

FAQ: What Every Parent | Caregiver Needs to Know About Harassment, Intimidation & Bullying (HIB)

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Q: What is the statutory definition of HIB as per the law?

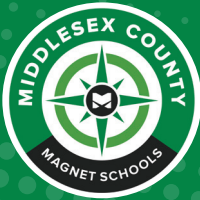
A: “Any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, c.122 (C.18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students AND that: (a) a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student’s property, or placing a student in reasonable fear of physical or emotional harm to his person or damage to his property; (b) has the effect of insulting or demeaning any student or group of students; or (c) creates a hostile educational environment for the student by interfering with a student’s education or by severely or pervasively causing physical or emotional harm to the student. – The Anti-Bullying Bill of Rights (ABR), authorized in January 2011 and amended in July 2022.

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Q: What is the difference between conflict and bullying?

A:

Conflict	Bullying
Conflict is experienced by everyone. Interpersonal conflict is between two or more people and can be prompted by differences in perceptions and interests. Those involved in a conflict usually feel pulled in different directions at the same time. Includes disagreements, arguments and fights. Equal power.	One sided conflict. Intent is to hurt someone and must have distinguished characteristics, real or perceived. Bullying is unwanted and aggressive behavior by one or more people that can be harmful to those targeted. Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally and excluding someone from a group on purpose.



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Q: What is cyberbullying?

A: Cyberbullying is bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, applications online in social media, forums, or gaming where people can view, participate in, or share content. Cyberbullying includes sending, posting, or sharing negative, harmful, false, or mean content about someone else. It can include sharing personal or private information about someone else causing embarrassment or humiliation. Some cyberbullying crosses the line into unlawful or criminal behavior. The most common places where cyberbullying occurs are: Social Media, such as Facebook, Instagram, Snapchat, and TikTok, text messaging and messaging apps on mobile or tablet devices, instant messaging, direct messaging, and online chatting over the internet, online forums, chat rooms, and message boards, such as Discord, Reddit and email.

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Q: How does the school determine if a substantial disruption or interference has occurred?

A: Through the investigative process, the school will collect information from relevant witnesses to determine the impact of the act on the alleged target, or on the orderly operation of the school.

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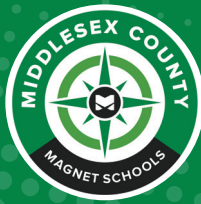
Q: If an incident occurs off school grounds, can the school discipline the offender(s) if HIB is found?

A: Although a finding of HIB can be found for conduct off school property, imposition of discipline is subject to the following restrictions: 1) Only when discipline is reasonably necessary for the student's physical or emotional safety, security, and well-being or for reasons relating to the safety, security or well-being of other students, staff or school property pursuant to N.J.S.A. 18A:25-2 and N.J.S.A. 18A:37-2; 2) Only when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

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Q: When are parents/guardians notified of a HIB investigation? What information is shared at that time?

A: The principal or designee will notify the parent/guardian by phone on the first day of the investigation, informing them with general information regarding the nature of the allegation. Please understand that this phone call does NOT mean that the school is accusing your child of bullying. The principal is not permitted to disclose the names of the other students involved.



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Q: How long does the school have to conduct an investigation?

A: The principal must initiate an investigation within one school day of the verbal or initial report, and the investigation must be completed within ten school days from the date of the written report.

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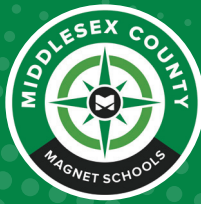
Q: What if the parent/guardian does not want their child to be interviewed as part of the investigation?

A: The Anti-Bullying Bill of Rights Act does not require school districts to request parental consent, and does not provide parents with the right to deny a school district permission to interview their child. The District retains sole discretion with respect to who the appropriate interviewees are in a particular investigation. It is critical for parents/guardians to understand that the school may only consider the information they gather during the HIB process, and must still proceed with the investigation and make a determination. A student who withholds information will not have their side of the story considered in the findings.

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Q: Do parents/guardians have the right to be present when their child is interviewed?

A: No. While the statute requires parental notification of the bullying allegation, N.J.S.A. 18A:37-15b.(5), and the findings of the Board, N.J.S.A. 18A:37-15b.(6)(d), there is no requirement that the parent be present during their child's interview and parents do not have a right under the statute to participate in HIB investigations involving their children. In addition, information identifying other students cannot be discussed if a parent were present, and this could compromise the investigation.



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Q: When are the parents/guardians notified of the findings? What information is shared at that time?

A: Within five (5) school days after the results of the investigation are reported to the Board, the parents of the students who are parties to the investigation must be provided with written information about the investigation.

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Q: What is the investigation process?

A:

