

### **Section 6: Investigation**

The Principal or his/her designee is responsible for determining whether an alleged act constitutes a violation of this Policy. The Principal or his/her designee shall conduct a prompt, thorough and complete investigation of the alleged incident. The Principal or his/her designee will maintain a record of each investigation regarding allegations of harassment, intimidation and bullying.

### **Section 7: Response to Incident of Harassment, Intimidation or Bullying**

Some acts of harassment, intimidation or bullying may be isolated incidents requiring the school respond appropriately to the individual(s) committing the acts. Other acts may be so serious or part of a larger pattern of harassment, intimidation or bullying that require a response either at the classroom, school building or school district level or by law enforcement officials.

Consequences and appropriate remedial actions for pupils who commit an act of harassment, intimidation or bullying range from positive behavioral interventions up to and including 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 administrator will consider the nature and circumstances of the act, the level of harm, the nature of the behavior, past incidences, past or continuing patterns of behavior, and the context in which the alleged incident(s) occurred. The school district's responses can range from school and community surveys, to mailings, to focus groups, to adoption of research-based bullying prevention program models, to training for certificated and non-certificated staff. The district's responses may include participation of parent(s) or legal guardian(s) and other community members and organizations, to small or large group presentations for fully addressing the actions and the school district's response to the actions in the context of acceptable student behavior or the consequences of such actions and involvement of law enforcement officers, including school resource officers.

### **Section 8: Reprisal or Retaliation Prohibited**

The school district prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Principal or his/her designee after consideration of the nature

and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

### **Section 9: Consequences for False Accusation**

Consequences and appropriate remedial action for a pupil found to have falsely accused another as a means of harassment, intimidation or bullying range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1, Discipline of Pupils.

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 disciplined in accordance with district policies and procedures.

Consequences and appropriate remedial action for a visitor or volunteer, found to have falsely accused another as a means of harassment, intimidation or bullying shall be determined by the Principal or his/her designee, after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

### **Section 10: Policy Publication**

This policy and disseminated annually to all school staff, pupils, parent(s) or legal guardian(s), along with a statement explaining the Policy applies to all acts of harassment, intimidation and bullying that occur on school property, at school-sponsored functions or on a school bus.

This policy shall appear in any publication of the school district that sets forth its comprehensive rules, procedures, and standards (Student Handbook).

This policy must be posted on the school website and students and parents shall be notified annually of its availability.

This policy shall be transmitted to the Hudson County Superintendent of Schools.

### **Statutory and Regulatory Provisions**

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. 18A:37-17.c. and N.J.A.C. 6A:16-7.9(d)1i

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 determined appropriate by the district board of education. N.J.A.C. 6A:16-7.9(d)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 the 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

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.S.A. 18A:37-17.b. and N.J.A.C. 6A:16-7.9(d)2

Pursuant to N.J.S.A. 18A:37-17a., the district will establish bullying prevention programs, and other initiatives involving school staff, pupils, administrators, volunteers, parent(s) or legal guardian(s), law enforcement and community members in developing such programs and initiatives.