

8465 HATE CRIMES AND BIAS INCIDENTS IN SCHOOLS

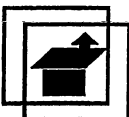
The Board of Education is committed to providing a safe and healthy environment for all children in the school district. The commission of hate crimes and bias incidents committed on school grounds or at school related activities can lead to further violence and retaliation. Hate crimes and bias incidents are a direct attack upon the racial, religious and ethnic heritage of the school community and will not be tolerated by or within the school district. The school district employees will work closely with local law enforcement and the county prosecutor's office to report or eliminate the commission of hate crimes and bias incidents.

Definitions

A. 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 affectational or sexual orientation or sex. The designated bias incident offenses are:

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

B. 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, sexual orientation or ethnicity. An act is bias-based and thus constitutes a bias incident if the motive for the commission of the act or unlawful act is racial, religious, ethnic or pertains to sexual orientation. A bias incident need not involve an act which constitutes an offense.



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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 Superintendent, who in turn shall notify the Nutley Police Department and Bias Incident Officer for the county prosecutor's office. The Principal shall notify the Nutley Police Department and the county prosecutor's office immediately if there is reason to believe the act of violence has been or is about to be committed against a student or there is reason to believe that a life has been or will be threatened.

Whenever any school employee in the course of his/her employment has reason to believe that a bias incident 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 bias incident was or is to be committed during school hours, the school employee should immediately notify the building principal and Superintendent, who in turn should promptly notify the Nutley Police Department.

In deciding whether to refer the matter of a bias incident to the Nutley 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 Nutley 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.



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Unless the Nutley Police Department or the county prosecutor's office request otherwise, the 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.

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 Nutley Police Department or the county prosecutor's office. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Nutley Police Department or county prosecutor's office.

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

Adopted: 3 May 2004

