

POLICY

Board of Education

Bernards Township

File Code: M 8465

HATE CRIMES AND BIAS INCIDENTS IN SCHOOLS

The Board of Education affirms its responsibility to ensure a prompt and decisive response to each bias incident that may occur on school grounds or is committed by or is directed at a student.

A hate crime is any suspected or confirmed offense or unlawful act which is directed at or occurs to a person, private property, or public property on the basis of race, color, religion, sexual orientation, or ethnicity. An offense is bias-based and thus constitutes a hate crime if the motive for the commission of the offense or unlawful act is racial, religious, ethnic, or pertains to sexual orientation. The designated hate crime incident offenses are:

1. Murder
2. Manslaughter
3. Rape
4. Robbery
5. Aggravated Assault
6. Burglary
7. Simple Assault
8. Fear of Bodily violence
9. Arson
10. Criminal Mischief
11. Damage to Property
12. Weapons Offenses
13. Sex Offenses
14. Terroristic Threats
15. Trespass
16. Disorderly Conduct
17. Harassment
18. Desecration of Venerated Objects

Largely based on the definition developed by the Office of Bias crime and Community Relations, Division of Criminal Justice of the State of New Jersey Attorney General's office, a bias incident is:

“Any suspected or confirmed offense or unlawful act which is directed at or occurs to a person, private property or public property on the basis of race, color, religion, sex, familial relationship, ethnicity, creed, national origin, ancestry, age, marital status, handicap or disability. (The term “bias incident” is broader than the term “hate crime,” in that a bias incident need not involve an act which constitutes an offense against the law.)”

The Board further affirms its commitment that it shall not tolerate any bias whether committed by or directed at a student or committed by or directed at an employee.

The Board directs the superintendent to develop and implement all necessary administrative regulations and procedures to meet the requirements of this policy.

The Board directs the Superintendent to ensure that all necessary information shall be disseminated to employees and students to promote self-esteem through the curriculum.

POLICY - Continued

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The issue of bias has been addressed in a number of policies and may be cross-referenced in the following:

TITLE	FILE CODE
Public Complaints and Inquiry	9130
Rights of Handicapped Persons	1510
Students - Non-Discrimination	2260
Personnel - Affirmative Action	1550
Equal Educational Opportunity	5750
Equal Employment Opportunity	1530
Sexual Harassment - Teaching Staff	3362
Sexual Harassment - Support Staff	4352
Sexual Harassment - Pupils	5751
Equity in Educational Programs	5755

Required Actions

Whenever any school employee in the course of his/her employment has reason to believe that 1) a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours, or 2) that a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on school property or during school hours, the school employee shall immediately notify the building principal and the principal shall notify the Superintendent.

In deciding whether to refer the matter of a bias incident to the Bernards Township Police Department and the county prosecutor's office, the building principal and the Superintendent, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public. The building principal and Superintendent should consider the possibility that the suspected incident could escalate or result in some form of retaliation which might occur within or outside school property.

It is understood a referral to the Bernards Township Police Department or county prosecutor's office is only a request to conduct an investigation and nothing more than the transmittal of information which might be pertinent to any such law enforcement investigation. A referral is not an accusation or formal charge.

Unless the Bernards Township Police Department or the county prosecutor's office request otherwise, our School District will continue to investigate a suspected hate crime or bias incident occurring on school property and may take such actions as necessary and appropriate to redress and remediate any such acts.

POLICY - Continued

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School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias incident pending the arrival of the Bernards Township Police Department or the county prosecutor's office. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Bernards Township Police Department or county prosecutor's office.

The Superintendent shall promulgate a complaint procedure for the adjudication of disputes alleging violation of the law prohibiting discrimination and to promptly address any alleged violations of the aforementioned policies.

N.J.S.A. 2A:4A-60c
N.J.A.C. 6:29-10.1 et seq.

ADOPTED: July 28, 1997

REVIEWED: January 14, 2008