

What is Harassment, Intimidation, and Bullying?

New Jersey Statutory Definition (adopted January 2011; effective September 2011)

"Harassment, intimidation or bullying" means 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 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;
- has the effect of insulting or demeaning any student or group of students; or
- 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.

L.2002, c.83, s.2; amended 2007, c.129, s.1; 2010, c.122, s.11.

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

Bullying or Not

Bullying

(Imbalance of Power, actual or perceived, to embarrass, control or harm others)

Not Bullying

Written, Verbal, or Electronic Communication*

The behaviors below may be considered bullying.

- Teasing with a conscious decision to hurt someone
- Name-calling
- Gossiping
- Demeaning comments
- Spreading rumors about someone
- Taunting
- Threatening to cause harm or intimidation
- Sexual comments
- Telling other children not to be friends with someone
- Embarrassing someone in public
- Embarrassing or demeaning photographs

- Expressing opinions or comments are not always bullying
- A statement of dislike toward or about someone
- Teasing in a playful, friendly and mutual manner
- Arguments or heated disagreements between two or more people/groups are not always bullying (conflict)
- **Conflict is normal.**

Physical Act*

The behaviors below may be considered bullying.

- Staring or glaring
- "Pretending to whisper" while looking at someone

- Choosing different people or groups to play with, hangout with, and/or sit with at lunch from time to time

- Shunning
- Making mean or rude gestures
- Ostracizing or deliberately excluding someone
- Fighting, assaulting
- Deliberate spitting
- Deliberate tripping/pushing
- Taking or breaking someone's things
- Helping others to bully someone

- Not playing with someone because one chooses to do something different
- Not playing fairly or according to one's own rules is not always bullying
- Accidentally bumping into someone

***The actions above must meet the following criteria:**

Have been motivated by an 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

AND

Take place on school property, at any school-sponsored function, or on a school bus or off school grounds;

AND

Substantially disrupt or interfere with the orderly operation of the school or the rights of other students; **and that**

- i. a reasonable person should know it 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;
- ii. has the effect of insulting or demeaning; or
- iii. creates a hostile educational environment.

Actions that do not meet the HIB criteria will be addressed by the district's Code of Conduct.