

Harassment, Intimidation, and Bullying (HIB)

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The investigation process, definition, and other important information!

HIB Definition

“Harassment, intimidation, or bullying” means:

Any gesture, any written, verbal, or physical act or any electronic communications, whether it is a single incident or a series of incidents that:

- Is reasonably perceived as being motivated by either any actual or perceived characteristic
- Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds
- Substantially disrupts or interferes with the orderly operation of the school or the rights of other students
- **MUST meet all of these criteria in order for it to be a HIB!**

HIB Definition

Substantially disrupts or interferes with the orderly operation of the school or the rights of other students

- A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging a student's property, or placing a student in reasonable fear of physical or emotional harm to her his/her person or damages to his/her property, or;
- 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 hard to the student.
- **Must meet at least one of these criteria for it to be a HIB.**

Other Distinguishing/Protected Characteristics

- Race, creed, color, national origin, ancestry, sex, religion, age
- Genetic information
- Pregnancy
- Disability, Academically gifted children
- Wearing glasses, hair color, hair style, etc.
- Children living in non-traditional families
- Overweight or obese students
- Small or physically weak students
- Children considered unattractive, unfashionable
- Poor athletic ability
- Socio-economic status
- New student

Substantial Disruption or Interference

- Substantial disruption is one of the required elements for a HIB determination.
- Substantial disruption could be to only one student; does not have to be widespread disruption of entire class or entire school.
- Substantial disruption could be fear of bully or inability of student to focus on school due to emotional harm, which may result in substantial disruption and/or interference.

Consequences for HIB

Consequences for students who commit an act of HIB shall:

- Be graded according to the severity of the offenses,
- Consider the developmental ages of the student offenders, and
- Consider students' histories of inappropriate behavior.

ONE SIZE DOES NOT FIT ALL

Recent Case Law

- If there is alleged cyberbullying, engage in due diligence to determine source – S.J. v. Plumsted SD (Nov. 22, 2016)
- If the target is resilient, the behavior may not be HIB (D.K. v. Readington SD, Nov. 11, 2016) – Asian student targeted, but no substantial disruption)
- The Road to HIB may be paved with good intentions! (K.C. v. Montgomery Twp. SD, Aug. 11, 2016) – Expressing concerns about friend and possible eating disorder
- Distinguishing characteristics are defined very broadly (vegetarianism – See Montgomery SD case, sports proficiency – See Jefferson SD case)

Conflict vs Bullying (Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act)

- Bullying is not a phase young people must endure or outgrow. Bullying is not a conflict between students or among groups of students.
- Conflict is a mutually competitive or opposing action or engagement, including disagreement, an argument or a fight which is normal part of human development.
- Bullying is one-sided, where one or more students are victims of one or more person's aggression, which is intended to physically or emotionally hurt the victim(s).

Conflict vs Bullying

(Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act)

Bullying-Bullying usually involves conduct where one or more students are victims of another person's aggression that has not been caused by the victims, and emotionally or physically harms the victims and disrupts the educational process.

Conflict-A disagreement, argument, fight or other action between people when they want different things and everyone is equally involved. Conflict may look similar to bullying, but is different.

Conflict vs Bullying

A friend borrows your homework to see how you've answered a question. The next day, you discover your friend copied all your homework. You are very angry and let your friend know you are mad.

Conflict

Five days in a row, Samantha receives an email message that says, "You're a pig. You're a big, fat slob. Everybody hates you."

Bullying

Conflict vs Bullying

- “Thus, harmful or demeaning conduct motivated only by another reason, for example, a dispute about relationships or personal belongings, or aggressive conduct without identifiable motivation, does not come within the statutory definition of bullying.” *K.L. v. Evesham Board of Education, December 12, 2011*
- “The record confirmed that there was an ongoing conflict between C.H. and the other student that was not motivated by any distinguishing characteristics. There was an element of mutuality; it was not one-sided.” *J.A.H. on behalf of minor child, C.H. v. Pittsgrove Twp. Board of Education March 11, 2013*

Conflict vs Bullying

| Grade Level | Conflict | Bullying |
|-------------------|---|---|
| Elementary School | S1: "You copied my picture. You stole my idea!" S2: "No I didn't! You copied from my picture!" | A fellow student grabs the picture you colored and tears it up, calling you names related to your religion and cultural heritage. |
| Elementary School | S1: "She won't let me play with her on the playground!" S2: "We don't play with her because she is too rough when she plays." | Student tells another student she cannot play with them on the playground because she is poor. |
| Middle School | S1: "After you borrowed my basketball, I asked that you return it and you didn't!" S2: "I did return it! I left it on your porch!" | While practicing basketball skills in the gym, several students sit nearby and call out insulting comments about the color of your skin and your basketball skills. |

Conflict vs Bullying

(Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act)

- During a conflict, name-calling, threats and other conduct that might look like bullying can occur. However, a conflict and bullying are very different.
- Unlike bullying, during a conflict people are equally involved in some type of disagreement. Conflict is considered mutual, meaning everyone is more or less evenly involved.
- Bullying, on the other hand, involves one or several people (the bullies) intentionally committing a mean or violent act against another person or group of people (the targets).
- When bullying occurs, there is no mutual participation in a disagreement; it is one-sided. Bullying targets have a hard time defending themselves. The targets want the bullying to stop, but the bully continues the behavior.

Conflict vs Bullying

| Conflict | Bullying |
|---|---|
| Involves people with similar degrees of power | Involves an imbalance of power; harmful; directed at vulnerabilities; negative acts increase with target's distress |
| Involves a mutual disagreement or difference in interests or goals. Includes arguments and fights. (negative acts in both directions) | One or more students are victims of one or more person's aggression, needs, or interest. |
| Is reciprocal; both parties are responsible for wrongdoing | Bully is responsible for wrongdoing |
| A normal part of growing up and of life. The intent is not to hurt. | The intent is to physically or emotionally hurt someone. |
| Can fairly be resolved by compromise or negotiation | A fair resolution involves a change in behavior of the bully; the target has no concession to make |

Reporting an HIB

HIBster is our HIB reporting application found on each school's homepage.

Look for this button:

STOP BULLYING



Even if an incident is not found to meet the state criteria for bullying, we will still address the discipline issue/violation of our Student Code of Conduct.