

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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<p>A.B. as GUARDIAN AD LITEM FOR HER MINOR CHILD, C.D.</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>VINELAND BOARD OF EDUCATION, SUPERINTENDENT DR. MARY GRUCCIO, PRINCIPAL TAMMY MONAHAN, ASSISTANT PRINCIPAL MICHAEL SULLIVAN, JOHN DOES 1-20, MARY DOES 1-20, ABC, INC. 1-10, AND XYZ CORPORATIONS 1-20,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">CAMDEN VICINAGE</p> <p>CASE NO:</p> <p style="text-align: center;">CIVIL ACTION COMPLAINT AND JURY DEMAND</p>
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Plaintiff A.B. as Guardian Ad Litem for her minor child, C.D., residing in Cumberland County, New Jersey, brings this action against Defendants Vineland Board of Education, Superintendent Dr. Mary Gruccio, Principal Tammy Monahan, and

Assistant Principal Michael Sullivan for personal injuries sustained when C.D. was sexually harassed, assaulted, and abused by her eighth grade language arts teacher Richard Super.

JURISDICTION AND VENUE

1. Plaintiff A.B. and her daughter C.D. reside in Vineland, Cumberland County, New Jersey.
2. Plaintiff A.B. on behalf of her daughter C.D. is alleging a Civil Rights Violation pursuant to 42 U.S.C.A. §1983.
3. Plaintiff A.B. on behalf of her minor daughter C.D. is also alleging violations pursuant to 20 U.S.C.A. §1681(c), Title IX, Education Amendments of 1972.
4. Plaintiff A.B. on behalf of her daughter C.D. is also alleging New Jersey state law claims pursuant to Title 59 and the New Jersey Law Against Discrimination.
5. This action seeks damages for, *inter alia*, Defendants' violations of the above federal statutes. The Court has original jurisdiction over this civil action pursuant to 28 U.S.C. §1331 in that this action is brought, in part, seeking damages for a civil action arising under the Constitution, laws, or treaties of the United States.
6. Plaintiff A.B. requests that this Court exercise supplemental jurisdiction over the remainder of the claims asserted herein against Defendants pursuant to 28 U.S.C.A. §1367(a).
7. Venue is proper in the District under 28 U.S.C. §1391 in that the Plaintiff and Defendants all reside in New Jersey and all defendants are otherwise subject to personal jurisdiction in this Judicial District. Additionally, the events and omissions giving rise to these claims occurred in this District.

**PARTIES**

8. Plaintiff A.B. and her minor daughter C.D. are citizens of the United States and reside in Cumberland County, New Jersey.

9. Defendant Vineland Board of Education is an educational institution governing body located at 625 Plum Street, Vineland, NJ 08360 and having the responsibility to administer and supervise the employees and students at the Anthony Rossi Intermediate School.

10. Defendant Dr. Mary Gruccio is the Superintendent of Schools for Vineland Board of Education located at 625 Plum Street, Vineland, NJ 08360.

11. Defendant Tammy Monahan is a citizen of the United States and is employed as the Principal at Anthony Rossi Intermediate School, 2572 Palermo Drive, Vineland, NJ 08360.

12. Defendant Michael Sullivan is a citizen of the United States and is employed as the Assistant Principal at Anthony Rossi Intermediate School, 2572 Palermo Drive, Vineland, NJ 08360.

**FIRST COUNT**

*Violations Pursuant to 20 U.S.C.A. §1681(c), Title IX, Education Amendments of 1972*

13. At all times hereinafter described, Plaintiff A.B. and her minor daughter C.D. were and are residents of the City of Vineland, in the County of Cumberland, State of New Jersey.

14. C.D. attended Rossi Intermediate School operated by Defendant Vineland Board of Education.

15. Plaintiff A.B. on behalf of her minor daughter C.D. brings this action under pseudonym pursuant to the authority of Doe v. Tris Comprehensive Mental Health, Inc., 298 N.J. Super. 677 (Law Div. 1996).

16. During the 2015-2016 school year, and both before and since then, Defendant Vineland Board of Education owned, operated, maintained, managed, supervised, and controlled, by and through its agents, servants, and employees, the premises commonly known as the Rossi Intermediate School, a public middle school located at 625 Plum Street Vineland, New Jersey 08360.

17. Defendant Superintendent Dr. Mary Guccio was an administrative official who had the authority and responsibility to address discrimination and harassment (sexual or otherwise) and to institute corrective measures.

18. Defendant Superintendent Dr. Mary Guccio had actual knowledge of harassment and discrimination in the school's programs.

19. Defendant Superintendent Dr. Mary Guccio failed to adequately respond to stop the harassment and discrimination against C.D.

20. During the 2015-2016 school year, Defendant Tammy Monahan was a Principal employed by Defendant Vineland Board of Education, and was responsible for controlling, directing, managing, and supervising the students and teachers of the Rossi Intermediate School.

21. Defendant Principal Tammy Monahan was an administrative official who had the authority and responsibility to address discrimination and harassment (sexual or otherwise) and to institute corrective measures.

22. Defendant Principal Tammy Monahan had actual knowledge of harassment and discrimination in the school's programs.

23. Defendant Principal Tammy Monahan failed to adequately respond to stop the

harassment and discrimination against C.D.

24. During the 2015-2016 school year, Defendant Michael Sullivan was an Assistant Principal employed by Defendant Vineland Board of Education, and was responsible for controlling, directing, managing, and supervising the students and teachers of the Rossi Intermediate School.

25. Defendant Assistant Principal Michael Sullivan was an administrative official who had the authority and responsibility to address discrimination and harassment (sexual or otherwise) and to institute corrective measures.

26. Defendant Assistant Principal Michael Sullivan had actual knowledge of harassment and discrimination in the school's programs.

27. Defendant Assistant Principal Michael Sullivan failed to adequately respond to stop the harassment and discrimination against C.D.

28. Defendants ABC, Inc. 1-10 and XYZ Corporations 1-20, are fictitious entities which supervised teacher Richard Super and Defendants Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio and/or which operated Rossi Intermediate School and/or which failed, through their agents, servants, and employees to report an improper sexual relationship between C.D. and Teacher Super . Such Defendant or Defendants are fictitious entities whose names are not presently known to or identifiable by Plaintiff A.B.

29. Defendants John Does and Mary Does 1-20 are fictitious persons who employed and supervised Teacher Super , and Defendants Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio and/or who operated Rossi Intermediate School and/or which/who failed to report an improper sexual relationship between C.D. and Teacher Super. Such Defendant or Defendants are fictitious persons whose names are not presently known to or identified by Plaintiff A.B.

30. Defendant Vineland Board of Education is an educational institution as defined by 20 U.S.C.A. 1681(c), Title IX, Education Amendments of 1972 (hereinafter "Title IX") which receives federal financial assistance.

31. Defendant Vineland Board of Education as a school district in New Jersey owes a "heightened duty of School Boards to ensure pupil safety from foreseeable harm, particularly those presented by the intentional acts of school personnel" as defined by the New Jersey Supreme Court.

32. Due to her age, C.D. was required by New Jersey law to attend school. Each of the Defendants herein stood *in loco parentis* relative to C.D. during the school day. Further, C.D.'s mother transferred to Defendants the power to act as her daughter's guardians during the school day.

33. C.D. attended Rossi Intermediate School as an 8<sup>th</sup> grader during the 2015-2016 school year.

34. As recognized by the United States Department of Education in a July 1, 1998 press release, "Schools owe students a safe environment that is conducive to learning and that affords children equal educational opportunity regardless of sex."

35. During the 2015-2016 school year, C.D. suffered extraordinary harm due to the sexually harassing conduct of Teacher Super and the sexually hostile environment at Rossi Intermediate School that was created by the Defendants herein, which Defendants failed to correct and to properly address despite their actual knowledge thereof.

36. Defendants failed to take appropriate actions to protect C.D. against sexual harassment at Rossi Intermediate School, despite having actual notice of the harassment, all in violation of Title IX, and in violation of the rights guaranteed

to C.D. by the United States and New Jersey Constitutions, Federal and State Statutes, and Federal and State regulations.

37. Defendants also engaged in affirmative actions leading to the harassment of C.D. in violation of the rights guaranteed to C.D. by the United States and New Jersey Constitutions, Federal and State Statutes, Federal and State Laws, and Federal and State Regulations.

38. Defendant Vineland Board of Education acted individually and through its employees and agents, including but not limited to Superintendent Dr. Mary Gruccio, Principal Tammy Monahan, Assistant Principal Michael Sullivan, and former teacher Richard Super, all of whom acted with actual or apparent authority and all of whom aided in carrying out and/or permitting the sexual harassment and assault of C.D. failing to have a procedure of detecting an excessive and inappropriate exchange of emails between C.D. and Teacher Super.

39. At all times material hereto, Teacher Super and Defendants Vineland Board of Education, Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio acted individually, and as agents of each other.

40. On or about May 2016 and at times earlier thereto, Defendants Vineland Board of Education and through its Principal, Vice-Principal, School Board, teachers, and other employees and agents, including Defendants Monahan, Sullivan, and Gruccio actually knew about the specific misconduct, inappropriate relationship, and sexual harassment committed by Teacher Super and were deliberately indifferent to his conduct, as demonstrated by the specific failures and actions described below, thereby exposing and continuing to expose students in general, and C.D. in particular, to a sexually hostile educational environment and to criminal conduct.

41. Defendants knew of Teacher Super's tendency to:

- a. bring C.D. breakfast,
- b. sit with C.D. at lunch,
- c. visit C.D.'s gym class,
- d. step out of class to talk to C.D. in the hallway,
- e. talk to C.D. via e-mail, and
- f. give C.D. extra attention during class time.

42. All of the above mentioned actions of Teacher Super were in violation of the Vineland Board of Education Policies mentioned herein.

43. Alternatively, Defendants should have been aware of the misconduct and sexual harassment committed by Teacher Super due to its pervasive and/or conspicuous nature, for which A.B. on behalf of her minor daughter C.D. asserts claims for negligence, negligent supervision, and Civil Rights violations, pursuant to 42 U.S.C.A. §1983, Title IX Violations, and New Jersey Law Against Discrimination.

44. Defendants, through their actions and inactions described herein, and through a pattern of deliberate indifference, created and permitted *quid pro quo* sexual harassment and a severe, pervasive, and persistent sexually hostile educational environment, which is in violation of Title IX of the Education Amendments of 1972.

45. Defendants Principal Tammy Monahan, Vice-Principal Michael Sullivan, and Superintendent Dr. Mary Gruccio were in positions of authority and trust at Rossi Intermediate School at all times material hereto.

46. Dr. Mary Gruccio was deposed in the matter of M.B. v. Board of Education of the City of Vineland, et als., docket number CUM-L-746-14.

47. This deposition took place on January 14, 2016.



48. Attached hereto and made a part hereof as Exhibit "A" is a true and accurate copy of the relevant portions of the deposition testimony of Dr. Mary Gruccio.

49. Defendant Dr. Gruccio testified that a student who is sexually assaulted in a school by a staff member is still receiving the education to which they are entitled.

50. Defendant Dr. Gruccio is deliberately indifferent to the rights to proper and equal education for students who have been victimized sexually. At her deposition Dr. Gruccio further testified in the following manner:

Q: If a student is the subject or victim of sexual assault by a staff member from a school, do you agree that that student is being deprived of the education to which he is entitled?

A: No necessarily, no. See Gruccio Dep. 64:13-17

51. Defendant Dr. Gruccio testified that it is her belief that a minor can legally consent to sexual advances and sexual and inappropriate contact by a teacher superior to them.

52. Defendant Dr. Gruccio has attempted to state that a minor, under 18, could consent to sexual activity with a teacher or staff member in direct conflict with controlling New Jersey criminal law.

53. Specifically, Dr. Gruccio testified that a young man who was a student could be a "willing" participant in sexual activities with a staff member and made a "choice" to participate in sexual activity. See Gruccio Dep. 64-68.

54. Defendant Dr. Gruccio testified that a seventeen-year-old student could consent to sexual activity with an adult staff member who was in a supervisory position over the student.

55. Teacher Super had been one of C.D.'s teachers at Rossi Intermediate School for at least two years.

56. During the 2015-2016 school year, Teacher Super used his school issued e-mail to transmit thousands of sexually explicit e-mail messages to C.D., an

8th grade student.

57. Teacher Super engaged in text message and e-mail conversations of a sexual nature which were improper, inappropriate, and conduct that is criminal in nature.

58. The communications were in violation of Vineland Board of Education Policies Numbers 3281 and 3283, which prohibited teachers from engaging in any communication with students which is not school related including but not limited to inappropriate comments, language, and conduct of a sexual nature with students.

59. Attached hereto and made a part hereof as Exhibit "B" and Exhibit "C" is a true and accurate copy of Vineland Board of Education Policy Numbers 3281 and 3283.

60. The communications and the failure of Teacher Super Dr. Mary Gruccio, Principal Tammy Monahan, Assistant Principal Michael Sullivan to report said communications was also in violation of a Memorandum of Understanding (hereinafter "Memorandum of Agreement") between law enforcement authorities and staff and administrators in schools in New Jersey.

61. Teacher Super was able to otherwise cultivate his improper relationship with C.D. due to the failures, affirmative actions, and breaches of Defendants described more fully herein.

62. Teacher Super exploited his position of authority and his status as a teacher so as to induce C.D. into an inappropriate relationship, and with the intention and expectation of engaging in sexual activity with this under-age student from approximately April 15, 2016 until June 2, 2016.

63. The improper relationship between C.D. and Teacher Super was so conspicuous that other students were aware of it during the 2015-2016 school year and often made comments about the relationship in the hallways in class and to C.D.

Teacher Super & C.D. discussed this in following manner:

S: No to what? I'm confused BabyMetal. And just the whole 7<sup>th</sup> period thing.

C: Oh I mean like people are just saying shit. And I need someone to talk to.

C: can I please listen to music

S: What are they saying now BabyMetal?

...

C: Hey daddy slipknot we have to talk about things.

S: What's up?

C: People are saying this about us daddy

C: They are a little bad but that's what they think of us I guess

S: Oh geeze like what?

C: People think I do anything forceful with u. And that I skip class to come see u alone in ur room. T sum it all up, people we're...ya know doing???? You deserve to know but that's what people keep saying and I say to fuck off and leave out bc he's innocent or I say ur a bitch and that's completely nasty and that will never happen, but I hope our relationship will end bc of this dad????

C: I'm sorry dad, but u NEED to know

S: I kind of figured that. People just think it's weird cause you're a girl and I'm a guy. I will never ignore you cause we haven't done anything wrong. I'm always there to help and give advice. I think it's the 7<sup>th</sup> period thing which I guess I understand. But I always go in the hall for that reason too.

S: Thanks for the heads up????

C: That's true we're opposite sex but we never do that... right? But the point is that people that that's ur so tall and I'm so short and are u have enormous feet that you have uh... a big dick and that's what they are always wondering and its not tru that we do anything like that. And ur welcome daddy I love you!!!!

S: Please don't talk about that with me. I know you're honest but you could sugar coat it a bit lol. Anyways. That shouldn't matter about any of that. I talk with everyone, not just you. I guess cause you're the most. I will help and talk to anyone that needs me cause that's who I am. I will never stop helping you or being me. And you shouldn't either. <3

64. Additionally, classmates of C.D.'s would speak with her about her relationship with Teacher Super :

C: It's super and about how people are saying things about me and him

....

Student A: yeah. Anyway wut up wit you

C: Wa watching Markiplier

Student A: Noice. But I ment with the Super thing. I mean if you don't wanna talk about it fine but is it getting better

C: Yea we good I'm texting him right now  
Student A: noice. Good to see things get better.

....  
C to Student B: no texting u and Super

65. The e-mail messages sent by Teacher Super to C.D. during the 2015-2016 school year included sexually explicit and otherwise inappropriate messages.

66. Teacher Super groomed C.D. through sending sexually explicit emails and other actions as outlined below.

67. C.D. once kissed Teacher Super on the cheek, and they also exchanged a pair of t-shirts as gifts at one point.

68. C.D. would draw Teacher Super pictures.

69. Teacher Super would bring C.D. snacks and breakfast from Wawa.

70. According to the Investigative Reports of the Cumberland County Prosecutor's Office there were approximately 4,600 messages in the form of e-mails on the school e-mail server in two months between C.D. and Teacher Super .

71. E-mail messages were sent during school hours on school issued computers using school issued e-mails between April 15, 2016 and June 2, 2016.

72. The messages were also sent at all hours of the night, even continuously through the late hours of the night and early hours of the morning.

73. The following is a list of dates when C.D. and Super Communicated and the amount of communications one each date:

3/31/16 starts the emails between C.D. and Super.

3/31/16 (Thursday)

First email: C.D. to Super 18:28

4 emails

Last email: Super to C.D. 18:56

4/1/16 (Friday)

First and Last email: Super to C.D. 20:32

1 email (Attachment: David Bowie Modern Love (1999) Album Cover)

4/5/16 (Tuesday)

First email: C.D. to Super 15:25

4 emails  
Last email: C.D. to Super 18:32  
4/6/16 (Wednesday)  
First and last email: Super to C.D. 13:55

1 email  
4/8/16 (Friday)  
First and last email: Super to C.D. 17:56

1 email  
4/15/16 (Friday)  
First email: C.D. to Super 15:40

121 emails  
Last email: Super to C.D. 00:34 (4/16)  
4/16/16 (Saturday)  
First email: Super to C.D. 08:09

184 emails  
Last email: Super to C.D. 01:57 (4/17)  
4/17/16 (Sunday)  
First email: Super to C.D. 07:27

222 emails  
Last email: Super to C.D. 22:20  
4/18/16 (Monday)  
First email: C.D. to Super 15:27

80 emails  
Last email: Super to C.D. 22:17  
4/19/16 (Tuesday)  
First email: C.D. to Super 06:39

13 emails  
Last email: C.D. to Super 07:39  
4/20/16 (Wednesday)  
First email: C.D. to Super 15:39

61 emails  
Last email: Super to C.D. 21:51  
4/21/16 (Thursday)  
First email: Super to C.D. 20:38

39 emails  
Last email: Super to C.D. 22:55  
4/22/17 (Friday)  
First email: C.D. to Super 07:36

12 emails  
Last email: Super to C.D. 21:10

4/23/17 (Saturday)  
First email: Super to C.D. 9:07

70 emails  
Last email: Super to C.D. 23:41  
4/24/16 (Sunday)  
First email: Super to C.D.15:41

68 emails  
Last email: Super to C.D. 16:18  
4/25/16 (Monday) NONE

4/26/16 (Tuesday)  
First email: C.D. to Super 09:39  
87 emails  
Last email: Super to C.D. 21:38  
4/27/16 (Wednesday)  
First email: C.D. to Super 06:35  
139 emails  
Last email: Super to C.D. 21:38  
4/28/16 (Thursday)  
First email: C.D. to Super 06:28)  
32 emails  
Last email: Super to C.D. 21:19  
4/29/16 (Friday)  
First email: C.D. to Super 09:51  
26 emails  
Last email: Super to C.D. 11:30  
4/30/16 (Saturday)  
NONE  
5/1/16 (Sunday)  
NONE  
5/2/16 (Monday)  
First email: C.D. to Super 09:34  
24 emails  
Last email: Super to C.D. 15:54  
5/3/16 (Tuesday)  
First email: Super to C.D. 09:34  
54 emails  
Last email: Super to C.D. 10:58  
  
5/4/16 (Wednesday)  
First email: C.D. to Super 09:25  
124 emails  
Last email: Super to C.D. 21:23  
5/5/16 (Thursday)  
First email: C.D. to Super 09:26  
222 emails  
Last email: Super to C.D. 21:29  
5/6/16 (Friday)  
First email: C.D. to Super 09:55  
287 emails  
Last email Super to C.D. 5/7 01:35  
  
5/7/16 (Saturday)  
First email: C.D. to Super 10:08  
78 emails  
Last email: Super to C.D. 5/8 00:09)  
5/8/16 (Sunday)  
First email: C.D. to Super 10:04  
45 emails  
Last email: Super to C.D. 18:00

5/9/16 (Monday)  
First email: C.D. to Super 10:07  
5 emails  
Last email: C.D. to Super 10:31  
5/10/16 (Tuesday)  
None  
5/11/16 (Wednesday)  
Incoming Youtube video. No contact between C.D. and Super.  
5/12/17 (Thursday)  
None  
5/13/16 (Friday)  
None  
5/14/16 (Saturday)  
First (Last) email Super to C.D.16:46  
5/15/16 (Sunday)  
First email: C.D. to Super 17:17  
68 emails  
Last email: Super to C.D. 22:33  
5/16 - 5/19/16  
None  
5/20/16 (Friday)  
First email: C.D. to Super 15:59  
109 emails  
Last email: C.D. to Super 5/21 03:27  
5/21/16 (Saturday)  
First email: Super to C.D. 06:44  
189 emails  
Last email: Super to C.D. 5/22 00:30  
5/22/16 (Sunday) Date of Super's Baby's Christening  
First email: Super to C.D. 07:07  
136 emails  
Last email: Super to C.D. 5/22 04:47  
5/23/16 (Monday)  
First email: C.D. to Super 06:20  
33 emails  
Last email: C.D.to Super 11:18  
  
5/24/16 (Tuesday)  
First email: C.D. to Super 14:30  
20 emails  
Last email: Super to C.D.14:56  
  
5/25/16 (Wednesday)  
First email: C.D.to Super 11:08  
48 emails  
Last email: Super to C.D. 14:52  
5/26/16 (Thursday)  
First email: C.D. to Super 14:34  
10 emails  
Last email: Super to C.D. 21:10

9 emails during school  
5/27/16 (Friday)  
First email: C.D. to Super 13:39  
19 emails  
Last email: Super to C.D. 21:48  
18 emails during school  
5/28/16 (Saturday)  
First email: C.D. to Super 12:49  
10 emails  
Last email: Super to C.D. 5/29 00:32  
5/29/16 (Sunday)  
First email: Super to C.D. 06:13  
5 emails  
Last email: Super to C.D. 14:42  
5/30/16 (Monday)  
First and last email: Super to C.D. 15:46  
5/31/16 (Tuesday)  
First email: C.D. to Super 13:13  
113 emails  
Last email: Super to C.D. 19:56  
6/1/16 (Wednesday)  
First and last email: Super to C.D. 17:54  
  
6/2/16 (Thursday)  
First email: C.D. to Super 08:08  
3 emails  
Last email: Super to C.D. 12:55

74. All of the aforementioned communications were made using school issued emails and the network and server, which the school and district administrators had the obligation to monitor for compliance with school policies and which these individuals had the ability to read at any time they choose to do so, pursuant to Policy 2361 (Acceptable Use of Computer Networks/Computers and Resources). Exhibit "D".

75. Attached hereto and made a part hereof as Exhibit "D" is a true and accurate copy Policy 2361.

76. The Vineland Board of Education utilized computer software known as Barracuda Networks Barracuda Message Archiver Version 1.x.

77. The Administrator's Guide for the Barracuda software indicates that the



software provides, "Intuitive Policy and Compliance Support, to aid in the enforcing of corporate policy, compliance regulations and litigation requests."

78. The Barracuda manual also notes:

The Barracuda Message Archiver comes with both standard and customizable policies to support various corporate and legal regulations. In addition to policies on acceptable content, retention policies are also available to govern the length of time to retain email messages. Alerts can be sent on detected violations, and easy export of archived messages and access records make them readily available for delivery to legal counsel whenever needed.

79. The Barracuda manual also states, "Administrators and Auditors can easily sort through a message archive to compile relevant messages based on keywords, dates and sender/recipients into an exported file."

80. According to the manual:

The Barracuda Message Archiver has a role-based permission system, which allows auditing access privileges to be granted to individual users. Users can access and create searches only for their own personal messages in the archive, while auditors have the ability to view, track, and monitor policies on messages for all users.

81. The manual states, "Default reports include the growth of the message archive, policy violation, and archive traffic."

82. The manual also states, "...the Barracuda Message Archiver also gets the latest in document type and policy definitions via Energize Updates, which are updated around the clock at Barracuda Central."

83. The network was able to provide, "traffic and policy statistics, such as the amount of overall email traffic and how many messages have triggered a particular policy category."

84. The manual explains, "The Advanced> Energize Updates page allows you to manually update the Virus, Policy, and Document Definitions used on your Barracuda Message Archiver..."

85. The Barracuda Networks Message Archiver allowed the user to apply policies and filters on the web browser as well as filter access to social networking websites, e-mail websites, and websites like YouTube.

86. The manual indicates that:

Many organizations need to keep track of violations of organizational policy and be alerted when they occur. Policies can include defining when it is acceptable to send messages containing executable files or any inappropriate content (usually never); identifying how often messages containing references to forbidden topics are sent (especially when litigation is expected); and when certain email recipients can be contacted (excessive personal emails during business hours).

The Barracuda Message Archiver comes with a set of standard policies that are updated regularly via Energize Updates, and also allows you to easily create your own to fit your specific organization environment. Alerts can be configured to go out whenever a policy violation is detected, and reports are available to summarize new policy violations as well as detect any that are found amongst the messages stored in the archive.

87. The Manual acknowledges that:

Messages that are found to be in violation of organizational policy often need to be gathered together for easy presentation. Once a search has located the messages you want to export, the Barracuda Message Archiver can export a .zip file containing .eml versions of those messages.

88. The manual explains, "The Barracuda Message Archiver allows you to implement and monitor policies regarding your email traffic, and identify both newly arrived and existing messages that meet any criteria you wish to specify."

89. The manual notes, "Available auditing features include:...receiving alerts when messages matching particular criteria are detected."

90. The Barracuda software allowed the Defendants to create searches on virtually every aspect of the message including body, recipients and senders, attachment type and content, and date.

91. The manual indicates, "The Barracuda Message Archiver comes with 3 default policy definitions that are updated regularly by Energize Updates to meet the latest

standards: Personal Email, Personal Info, Foul Language.”

92. The manual states, “Administrators and auditors can choose to add themselves to the alerts list for these standard policies, and also choose to be alerted whenever messages meeting their own particular criteria (as defined and saved in a search) are entered into the archive.”

93. The software allowed for custom notifications, “The Policy/Alerts>Policy Alerts page allows you to specify the email addresses that are to receive an email notification whenever the messages matching the parameters in a saved search are detected.”

94. The manual explains, “You can create custom rules based on your specific needs. Creating a custom rule allows policy to match against every name/value of every parameter in a request. The object is available in the <proxy> layer and is applied on a per-transaction basis.”

95. The Barracuda software came with three default policy definitions that are updated regularly to meet the latest standards. These three categories are personal e-mail, personal info, and foul language. The conversations between C.D. and Super were personal in nature, involved personal information, and certainly involved an abundance of foul language.

96. A notification would have been sent about the above mentioned language to all administrators of the Barracuda network.

97. The Defendants failed to monitor, track, and read the e-mails.

98. The aforesaid e-mail messages were of an inappropriate and sexual nature, and constituted grooming. Some of the e-mail messages read as follows:

S: BTW my cheek was very heartbroken this week. I got him all excited and then he got shut down. (sad face)

C: Y was he all excited d

S: Cause someone was supposed to give him something and then

it never matured. I had to let him down easy.

C: Aww ill kiss u on Monday for sure...can I get one (pause)?

S: It'll be when you least expect it (blushing face)

...

S: Thanks I try. I wrote BB under the SS on your paper. Know what that means? And wont say unless you guess right. (blushing face) (winky face)

C: I didn't knotice but I don't wanna guess bc ima get it rong so tell me d

S: just one guess please!! (praying hands). Two words that start with B and they have to do with you.

C: Uhhhhhhh big baby, beautiful boy, big butt, big boobs, boring bitch, idk lol

S: Lol wow some of them work but you actually got half of it right.

C: uhhhh baby? Butt? Boobs? Beautiful?... what?

S: Two of them are correct just add a word to one of and bam it's it.

C: uhhhh boobs butt, beautiful baby, beautiful boobs idk

S: Second one my B

C: Awww daddy thank u..ur so sweet!! That was in my very high pitched baby voice btw lol

...

S: Just took off my pants and shirt. Lol nah just chilling talking to you. Sweating lol

C: YAY we're naked buddies!! Watt r u doing having fun?

S: Loads and loads of fun! ! (smiley face)

...

S: H. O. R. N. Y.?

C: Ur so extra and yes DD I am

...

S: I'll make you sweat til you bleed. That's why they have Axe!!

C: Alright Mr. Sexual....nah I'm just playing but I love axe.. is that weird?

....

S: Getting the cheek ready lol

C: by doing what lol

S: Make sure not too stubbly but just right. Oh and lick it too lol

C: U want me to make it smooth and good and lick it

S: lol god I have something to say to that but won't...I'll just say okay.

99. During the 2015-2016 school year, Defendants Monahan, Sullivan, and Gruccio knew and/or had reason to know of the improper, inappropriate, and predatory conduct of Teacher Super.

100. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan had the ability and obligation to monitor student and teacher

e-mail accounts on a constant, continuous, and wide spread basis.

101. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan had the ability and obligation to monitor student and teacher e-mail accounts for profanity, sexual innuendos, language of a sexual nature, images, and excessive number of communications, all of which were present between C.D. and Mr. Super.

102. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan had the ability and obligation to monitor student and teacher e-mail accounts, receiving notifications when policies and rules were broken.

103. In speaking with Officer Shane Harris of the Vineland Police Department of June 2, 2016, Defendant Tammy Monahan stated:

- a. that on May 3, 2016 she called Teacher Super into her office to be advised of something that she felt was inappropriate.
- b. That she told Teacher Super she observed interacting with C.D. while sitting at the table in the lunch area.
- c. That Teacher Super was sitting with C.D. on two different occasions during lunch and that the interaction between teacher and student was not normal.
- d. That she told Teacher Super not to interact with C.D. as it did not seem appropriate.

104. Defendant Monahan told Detectives Hendershott and Kahn of the Cumberland County Prosecutor's Office that though Teacher Super typically ate with students the reason she had spoken to Teacher Super about his interactions with C.D., "was because of a "hunch" and a "feeling" that something was not right."

105. Defendant Monahan stated to Officer Harris that she had said something to

Teacher Super two separate times about having lunch with C.D.

106. On May 29, 2017 or in the alternative May 31, 2017, A.B. had a meeting with teachers Mrs. Andrea Massaro (Guidance Counselor), Mrs. Natalie Quackenbush (Math Teacher), Mrs. Stephanie Coia (Science Teacher), and another teacher who had taken over for Ms. Musto about why C.D. was doing so poorly in school. Towards the end of the meeting the women brought Teacher Super into the room and confronted him about why C.D. was doing so poorly in every class but his. Both A.B. and Ms. Coia recall that Teacher Super was nervous and would not make eye contact.

107. Teacher Super stated in his interview with Detective Kara Kahn and Detective David Hendershott that he had brought to Mrs. Kelly Stipes, the Health and Social Services Coordinator's attention that he was aware of a student who used to cut herself. Teacher Super asked Mrs. Stipes for advice on how to deal with this student. Teacher Super did not identify C.D. by name. Mrs. Stipes did not intervene though she did confirm this story to police.

108. Mrs. Stipes should have inquired about the identity of the student, and advised the Defendants of the info Teacher Super gave her.

109. Mrs. Coia and her assistant had noticed that C.D. was not doing her school work in class but was always vigorously typing during class. Every time the two would try to see who C.D. was communicating with or what C.D. was doing C.D. would close the computer.

110. Mrs. Coia stated to Detectives Kahn and Hendershott that on Thursday June 2, 2016 she was on the 8<sup>th</sup> grade class trip to Wildwood and Teacher Super was walking around the park by himself and looked like a "lost puppy."

111. Mrs. Coia stated that Teacher Super avoided the group of teachers all day which was out of character for him because he used to be very outgoing toward his

co-workers.

112. Mrs. Coia stated that Teacher Super used to spend his free period with the other teachers, but that instead of his spending his free period with the teachers, Teacher Super would spend it in the gymnasium weight room. This period was also C.D.'s gym period. C.D.'s gym teachers Mrs. Colleen Forcenito and Mrs. Nancy Iulig confirmed the aforesaid conduct of Teacher Super.

113. Mrs. Coia also indicated that C.D. always ate popcorn during class. Though C.D. had told Mrs. Coia that C.D.'s mother bought C.D. the popcorn, A.B. told Mrs. Coia this was not the case. Mrs. Coia later heard C.D. tell another student that the popcorn came from Teacher Super.

114. Mrs. Coia stated to Detectives Kahn and Hendershott that there were rumors around school and around students that Mrs. Coia had heard about C.D. and Teacher Super having a relationship.

115. Mrs. Quakenbush, a math teacher, who had C.D. in her 4<sup>th</sup> and 5<sup>th</sup> period class stated to Detectives Kahn and Hendershott the following:

- a. That Teacher Super's classroom was right next to hers.
- b. That C.D. always hung out in the hallway with Teacher Super in between classes.
- c. That she had also seen C.D. and Teacher Super in the hallway together during class time because C.D. would ask to use the rest room and Teacher Super would come out to meet her.
- d. That about a month and a half before June 8, 2016 while Mrs. Quakenbush was teaching C.D.'s class they were using laptops.
- e. She heard a student yell that C.D. was on the computer chatting with Teacher Super. When Mrs. Quakenbush questioned both C.D. and Teacher

Super they both denied same.

f. That Teacher Super used to come in Mrs. Quakenbush's classroom during lunch and eat with the other teachers but he began eating lunch with C.D. and the other students in the cafeteria.

g. Mrs. Coia also confirmed that she saw Teacher Super sitting with C.D. during lunch period in the cafeteria,

h. Mrs. Quakenbush typically had to tell C.D. to get to class because she spent too much time speaking with Teacher Super.

i. That C.D. and Teacher Super spoke in a "friendly" manner and not as a student-teacher relationship.

j. That two to three weeks before police were notified on June 2, 2016, another teacher had said something to Teacher Super about C.D. constantly being in Teacher Super's class or speaking to him.

k. That students would yell out "C.D. is chatting with Mr. Super."

116. An aide from Teacher Super's classroom stated that she noticed C.D. and Teacher Super had a different handshake.

117. Defendants Dr. Gruccio, Ms. Monahan, and Mr. Sullivan knew that the conduct between Teacher Super and C.D. was harmful, dangerous, and created a significant risk of serious physical and emotional harm to C.D.

118. Defendants Dr. Gruccio, Ms. Monahan, and Mr. Sullivan failed to properly report to police or to New Jersey's Child Protection and Permanency Division (CP&P) [Formerly the Division of Youth and Family Services] and/or to CP&P's Child Abuse Hotline the allegations and evidence of inappropriate conduct and sexual abuse committed by Teacher Super upon C.D.

119. None of the Defendants reported the allegations of sexual misconduct to



the police or to CP&P until about June 2016.

120. Notwithstanding their understanding, recognition, and appreciation of the dangers posed by the conduct that was reported to them, and despite their actual knowledge of their duty to report the allegations to state agencies such as CP&P, Defendants Dr. Guccio, Ms. Monahan, and Mr. Sullivan did not report the misconduct.

121. Defendant Dr. Guccio individually, and in her capacity as the Superintendent of the Vineland Board of Education intentionally and knowingly subordinated the safety and physical and emotional well-being of C.D. to the interests of predatory Teacher Super.

122. Defendant Monahan, individually and in her capacity as Principal of Rossi Intermediate School, intentionally and knowingly subordinated the safety and physical and emotional well-being of C.D. to the interests of predatory Teacher Super.

123. Defendant Sullivan, individually and in his capacity as Assistant Principal of Rossi Intermediate School intentionally and knowingly subordinated the safety and physical and emotional well-being of C.D. to the interests of predatory Teacher Super.

124. Additionally, Defendants Dr. Guccio, Monahan, and Sullivan failed to properly report to police or to New Jersey's Child Protection and Permanency Division within the Department of Children and Families and/or to CP&P's Child Abuse Hotline the report and evidence of inappropriate conduct and sexual abuse committed.

125. Rather than taking any appropriate steps to remove Teacher Super, the Defendants acted recklessly and indifferently, and allowing Teacher Super to

continue his predatory behavior.

126. The indifference of Rossi Intermediate School administrators and faculty, and the permissive and sexually hostile educational environment created thereby, directly contributed to the pervasive improper sexual activity between C.D. and Teacher Super at Rossi Intermediate School, and the improper actions of Rossi Intermediate School teacher Richard Super.

127. Defendants violated the requirements of Title IX by the following acts and omissions, all of which were conducted and/or failed to be conducted in reckless and deliberate indifference to the rights of C.D. guaranteed by Title IX and in reckless and deliberate indifference to the risk of harm posed to C.D.:

- a. Failing to appoint and designate a Title IX coordinator to investigate complaints of sexual harassment committed by Teacher Super and/or failing to adequately investigate complaints about Teacher Super;
- b. Failing to communicate to students and their parents the identity of the Title IX coordinator, as required by 34 C.F.R. Sect. 106.8(a);
- c. Failing to take immediate and appropriate corrective actions to remedy the known harassment by Teacher Super;
- d. Taking steps that were known or which should have been known to be ineffectual in eliminating Teacher Super's sexual harassment;
- e. Failing to adopt and publish appropriate grievance procedures for the prompt and equitable resolution of sexual harassment and sex discrimination complaints in violation of Title IX;
- f. Failing to conduct a reasonably diligent inquiry regarding Teacher Super's sexually harassing conduct so as to end the harassment;
- g. Requiring C.D. to continue in school interactions with Teacher Super

and therefore subjecting C.D. to repeated exposure to a sexually hostile educational environment;

h. Completely failing to supervise Teacher Super when defendants knew of their inappropriate contact and behavior with C.D.

i. Failing to promptly report acts of child abuse to CP & P as required by N.J.S.A. 9:6-8.10, when Defendants had reasonable cause to do so;

j. Knowingly failing to establish an atmosphere throughout the school in which children would feel safe, secure and happy and, in addition, have maximum opportunity to learn;

k. Ratifying and accepting the inappropriate actions of Teacher Super;

l. Failing to have in place a "zero tolerance" policy for sexual harassment at Rossi Intermediate School.

m. Failing to give adequate training to staff members in Title IX requirements to protect against sexual harassment of students;

n. Violating the "Memorandum of Understanding" between law enforcement and schools in the protection against and reporting of crimes;

o. Violating Vineland Board of Education Policies 2360, 2361, 2361.1, 2361.2, 3281, and 3283 which prohibited teachers from engaging in text and e-mail conversations of any non-school related and otherwise inappropriate comments, language, and conduct of a sexual nature with students; See Exhibits "D-I".

p. Attached hereto and made a part hereof as Exhibits "E" is a true and accurate copy of Policy 2360.

q. Attached hereto and made a part hereof as Exhibit "F" is a true and

accurate copy of Policy 2361.1.

r. Attached hereto and made a part hereof as Exhibit "G" is a true and accurate copy of Policy 2361.2.

s. Attached hereto and made a part hereof as Exhibit "H" is a true and accurate copy of Policy 3281.

t. Attached hereto and made a part hereof as Exhibit "I" is a true and accurate copy of Policy 3283.

u. Failing to enforce Vineland Board of Education Policies 2360, 2361, 2361.1, 2361.2, 3281, and 3283 which prohibited teachers from engaging in text and e-mail conversations of any non-school related and otherwise inappropriate comments, language and conduct of a sexual nature with students; Exhibits "D-I".

v. Failing to provide appropriate supervision, mentoring, and/or training to Teacher Super.

128. Teacher Super plead guilty on May 18, 2017 to a fourth-degree charge of Cruelty and Neglect of a Child pursuant to N.J.S.A. 9:6-3. Among other terms of his plea agreement, Super has forfeited his Teaching Certificate and has been sentenced to a two year term of probation.

129. As a direct and proximate result of Defendants' conduct described herein, C.D. was caused to suffer permanent emotional and physical injuries, including, but not limited to Anxiety and Depression and Post-Traumatic Stress Disorder, embarrassment, humiliation, and has incurred and/or will likely incur medical expenses for medical and psychological treatment.

130. C.D. will in the future suffer harm, embarrassment, anxiety, and emotional upsetment because of the Defendants' conduct.

**WHEREFORE**, Plaintiff A.B. on behalf of her minor child C.D. demands judgment against all Defendants, jointly and severally, for compensatory damages, and punitive damages together with interest, as well as attorney fees and costs of suit for C.D.'s pain and suffering, medical expenses, emotional trauma, diminished childhood, diminished enjoyment of life, cost of counseling, and potentially lost income.

**SECOND COUNT**

*Intentional Infliction of Emotional Distress*

131. Plaintiff A.B. incorporates by reference all of the allegations contained in the preceding paragraphs as though the same were set forth at length herein.

132. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan's negligent handling of the relationship between Teacher Super and C.D. caused C.D. to remain in an emotional and inappropriate relationship, constituting sexual harassment with Teacher Richard Super for an extended period of time.

133. The continued sexual harassment of C.D. by Teacher Super as a result of the Defendants' negligence proximately caused C.D. to suffer extreme humiliation and anxiety, severe emotional distress, mental anguish, and other physical and psychological injuries.

134. Defendants acted either intentionally or recklessly and knew or should have known that the sexual harassment of C.D. by Teacher Super would result in serious emotional distress to C.D. beyond what a normal person would be expected to endure.

135. The misconduct of Defendants alleged herein exceeded all possible bounds of human decency and was outrageous and unacceptable in a civilized society.

136. As a direct and proximate result of the conduct described herein above, C.D.'s ability to trust educators has been substantially impaired, making it more difficult for her to obtain future education. C.D. must now obtain home schooling and will require educational accommodations for the remainder of her academic carrier.

137. The actions of Defendants in ignoring the sexual harassment of C.D. by Teacher Super as alleged herein shattered the natural human trust of C.D. and caused and contributed to psychological injuries to C.D., which have necessitated the need for past, present, and future psychological care and treatment. Plaintiff A.B. on behalf of her daughter A.B. has been caused to incur medical expenses.

138. The actions of Defendants as mentioned herein and the damage to C.D. caused by those actions were preventable had the Defendants fulfilled their duty as educators to C.D.

**WHEREFORE**, Plaintiff A.B. on behalf of her minor child C.D. demands judgment against all Defendants, jointly and severally, for compensatory damages, and punitive damages together with interest, as well as attorney fees and costs of suit for C.D.'s pain and suffering, medical expenses, emotional trauma, diminished childhood, diminished enjoyment of life, cost of counseling, and potentially lost income.

### **THIRD COUNT**

#### *Negligent Infliction of Emotional Distress*

139. Plaintiff A.B. incorporates by reference all of the allegations contained in the preceding paragraphs as though the same were set forth at length herein.

140. As a result of the Defendants' Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan's negligence and/or recklessness, C.D. was caused to sustain severe emotional distress and

suffering.

141. As a direct and proximate result of the breaches and failures outlined herein by the above mentioned Defendants, C.D. was caused to suffer bodily injury, emotional distress/injury, and other damages, all of which are likely to be permanent in nature.

**WHEREFORE**, Plaintiff A.B. on behalf of her minor child C.D. demands judgment against all Defendants, jointly and severally, for compensatory damages, and punitive damages together with interest, as well as attorney fees and costs of suit for C.D.'s pain and suffering, medical expenses, emotional trauma, diminished childhood, diminished enjoyment of life, cost of counseling, and potentially lost income.

**FOURTH COUNT**

*Respondeat Superior*

142. Plaintiff A.B. incorporates by reference all of the allegations contained in the preceding paragraphs as though the same were set forth at length herein.

143. Defendants, The Vineland Board of Education, Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio, ABC, Inc. 1-10, XYZ Corporations 1-20, John Does 1-20, and Mary Does 1-20 are liable for the negligence of Teacher Richard Super under the Doctrine of Respondeat Superior and vicarious liability.

144. At all times material hereto Defendants Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio, ABC, Inc. 1-10, XYZ Corporations 1-20, John Does 1-20, and Mary Does 1-20 were employed by Defendant Vineland Board of Education, and through that employment they had general responsibilities and duties to C.D.

145. Said responsibilities and duties were breached as a result of the conduct of Defendants Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio, ABC, Inc. 1-10,

XYZ Corporations 1-20, John Does 1-20, and Mary Does 1-20, the Vineland Board of Education's agents.

146. At all times material hereto, Defendants Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio, ABC, Inc. 1-10, XYZ Corporations 1-20, John Does 1-20, and Mary Does 1-20 held supervisory positions over Teacher Super. Because of their supervisory positions over Teacher Super, Defendants Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio, ABC, Inc. 1-10, XYZ Corporations 1-20, John Does 1-20, and Mary Does 1-20, had general supervisory responsibilities and duties to C.D.

147. Said responsibilities and duties were breached as a result of the conduct of Defendants Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio, ABC, Inc. 1-10, XYZ Corporations 1-20, John Does 1-20, and Mary Does 1-20's subordinate Teacher Super, and their indifference to same.

148. As a direct and proximate result of the conduct described herein above, C.D.'s ability to trust educators has been substantially impaired, making it more difficult for her to obtain future education. C.D. must now obtain home schooling and may require educational accommodations for the remainder of her academic carrier.

149. The actions of Defendants Tammy Monahan, Michael Sullivan, and Dr. Mary Gruccio, ABC, Inc. 1-10, XYZ Corporations 1-20, John Does 1-20, and Mary Does 1-20, as alleged herein shattered the natural human trust of C.D. and caused and contributed to psychological injuries to C.D., which have necessitated the need for past, present, and future psychological care and treatment. Plaintiff A.B. on behalf of her daughter C.D. has been caused to incur medical expenses.

**WHEREFORE**, Plaintiff A.B. on behalf of her minor child C.D. demands judgment against all Defendants, jointly and severally, for compensatory damages, and punitive damages together with interest, as well as attorney fees and costs of



suit for C.D.'s pain and suffering, medical expenses, emotional trauma, diminished childhood, diminished enjoyment of life, cost of counseling, and potentially lost income.

**FIFTH COUNT**

*Negligent Supervision & Training*

150. Plaintiff A.B. incorporates by reference all of the allegations contained in the preceding paragraphs as though the same were set forth at length herein.

151. During the period which the inappropriate relationship took place, Defendants failed to properly investigate evidence of an inappropriate relationship between Teacher Super and C.D., which allowed Teacher Super to perpetuate the inappropriate and illegal sexual conduct.

152. Defendants acted negligently and/or recklessly, resulting in the injuries to C.D., for which damages are sought, based upon the following:

- a. Negligently training staff to protect against the risk of sexual assault and sexual harassment of students including C.D.;
- b. Negligently supervising Teacher Super.
- c. Negligently retaining Teacher Super as an employee;
- d. Negligently supervising C.D. while a student entrusted to Defendants' care and supervision, and while Defendants were standing *in loco parentis* to C.D.;
- e. Failing to exercise due care under all circumstances;
- f. Failing to come to the aid or rescue of C.D., after placing her in a perilous situation, when they knew, or should have known that C.D. was being exposed to a predatory teacher who sexually assaulted and sexually harassed C.D., all of which were reasonably foreseeable;

- g. Violation of the duties imposed by law pursuant to the Restatement, Second, of Agency, § 213, as adopted in New Jersey;
- h. Violating the "Memorandum of Understanding" between law enforcement and schools in the protection against and reporting of crimes in NJ;
- i. Violating the "heightened duty of School Boards to ensure pupil safety from foreseeable harm, particularly those presented by the intentional acts of school personnel" as defined by the New Jersey Supreme Court;
- j. Adopting policies for the reporting of suspected child abuse which was in conflict with established New Jersey law;
- k. Failure to properly report the allegations of sexual misconduct and/or the improper communication between faculty and students to appropriate authorities, such as CP&P (formerly DYFS);
- l. Failure to timely reprimand, sanction, discipline, suspend, and/or remove Teacher Super from the Rossi Intermediate School faculty.

153. As a direct and proximate result of Defendants' conduct described herein, C.D. was caused to suffer emotional and physical injuries, including but not limited to Anxiety and Depression, Post-Traumatic Stress Disorder, embarrassment, humiliation, and has incurred and/or will likely incur medical expenses.

154. Additionally, and/or in the alternative, at the time and place aforesaid, Defendants ABC, Inc. 1-10 (fictitious entities), and/or Defendants John Doe 1-20 (fictitious names and/or fictitious entities), through their employees, servants, and/or agents acted negligently or recklessly for the reasons outlined above, and thereby caused C.D.'s injuries and damages.

WHEREFORE, Plaintiff A.B. on behalf of her minor child C.D. demands judgment against all Defendants, jointly and severally, for compensatory damages, and punitive damages together with interest, as well as attorney fees and costs of suit for C.D.'s pain and suffering, medical expenses, emotional trauma, diminished childhood, diminished enjoyment of life, cost of counseling, and potentially lost income.

SIXTH COUNT

*Law Against Discrimination Violation OF N.J.S.A. 10:5-1 ET SEQ. Sexually Hostile Educational Environment and Discrimination*

155. Plaintiff incorporates by reference all of the allegations contained in the preceding paragraphs as though same were set forth at length therein.

156. Despite Defendants' actual and/or constructive knowledge of sexually inappropriate and harassing conduct, Defendants Vineland Board of Education failed to reasonably protect C.D. against harassing conduct on the basis of their sex, female, and permitted a hostile educational environment.

157. Defendants Vineland Board of Education, Gruccio, Monahan, and Sullivan violated New Jersey's Law Against Discrimination, contained within N.J.S.A. 10:5-1 et seq., and such failures created a sexually hostile educational environment for C.D., and discriminated against C.D. based upon C.D.'s sex.

158. Defendant Vineland Board of Education is vicariously liable for the actions of its supervisory employees, including but not limited to Defendants Gruccio, Monahan, and Sullivan.

159. Defendants Vineland Board of Education, Gruccio, Monahan, and Sullivan knew, or should have known, of the harassment and failed to take effective remedial measures to stop it.

160. As a direct and proximate result of the breaches and failures by Defendants Vineland Board of Education, Monahan, Sullivan, and Gruccio outlined herein, C.D. was caused to suffer bodily injury, emotional distress/injury, injuries which are likely to be permanent in nature and denial of the full education they were entitled to receive.

WHEREFORE, Plaintiff A.B. on behalf of her minor child C.D. demands judgment against all Defendants, jointly and severally, for compensatory damages, and punitive damages together with interest, as well as attorney fees and costs of suit for C.D.'s pain and suffering, medical expenses, emotional trauma, diminished childhood, diminished enjoyment of life, cost of counseling, and potentially lost income.

#### SEVENTH COUNT

##### *Civil Rights Violations Pursuant to 42 U.S.C.A. § 1983*

161. Plaintiff A.B. incorporates by reference all of the allegations contained the preceding paragraphs as though the same were set forth at length herein.

162. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan, were obligated to adhere to Vineland Board of Education Policy 2361.

163. Policy 2361 provides in pertinent part that:

- a. School district personnel will monitor networks and online activity to maintain the integrity of the networks, ensure their proper use, and ensure compliance with Federal and State laws that regulate Internet safety.
- b. Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.
- c. In accordance with the provisions of the Children's Internet Protection Act, the Superintendent of Schools or designee will develop and ensure education is provided to every pupil regarding appropriate online behavior, including pupils interacting with other individuals on social networking sites and/or chat rooms, and cyberbullying awareness and response. Exhibit "E"

164. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to and enforce Vineland Board of Education Policy 2361. Exhibit "E".

165. By failing to adhere to Policy 2361 Defendants breached a duty of care which was owed to C.D.

166. Defendants Vineland Board of Education, Dr. Mary Gruccio Tammy Monahan, and Michael Sullivan were obligated to adhere to Vineland Board of Education Policy 2361.1. Exhibit "F".

167. Policy 2361.1 provides as follows:

- a. Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
- b. Any pupil use of internet "live chat" capabilities will be directly supervised by an administrator, faculty or staff member. Exhibit "F".

168. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to and enforce Vineland Board of Education Policy 2361.1. Exhibit "F".

169. By failing to adhere to Policy 2361.1 Defendants breached a duty of care owed to C.D. Exhibit "F".

170. Defendants Vineland Board of Education's, Dr. Mary Gruccio's, Tammy Monahan's, and Michael Sullivan's failure to adhere to an enforce Vineland Board of Education Policy 2361 and 2361.1 was negligent. Exhibit "E" and "F".

171. Policy 3283 reads in part:

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a teaching staff member and any student of the school district when:

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for

communications between a teaching staff member and a student as defined in this Policy and other school policies. Inappropriate communications between a teaching staff member and a student includes, but it not limited to:

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone

3. Communications regarding the teaching staff member's or student's past or current romantic relationships;

4. Communications which include the use of profanities, obscene language, lewd comments, or pornography

6. Communications requesting or trying to establish a personal relationship with a student beyond the teaching staff member's professional responsibilities;

8. Communications between the teaching staff member and a student that the Commissioner of Education or an arbitrator would determine to be inappropriate in determining the teaching staff member is unfit to discharge the duties and functions of their position. Exhibit "I".

172. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Policy 3211 (Code of Ethics for Teaching Staff Members) which states that teaching staff members "...Shall not use professional relationships with pupils for private advantage." Exhibit "J".

173. Attached hereto and made a part hereof as Exhibit "J" is a true and accurate copy of Policy 3211.

174. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Policy 3211 which states, "[teaching staff members]...shall not on the basis of race, color, creed, sex, national original, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--...c. Grant any advantage to any pupil." Exhibit "J".

175. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Policy 3280, which provides that:

- a. Teaching staff members are responsible for supervision of pupils.
- b. Teaching staff members must maintain a standard of care for supervision, control and protection of the students.
- c. Teaching Staff members must report immediately to the building principal any accident or safety hazard the members detect.
- d. Teaching staff members must never transport pupils in personal vehicles without approval of the principal.
- e. Lastly, teaching staff members must immediately report any instance of substance abuse, violence, vandalism, accidents, or suspected child abuse. Exhibit "K".

176. Attached hereto and made a part hereof as Exhibit "K" is a true and accurate copy of Policy 3280.

177. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Policy 3281, which was a policy developed to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct unbecoming a school staff member toward pupils. Exhibit "L".

178. Attached hereto and made a part hereof as Exhibit "L" is a true and accurate copy of Policy 3281.

179. In accordance with Policy 3281, teaching staff members shall not:

- a. make inappropriate comments to or about pupils; shall not engage in inappropriate conduct toward or with pupils;
- b. shall not be in the presence of a pupil beyond professional responsibilities; shall not provide transportation in private vehicles. Exhibit "L".

180. Policy 3281 clarifies that conduct may include but is not limited to, communications and/or publications using e-mails, text messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display. Exhibit "L".

181. In addition, Policy 3281 requires school personnel to report to their immediate supervisor or building principal any violations. This includes, when school personnel have reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect that said school personnel are required to immediately report to the CP & P. Exhibit "L".

182. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Policy 4281, which is identical to Policy 3281, but applies to support staff members. Exhibit "M".

183. Attached hereto and made a part hereof as Exhibit "M" is a true and accurate copy of Policy 4281.

184. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Policy 5512, which prohibits harassment, intimidation, and bullying, including teacher to student harassment, intimidation, and bullying. Exhibit "N".

185. Attached hereto and made a part hereof as Exhibit "N" is a true and accurate copy of Policy 5512.



186. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Policy 5751, which states sexual harassment of pupils by school employees, other pupils, or third parties will not be tolerated. Exhibit "O".

187. Attached hereto and made a part hereof as Exhibit "O" is a true and accurate copy of Policy 5751.

188. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Regulation 5751 which sets forth definitions and methods of investigation and resolution of sexual harassment claims made by pupils. Exhibit "O".

189. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to Vineland Board of Education Policy 8465, which requires training of teaching staff members on reporting potentially abused children. Exhibit "P".

190. Attached hereto and made a part hereof as Exhibit "P" is a true and accurate copy of Policy 8465.

191. Defendants Vineland Board of Education, Dr. Mary Gruccio, Tammy Monahan, and Michael Sullivan failed to adhere to N.J.S.A. 9:6-8.10, which provides that any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same immediately to CP & P.

192. Defendants Vineland Board of Education, and Dr. Mary Gruccio, Tammy Monahan, Michael Sullivan were negligent in failing to adhere to said policies which were the proximate cause of C.D.'s injuries in that had the policies been complied with the communications in question would have been flagged and interrupted prior to causing serious harm to C.D.

193. Defendants acted under color of state law when they engaged in the conduct described in this Complaint.

194. For the reasons outlined above and below, Defendants were deliberately indifferent to a known risk of sexual harassment and/or sexual misconduct by faculty at Rossi Intermediate School for which Plaintiff A.B. on behalf of her daughter C.D. states a claim against Defendants for violation of C.D.'s Civil Rights pursuant to 42 U.S.C.A. § 1983.

195. As a public or governmental entity and/or as public or governmental officials, Defendants are responsible for a "state-created danger," for which Plaintiff A.B. on behalf of her minor daughter C.D. states a claim against Defendants for violation of C.D.'s Civil Rights pursuant to 42 U.S.C.A. § 1983.

196. As a direct and proximate result of Defendants' conduct described herein, C.D. was caused to suffer emotional and physical injuries, including but not limited to Anxiety, Depression, Post-Traumatic Stress Disorder, embarrassment, humiliation, and has incurred and/or will likely incur medical expenses.

**WHEREFORE**, Plaintiff A.B. on behalf of her minor child C.D. demands judgment against all Defendants, jointly and severally, for compensatory damages, and punitive damages together with interest, as well as attorney fees and costs of suit for C.D.'s pain and suffering, medical expenses, emotional trauma, diminished childhood, diminished enjoyment of life, cost of counseling, and potentially lost income.

**EIGHTH COUNT**

*Civil Rights Violation Pursuant to 42 U.S.C.A. §1983*

197. Plaintiff incorporates by reference all of the allegations contained in the preceding paragraphs as though the same were set forth at length herein.

198. Defendants the Vineland Board of Education and acting through their employees and agents including Dr. Mary Gruccio, Tammy Monahan, Michael Sullivan, and other individuals who were employees and persons in a position to make policy of the Vineland Board of Education who are not named Defendants in this action developed and maintained numerous deficient policies and/or customs, set forth above which caused the deprivations of C.D.'s Constitutional Rights for which Plaintiff brings claims pursuant to 42 U.S.C.A. § 1983. This claim is brought for violations of substantive due process rights, state created danger, and/or failure to properly train and supervise.

199. These Defendants' policies and customs encouraged and allowed Teacher Richard Super to believe he could violate the Constitutional Rights of C.D. with impunity and with the explicit or tacit approval of these Defendants. As such, these Defendants were deliberately indifferent and reckless with respect to the violation of C.D.'s Constitutional Rights.

200. These Defendants' policies and/or customs included a policy and custom of:

- a. Failing to enforce and supervise compliance with the written policies outlined above,

- b. Failing to monitor electronic communications, harassment, and other inappropriate staff conduct in violation of the following Vineland Board of Educations Policies: 2360 (Use of Technology) 2361 (Acceptable Use of Computer Networks/ Computers and Resources) 2361.1 (Internet Use) 3211 (Code of Ethics Teaching Staff Mmembers) 3281(Inappropriate Staff Conduct) 3283 (Electronic Communications Between Teaching Staff Members and Students) 5751 (Sexual Harassment of Pupils).
- c. Failing to take any steps whatsoever to supervise and/or enforce Policy 2361 which requires that "School District personnel will monitor networks and online activity to maintain the integrity of the networks, **ensure their proper use**, and ensure compliance with Federal and State laws that regulate Internet Safety."

201. The Defendants' policies and customs were a direct and proximate cause of C.D.'s injuries and damages described above.

**WHEREFORE**, Plaintiff A.B. on behalf of her minor child C.D. demands judgment against all Defendants, jointly and severally, for compensatory damages, and punitive damages together with interest, as well as attorney fees and costs of suit for C.D.'s pain and suffering, medical expenses, emotional trauma, diminished childhood, diminished enjoyment of life, cost of counseling, and potentially lost income.

**JURY DEMAND**

Plaintiff demands a jury trial.

By: s/Paul R. D'Amato  
Paul R. D'Amato, Esquire  
Attorney for Plaintiff  
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Egg Harbor Township, New Jersey 08234  
[paul@damatolawfirm.com](mailto:paul@damatolawfirm.com)  
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By: s/JEFFREY FRITZ  
Jeffrey Fritz, Esquire  
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457 Haddonfield Road, Suite 540  
Cherry Hill, NJ 08002  
(856) 354-1175  
Co-Counsel for Plaintiff

By: s/Alexa D'Amato Barrera  
Alexa D'Amato Barrera, Esquire  
Attorney for Plaintiff  
2900 Fire Road, Suite 200  
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[Alexa@damatolawfirm.com](mailto:Alexa@damatolawfirm.com)  
(609) 926-3300

Dated: November 10, 2017

**CERTIFICATION**

PAUL R. D'AMATO, ESQUIRE of full age, certifies:

1. I am a member of the D'Amato Law Firm, P.C. and am entrusted with the preparation and trial of this case.
2. This case is not the subject of any other court action or arbitration proceeding.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: s/Paul R. D'Amato  
Paul R. D'Amato, Esquire  
Attorney for Plaintiff  
2900 Fire Road, Suite 200  
Egg Harbor Township, New Jersey 08234  
paul@damatolawfirm.com  
(609) 926-3300

Dated: November 10, 2017

**CERTIFICATION**

ALEXA D'AMATO BARRERA, ESQUIRE of full age, certifies:

1. I am a member of the D'Amato Law Firm, P.C. and am entrusted with the preparation and trial of this case.
2. This case is not the subject of any other court action or arbitration proceeding.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: s/Alexa D'Amato Barrera  
Alexa D'Amato Barrera, Esquire  
Attorney for Plaintiff  
2900 Fire Road, Suite 200  
Egg Harbor Township, New Jersey 08234  
Alexa@damatolawfirm.com  
(609) 926-3300

Dated: November 10, 2017

**CERTIFICATION**

JEFFERY FRITZ, ESQUIRE of full age, certifies:

1. I am a member of the Soloff & Zervanos Law Firm and am entrusted with the preparation and trial of this case.
2. This case is not the subject of any other court action or arbitration proceeding.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: s/JEFFERY FRITZ  
JEFFERY FRITZ, ESQUIRE  
Attorney for Plaintiff  
Soloff & Zervanos  
457 Haddonfield Road, Suite 540  
Cherry Hill, NJ 08002  
(856) 354-1175  
Co-Counsel for Plaintiff

Dated: November 10, 2017

GUARDIAN AD LITEM CERTIFICATION

We hereby certify that A.B. is the parent of the minor plaintiff, C.D. that said parents do not have any interest contrary to that of the infant, and have consented to act as the Guardians Ad Litem.

By: s/Paul R. D'Amato  
Paul R. D'Amato, Esquire  
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By: s/JEFFERY FRITZ  
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(609) 926-3300

Dated: November 10, 2017



# EXHIBIT "A"

Mary Gruccio

Page 1

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION-CUMBERLAND COUNTY  
DOCKET NO. CUM-L-746-14

M.B.,

Plaintiff,

vs.

BOARD OF EDUCATION OF THE CITY OF VINELAND,  
HEIDI NIEVES, MINERVA QUETELL,  
STACY L. JOHNSON, ET AL.,

Defendant.

Transcript of the oral sworn testimony of  
MARY GRUCCIO, before ROBERT J. STITES, C.C.R. and Notary  
Public of the State of New Jersey, taken at the offices  
of VINELAND BOARD OF EDUCATION, 625 Plum Street,  
Vineland, New Jersey, 08360, taken on January 14, 2016,  
commencing at 2:150 p.m., there being present:

KAPLAN, LEAMAN AND WOLFE

Constitution Place

325 Chestnut Street, Suite 909

Philadelphia, PA, 19106

(215) 922-7112

Mary Gruccio

Page 64

1 Q. Now, these two policies that we've looked at  
2 in Exhibit 8 and Exhibit 9, would you agree that they're  
3 in place, at least in part, for the protection of  
4 students and children?

5 A. Absolutely.

6 Q. Okay. And do you agree that if they're not  
7 followed, that puts a student at risk for being harmed?

8 A. Of course.

9 Q. Okay. If a student is the subject or a  
10 victim of sexual assault within school, do you agree that  
11 that student is being deprived of an equal education?

12 A. Can you repeat that?

13 Q. If a student is the subject or victim of  
14 sexual assault by a staff member from a school, do you  
15 agree that that student is being deprived of the  
16 education to which he is entitled?

17 A. Not necessarily, no.

18 Q. Okay. When -- when is a student not deprived  
19 of the education to which he's entitled where he or she  
20 is the subject or victim of sexual assault by a staff  
21 member of a school?

22 A. I'm -- maybe I'm misunderstanding what you're  
23 asking.

24 Q. Sure.

25 A. I see them as two separate things. We

# Exhibit "B"

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
3281/page 1 of 2  
Inappropriate Staff Conduct

### 3281 INAPPROPRIATE STAFF CONDUCT

The Board of Education recognizes its responsibility to protect the health, safety and welfare of all pupils within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a pupil's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all pupils attending the school district.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all pupils. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-pupil professional relationship that exists in a school district's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward pupils.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to pupils or about pupils and shall not engage in inappropriate language or expression in the presence of pupils. School staff shall not engage in inappropriate conduct toward or with pupils. School staff shall not engage or seek to be in the presence of a pupil beyond the staff member's professional responsibilities. School staff shall not provide transportation to a pupil in their private vehicle or permit a pupil into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

The Commissioner of Education has determined inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but are not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display.

A school staff member is always expected to maintain a professional relationship with pupils and to protect the health, safety and welfare of school pupils. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.



# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
3281/page 2 of 2  
Inappropriate Staff Conduct

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate supervisor, the school staff member may report directly to the Assistant Superintendent for Administration. In addition, school personnel having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Superintendent of Schools of all reports, including anonymous reports. The Assistant Superintendent for Administration will investigate all reports with a final report to the Superintendent of Schools. The Assistant Superintendent for Administration or the Superintendent may, at any time after receiving a report, take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at anytime upon request.

N.J.S.A. 18A:28-5 et seq.  
N.J.A.C. 6A:16-10.1 et seq.

Adopted: 09 June 2010



# Exhibit "C"

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3283/page 1 of 3

Electronic Communications Between Teaching Staff  
Members and Students

M

### POLICY 3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS

The Board of Education recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and teaching staff members communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between teaching staff members and students. However, the Board of Education recognizes teaching staff members can be vulnerable in electronic communications with students.

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to teaching staff members to prevent improper electronic communications between teaching staff members and students.

The Commissioner of Education and arbitrators, appointed by the Commissioner, have determined inappropriate conduct may determine a teaching staff member unfit to discharge the duties and functions of their position. Improper electronic communications by teaching staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a teaching staff member's responsibilities regarding co-curricular, athletic coaching, and any other instructional or non-instructional responsibilities assigned to the teaching staff member by the administration or Board of Education.

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a teaching staff member and any student of the school district when:

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for communications between a teaching staff member and a student as defined in this Policy and other school policies.

Inappropriate communication between a teaching staff member and a student includes, but is not limited to:



# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3283/page 2 of 3

Electronic Communications Between Teaching Staff  
Members and Students

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the teaching staff member's or student's past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the teaching staff member's professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and
8. Communications between the teaching staff member and a student that the Commissioner of Education or an arbitrator would determine to be inappropriate in determining the teaching staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a teaching staff member and a student shall be followed:

1. E-Mail Electronic Communications Between a Teaching Staff Member and a Student
  - a. All e-mails between a teaching staff member and a student must be sent or received through the school district's e-mail system. The content of all e-mails between a teaching staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.
  - b. A teaching staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a teaching staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the teaching staff member and the student.
  - c. A teaching staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a teaching staff member shall have no expectation of privacy on the school district's e-mail system.
2. Cellular Telephone Electronic Communications Between a Teaching Staff Member and a Student
  - a. Communications between a teaching staff member and a student via a personal cellular telephone shall be prohibited.
    - (1) However, a teaching staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the teaching staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.
3. Text Messaging Electronic Communications Between Teaching Staff Members and Students

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS

3283/page 3 of 3

Electronic Communications Between Teaching Staff  
Members and Students

a. Text messaging communications between a teaching staff member and an individual student are prohibited.

(1) However, a teaching staff member may, with prior approval of the Principal or designee, text message students provided the need to text message is directly related to the teaching staff member's professional responsibilities with a class or co-curricular activity. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the class or activity approved by the Principal or designee.

#### 4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Teaching Staff Members and a Student

a. A teaching staff member is prohibited from communicating with any student through the teaching staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a teaching staff member and a student.

b. A teaching staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a teaching staff member's personal social networking website or other Internet-based social media website shall not be responded to by the teaching staff member and shall be reported to the Principal or designee by the teaching staff member.

c. If a teaching staff member has a student(s) as a "friend" on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.

d. Communication between a teaching staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

#### Reporting Responsibilities

In the event a student sends an improper electronic communication, as defined in this Policy, to a teaching staff member, the teaching staff member shall report the improper communication to the Principal or designee by the next school day. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a teaching staff member or a student may result in appropriate disciplinary action.

The provisions of this Policy shall be applicable at all times while the teaching staff member is employed in the school district and at all times the student is enrolled in the school district, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

N.J.S.A. 18A:36-40

Adopted: 13 August 2014

# EXHIBIT "D"

# POLICY

## VINELAND BOARD OF EDUCATION

PROGRAM

2361 / Page 1 of 3

Acceptable Use of Computer Networks/  
Computers and Resources

### Policy 2361 ACCEPTABLE USE OF COMPUTER NETWORKS/ COMPUTERS AND RESOURCES

The Board of Education recognizes as new technologies shift the manner in which information is accessed, communicated, and transferred; these changes will alter the nature of teaching and learning. Access to technology will allow pupils to explore databases, libraries, Internet sites, and bulletin boards while exchanging information with individuals throughout the world. The Board supports access by pupils to these information sources but reserves the right to limit in-school use to materials appropriate for educational purposes. The Board directs the Superintendent to effect training of teaching staff members in skills appropriate to analyzing and evaluating such resources as to appropriateness for educational purposes.

The Board also recognizes technology allows pupils access to information sources that have not been pre-screened by educators using Board approved standards. The Board therefore adopts the following standards of conduct for the use of computer networks and declares unethical, unacceptable, or illegal behavior as just cause for taking disciplinary action, limiting or revoking network access privileges, and/or instituting legal action.

The Board provides access to computer networks/computers for educational purposes only. The Board retains the right to restrict or terminate pupil access to computer networks/computers at any time, for any reason. School district personnel will monitor networks and online activity to maintain the integrity of the networks, ensure their proper use, and ensure compliance with Federal and State laws that regulate Internet safety.

#### Standards for Use of Computer Networks

Any individual engaging in the following actions when using computer networks/computers shall be subject to discipline or legal action:

- A. Using the computer networks/computers for illegal, inappropriate or obscene purposes, or in support of such activities. Illegal activities are defined as activities that violate Federal, State, local laws and regulations. Inappropriate activities are defined as those that violate the intended use of the networks. Obscene activities shall be defined as a violation of generally accepted social standards for use of publicly owned and operated communication vehicles.
- B. Using the computer networks/computers to violate copyrights, institutional or third party copyrights, license agreements or other contracts.
- C. Using the computer networks in a manner that:
  1. Intentionally disrupts network traffic or crashes the network;
  2. Degrades or disrupts equipment or system performance;
  3. Uses the computing resources of the school district for commercial purposes, financial gain, or fraud;
  4. Steals data or other intellectual property;

# POLICY

## VINELAND BOARD OF EDUCATION

PROGRAM

2361 / Page 2 of 3

Acceptable Use of Computer Networks/  
Computers and Resources

5. Gains or seeks unauthorized access to the files of others or vandalizes the data of another person;
6. Gains or seeks unauthorized access to resources or entities;
7. Forges electronic mail messages or uses an account owned by others;
8. Invades privacy of others;
9. Posts anonymous messages;
10. Possesses any data which is a violation of this Policy; and/or
11. Engages in other activities that do not advance the educational purposes for which computer networks/computers are provided.

### Internet Safety Protection

As a condition for receipt of certain Federal funding, the school district shall be in compliance with the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and has installed technology protection measures for all computers in the school district, including computers in media centers/libraries. The technology protection must block and/or filter material and visual depictions that are obscene as defined in Section 1460 of Title 18, United States Code; child pornography, as defined in Section 2256 of Title 18, United States Code; are harmful to minors including any pictures, images, graphic image file or other material or visual depiction that taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; or depicts, describes, or represents in a patently offensive way, with respect to what is suitable for minors, sexual acts or conduct; or taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

This Policy also establishes Internet safety policy and procedures in the district as required in the Neighborhood Children's Internet Protection Act. Policy 2361 addresses access by minors to inappropriate matter on the Internet and world wide web; the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications; unauthorized access, including "hacking" and other unlawful activities by minors online; unauthorized disclosures, use, and dissemination of personal identification information regarding minors; and measures designed to restrict minors' access to materials harmful to minors.

Notwithstanding blocking and/or filtering the material and visual depictions prohibited in the Children's Internet Protection Act and the Neighborhood Children's Internet Protection Act, the Board shall determine other Internet material that is inappropriate for minors.

In accordance with the provisions of the Children's Internet Protection Act, the Superintendent of Schools or designee will develop and ensure education is provided to every pupil regarding appropriate online behavior, including pupils interacting with other individuals on social networking sites and/or chat rooms, and cyberbullying awareness and response.

The Board will provide reasonable public notice and will hold one annual public hearing during a regular monthly Board meeting or during a designated special Board meeting to address and receive public community input on the Internet safety policy - Policy and Regulation 2361. Any changes in

# POLICY

## VINELAND BOARD OF EDUCATION

PROGRAM

2361 / Page 3 of 3

Acceptable Use of Computer Networks/  
Computers and Resources

Policy and Regulation 2361 since the previous year's annual public hearing will also be discussed at a meeting following the annual public hearing.

The school district will certify on an annual basis, that the schools, including media centers/libraries in the district, are in compliance with the Children's Internet Protection Act and the Neighborhood Children's Internet Protection Act and the school district enforces the requirements of these Acts and this Policy.

### Consent Requirement

No pupil shall be allowed to use the school districts' computer networks/computers and the Internet unless they have filed with the Instructional Technology (individual or office) a consent form signed by the pupil and his/her parent(s) or legal guardian(s). **Documentation will be kept in the student database and will apply for the duration of the pupil's schooling in the Vineland School District unless changed in writing and signed by the pupil and his/her parent(s) or legal guardians.**

### Violations

Individuals violating this Policy shall be subject to the consequences as indicated in Regulation 2361 and other appropriate discipline, which includes but are not limited to:

1. Use of the network only under direct supervision;
2. Suspension of network privileges;
3. Revocation of network privileges;
4. Suspension of computer privileges;
5. Revocation of computer privileges;
6. Suspension from school;
7. Expulsion from school; and/or
8. Legal action and prosecution by the authorities.

N.J.S.A. 2A:38A-3

Federal Communications Commission: Children's Internet Protection Act-

Federal Communications Commission: Neighborhood Children's Internet Protection Act

Adopted: 09 June 2010

REVISED: 13 June 2012

REVISED: 13 May 2015

# EXHIBIT "E"



# POLICY

## VINELAND BOARD OF EDUCATION

PROGRAM  
2360/page 1 of 5  
Use of Technology

### 2360 USE OF TECHNOLOGY

The Board of Education recognizes the use of technology in the educational process is an essential part of the schooling experience. Technology is to be viewed as a resource to enhance the learning process among other resources available to teachers and pupils. In addition, technology can be used to enhance the administration of the schools and the district. In order to provide direction and meaning to the use of technology as an instructional resource, the Board encourages and supports staff use of technology as a component of the learning process.

For purposes of this policy "technology" includes, but is not limited to, the use of computers and computer peripherals, communications networks, access to databases and libraries of information and the integration of audio, video, multimedia devices and media for purposes of teaching and learning.

The Superintendent, in consultation with teaching and support staff, shall recommend to the Board the acquisition of appropriate technology to best implement the curricular, instructional, and administrative program of the school district. The Superintendent shall prepare a technology plan for the school district to encompass the following:

#### Curricular, Instructional and Administrative Need

The technology plan shall define the curricular, instructional and administrative need for technological equipment and media for the district.

#### In-service Education

The Board shall provide opportunities for school staff to participate in in-service programs on hardware or software programs to be used in the execution of educational and administrative tasks. In-service programs may be provided in or out of the district.

#### Standards, Codes and References

All technology installations shall conform to the industry standards and applicable federal, State and local statutes and codes.





# POLICY

## VINELAND BOARD OF EDUCATION

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Use of Technology

### Facilities Planning

In all facilities projects involving new constructions, additions, and renovations the Superintendent or designee shall ensure the plans include provisions for current and future technology needs in terms of the structural, electric/electronic, mechanical, acoustical and visual systems of the building(s). All educational specifications shall include features required for the use of instructional technology.

### Computers

The school district will provide support or maintenance agreements for specified brands of computers. All other computers purchased or donated will be subject to repair only when non-allocated funding is available and therefore may remain unrepaired until funding is available.

### Computer Software Acquisition and Upgrading

The school district will only support the specified upgrades and training. Staff members shall not purchase software that has not been included on a list of specified software or has been approved by the Assistant Superintendent for Curriculum and Instruction.

The Superintendent will recommend the purchase of upgrades to software as needed. An evaluation of upgrades shall be made by appropriate personnel and no upgrade shall be purchased without the express approval of the Assistant Superintendent for Curriculum and Instruction.

### Site Licenses

In the case where more than one copy of a software program is required, the Supervisor of Technology shall attempt to acquire or negotiate a site license with the software developers. In the event a site license is not possible, vendors shall be sought who will provide multiple copies at a discounted cost.

### Software Copyright

All employees shall strictly adhere to the copyright laws of the United States. No software shall be copied and/or distributed except in accordance with these laws. All software placed on media workstations or any network with public access shall be copy protected by the Supervisor of Technology, who shall assure that individuals who have access to such programs shall not copy them without authorization.



# POLICY

## VINELAND BOARD OF EDUCATION

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Use of Technology

### Internal Communication (District)

The school district shall provide communication between schools by a variety of means.

### External Communications

The Board encourages the use of external communications so schools may utilize the vast resources of external databases and communicate with other schools, external agencies, and businesses throughout the world. Gateways to such communications will be supported by the school district. The use of particular gateways shall be approved by the Supervisor of Technology. The Supervisor of Technology shall be responsible for the installation of software in district owned computers and/or computer systems that prevents access to gateways and Internet sites that have material considered by the Supervisor of Technology to be inappropriate for use by pupils.

### Computer Laboratories and Distributed Computing

In order to provide teacher, staff, and pupil access to computers, the Board directs that provisions be made to provide computer access in computer laboratories, classrooms, and school libraries/media centers.

### Audio/Video

All audio and/or video materials shall be used in accordance with the copyright laws of the United States. Teachers, pupils, or staff who create audio or video materials containing the voices or images of the individuals involved shall obtain proper releases from those individuals, their parent(s) or legal guardian(s) for instructional use within the school.

### Informing Parents, Legal Guardians and Interested Parties

Upon request, the Building Principal shall make available to parent/legal guardians the computer hardware and software used in the district in order that a computer purchased privately for home use may be compatible with the computer and software the pupil uses in the school setting.

### Technology Coordination

The Board shall appoint a Supervisor of Technology to assure the technology needs of the district are met in the most efficient manner possible at the lowest costs available to meet specified needs.



# POLICY

## VINELAND BOARD OF EDUCATION

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Use of Technology

### Broadcast Rights and Copyrights

The Board specifically retains the Broadcast rights and copyrights to all materials created by employees of the Board as part of their responsibilities to the Board. Any financial remuneration for the use of such materials shall be retained by the Board.

### Computer Security

The Supervisor of Technology shall develop security procedures to include, but not be limited to, the following areas:

1. Physical Security of Equipment

All computer equipment shall be maintained in a secure manner appropriate to its location.

2. Data Security

- a. Back-up procedures for system files, libraries, and data shall be practiced in a timely fashion.
- b. Disaster recovery plans shall be kept up-to-date at all times.
- c. Password protection shall be in place and updated periodically.
- d. Resource security shall be in place to prevent unauthorized access to system files, libraries, and data.

3. Employee Training

All new employees having, as part of their job responsibilities, access to computers and information systems will be trained in the proper security procedures outlined above.

All employees having, as part of their job responsibilities, access to computers and information systems will be kept up-to-date on current security procedures for equipment and data.



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## VINELAND BOARD OF EDUCATION

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Use of Technology

4. Transaction Audit Trail

Appropriate procedures will be maintained in order to monitor system activity and users, as necessary.

5. Security Officer

The Superintendent shall designate the Supervisor of Technology as the district's Computer Security Officer to monitor system security procedures.

### Use of Facsimile (FAX) Machines

Fax machines provide a useful means of communicating and shall be subject to the same rules that apply to the use of telephones. All incoming faxes shall be considered confidential mail. No disclosure of the contents of any fax shall be made except to the individual for whom the fax is intended. Any individual violating this confidentiality shall be subject to discipline as provided by the policies and regulations of the Board.

N.J.A.C. 6A:26-6.1 et seq.  
17 U.S.C. 101 et seq.

Adopted: 09 June 2010



# EXHIBIT "F"

# POLICY

## VINELAND BOARD OF EDUCATION

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Internet Use

### 2361.1 INTERNET USE

Internet access is now available to pupils and teachers in the Vineland Public Schools. The Board of Education is pleased to bring this access to Vineland Public Schools and believes the Internet offers vast, diverse, and unique resources to both pupils and teachers. The Board's goal in providing this service to teachers and pupils is to promote educational excellence in schools by facilitating resource sharing, innovation, and communication.

The Internet is an electronic highway connecting thousands of computers all over the world and millions of individual subscribers. Pupils and teachers have access to:

1. Electronic mail communication with people all over the world.
2. Information and news from NASA as well as the opportunity to correspond with the scientists at NASA and other research institutions.
3. Public domain software and shareware of all types.
4. Discussion groups on a plethora of topics ranging from Chinese culture to the environment to music to politics.
5. Access to many University Library Catalogs, the Library of Congress and ERIC.

With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. Vineland Public Schools has taken precautions to restrict access to controversial materials. However, on a global network it is impossible to control all materials and an industrious user may discover controversial information. The Board firmly believes that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may procure material that is not consistent with the educational goals of the Vineland Public Schools.

Internet access is coordinated through a complex association of government agencies, and regional and state networks. In addition, the smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. This policy is provided so that all are aware of the responsibilities each is about to acquire. In general this requires efficient, ethical and legal utilization of the network resources. If a Vineland Public Schools user violates any of these provisions, future access could possibly be denied.



# POLICY

## VINELAND BOARD OF EDUCATION

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Internet Use

### Internet Terms and Conditions

1. **Acceptable Use** - The purpose of NSFNET, which is the backbone network to the Internet, is to support research and education in and among academic institutions in the U.S. by providing access to unique resources and the opportunity for collaborative work.

The use of Internet must be in support of education and research and consistent with the educational objectives of the Vineland Public Schools. Use of other organization's network or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any U.S. or state regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, or material protected by trade secret. Use for commercial activities is generally not acceptable. Use for product advertisement or political lobbying is also prohibited.

2. **Privileges** - The use of the Internet is a privilege, not a right, and inappropriate use will result in cancellation of those privileges. Each pupil who has access to the Internet will be part of a discussion with a Vineland Public Schools faculty member pertaining to the proper use of the network. The system administrators will deem what is inappropriate use and their decision is final. Also, the system administrators may close an account at any time as required. The administration, faculty, and staff of Vineland Public Schools may request the system administrator to deny, revoke or suspend specific user accounts. No pupil account may be transferred by a pupil to another pupil nor used by another pupil.
3. **Network Etiquette** - Pupils are expected to abide by the generally accepted rules of network etiquette. These include (but are not limited to) the following:

- a. Be polite. Do not get abusive in your messages to others.
- b. Use appropriate language. Do not swear, use vulgarities or any other inappropriate language. Illegal activities are strictly forbidden.
- c. Do not reveal your personal address or phone numbers or any other personal information of pupils or colleagues.
- d. Note that electronic mail (e-mail) is not guaranteed to be private. People who operate the system do have access to all mail. Messages relating to or in support of illegal activities may be reported to the authorities.
- e. Do not use the network in such a way that you would disrupt the use of the network by other users.



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## VINELAND BOARD OF EDUCATION

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Internet Use

- f. Do not play games or use the computer resources for other non-academic activities when others require the system for academic purposes.
- g. Do not waste nor take supplies, such as paper, printer ribbons, and diskettes, that are provided by Vineland Public Schools in a computer lab.
- h. All use of the Internet must be in support of education and research and consistent with the purposes of Vineland Public Schools.
- i. Any use of the network for commercial or for-profit purposes is prohibited.
- j. Use of the network for personal and private business is prohibited.
- k. Any use of the network for product advertisement or political lobbying is prohibited.
- l. Network accounts are to be used only by the authorized owner of the account for the authorized purpose.
- m. Users shall not intentionally seek information on, obtain copies of, or modify files, other data, or passwords belonging to other users, or misrepresent other users on the network.
- n. All communications and information accessible via the network should be assumed to be private property.
- o. No use of the network shall serve to disrupt the use of the network by others; hardware or software shall not be destroyed, modified, or abused in any way.
- p. Malicious use of the network to develop programs that harass other users or infiltrate a computer or computing system and/or damage the software components of a computer or computing system is prohibited.
- q. Hate mail, harassment, discriminatory remarks and other antisocial behaviors are prohibited on the network.
- r. The illegal installation of copyrighted software for use on district computers is prohibited.
- s. Use of the network to access or process pornographic material, inappropriate text files, or files dangerous to the integrity of the local area network is prohibited.





# POLICY

## VINELAND BOARD OF EDUCATION

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Internet Use

- t. Any pupil use of Internet "live chat" capabilities will be directly supervised by an administrator, faculty or staff member.
  - u. Use of network systems (data, video, voice) for soliciting or distributing information with the intent to harass, intimidate, or bully which can be described as Cyber Bullying.
4. Vineland Public Schools makes no warranties of any kind, whether expressed or implied, for the service it is providing. Vineland Public Schools will not be responsible for any damages you suffer. This includes loss of data resulting from delays, nondeliveries, mis-deliveries, or service interruptions caused by its own negligence or user errors or omissions. Use of any information obtained via the Internet is at user's own risk. Vineland Public Schools specifically denies any responsibility for the accuracy or quality of information obtained through its services.
5. Security - Security on any computer system is a high priority, especially when the system involves many users. If a user feels they can identify a security problem on the Internet, the user must notify a teacher or other staff member or your System Coordinator. Do not demonstrate the problem to other users. Attempts to log on to the Internet as a system administrator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to Internet.
6. Cyber Bullying- As per 2002 New Jersey Law, AB 1874, "the state legislature finds and declares that: a safe and civil environment in school is necessary for pupils to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a pupil's ability to learn and a school's ability to educate its pupils in a safe environment". In compliance with that law, usage and employment of network systems (data, video, or voice) to harass, intimidate, or bully which can be described as Cyber Bullying, is unacceptable. If a pupil feels they are the subject of Cyber Bullying, the pupil should notify a teacher or other school staff member immediately.
7. Vandalism - Vandalism will result in cancellation of privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet, or any of the above listed agencies or other networks that are connected to the NSFNET Internet backbone. This includes, but not limited to, the uploading or creation of computer viruses.



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## VINELAND BOARD OF EDUCATION

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Internet Use

8. The user should recognize that software is protected by copyrights laws; therefore, user will not make unauthorized copies of software found on school computers, either by copying them onto his/her own diskettes or onto other computers through electronic mail or bulletin boards; user will not give, lend, or sell copies of software to others unless user has the written permission of the copyright owner or the original software is clearly identified as shareware or in the public domain.
9. The user should recognize also that the work of all users is valuable; therefore, user will protect the privacy of each other's areas by not trying to learn their passwords; user will not copy, change, read, or use files in another user's area, without that user's prior permission; user will not attempt to gain unauthorized access to system programs or computer equipment; user will not use computer systems to disturb or harass other computer users by sending unwanted mail or by other means; and user will not download information onto the hard drives of any Vineland Public School computer for permanent storage.
10. Any user who does not comply with this policy will lose network privileges as determined by the Building Principal. Repeated or severe infractions of this policy may result in termination of access privileges permanently. Pupil infractions may result in appropriate disciplinary action in addition to suspension or termination of access privileges. Unauthorized use of the network, intentional deletion or damage to files and data belonging to other users, or copyright violations may be termed theft as defined under New Jersey Revised Statutes.
11. All Building Principals shall obtain parent's and pupil's consent to these guidelines in the form of a written agreement.

Adopted: 11 June 1997  
Revised: 12 October 2005, 09 June 2010



# EXHIBIT "G"

# POLICY

## VINELAND BOARD OF EDUCATION

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Electronic Communication

### 2361.2 ELECTRONIC COMMUNICATION

#### Background

E-mail and attachments voice mail, video conferencing, access to the Internet, and associated file access are made available to staff members of the Vineland Board of Education (hereinafter, the "V.B.E.") for the purpose of conducting work-related business. Employees provided with these tools are expected to use them in a responsible and productive manner. Employees are also required to acknowledge that all messages and files created, stored, sent or received will remain the property of the V.B.E.. At no time and under no circumstances can personal software be introduced to the V.B.E. computer system. Against this background, the following guidelines have been established to assist employees in the use of these tools.

#### E-mail ,Voice Mail, Files Data/Video/Voice Systems

The content of e-mail, voice mail messages or any file(s) may not contain anything that would reasonably be considered offensive or disruptive to any employee. Offensive content would include, but is not limited to, sexually explicit material or racial slurs, or any comments that would offend someone on the basis of their age, sex, race, sexual orientation, sexually explicit material, religious or political beliefs, national origin, or disability.

The V.B.E. reserves the right to access and monitor any message or file on the data/video/voice computer(s) system as deemed necessary and appropriate. Messages are public communications and are not private. All communications including text and images may be subject to disclosure to law enforcement or other third parties without prior consent of the sender or the receiver. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and review said message.

Notwithstanding the V.B.E.'s right to retrieve and read any electronic voice or e-mail message, or any files such message or files should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve messages that are not sent to them except when granted electronic proxy rights.

The V.B.E. reserves and will exercise the right to access, review and audit, e-mail system voice logs or messages and/or internet service at any time, with or without employee notice, and that such access may occur during or after working hours.

No audit of e-mail, voice logs or messages or computer records can be conducted without a written request from an Assistant Superintendent, Director or Principal, Supervisor of Technology of the V.B.E., which shall be accompanied by an approval from the Superintendent.



# POLICY

## VINELAND BOARD OF EDUCATION

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2361.2/page 2 of 3  
Electronic Communication

All e-mail and user files will be purged periodically. Network hardware/software monitoring, scanning, or "sniffing" for malicious code or intrusion is restricted to central office network management staff.

No information of any kind, nature or description concerning any matters affecting or relating to the business of the V.B.E., including without limiting the generality of the foregoing, the names or addresses of any of its pupils or employees or academic records or information, compensation programs, contracts, policy terms, or any other information of, about, or concerning the business of the V.B.E., shall be released via the V.B.E. e-mail system unless such information is already officially released or prior written approval is obtained from the Superintendent.

### The Internet

Employees granted access to Internet are representing the V.B.E.. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. The V.B.E. Internet connection should not be used for personal gain or advancement of individual views. Use of the Internet must not be disruptive to the workplace or interfere with productivity.

Each employee is responsible for the content of all text, audio or images that they place or send over the Internet via the V.B.E. connection. Fraudulent, harassing or obscene messages are prohibited. No messages should be transmitted under an assumed name. Users should not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others.

No information of any kind, nature or description concerning any matter affecting or relating to the business of the V.B.E., including, without limiting the generality of the foregoing, the names or addresses of any of its students or employees, or academic records or information, compensation programs, contracts, policy terms, or any other information of, about, or concerning the business of the V.B.E. shall be released via the V.B.E. Intranet or the Internet unless such information is already officially released or prior written approval is obtained from a senior officer of the V.B.E.

The V.B.E. will cooperate with proper requests made under the "Freedom of Information Act" and/or regulations promulgated by the State of New Jersey Department of Education, or by any other regulatory body having jurisdiction over the operation of the V.B.E. All such requests must be approved by the Board Secretary after consultation with the Superintendent or Solicitor.



# POLICY

## VINELAND BOARD OF EDUCATION

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Electronic Communication

### Violations

Violations of a guidelines listed above may result in disciplinary action up to and including termination. If necessary the V.B.E. will advise appropriate legal officials of any illegal violations.

Adopted: 12 December 2001  
Revised: 09 June 2010



# EXHIBIT "H"

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
3281/page 1 of 2  
Inappropriate Staff Conduct

### 3281 INAPPROPRIATE STAFF CONDUCT

The Board of Education recognizes its responsibility to protect the health, safety and welfare of all pupils within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a pupil's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all pupils attending the school district.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all pupils. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-pupil professional relationship that exists in a school district's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward pupils.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to pupils or about pupils and shall not engage in inappropriate language or expression in the presence of pupils. School staff shall not engage in inappropriate conduct toward or with pupils. School staff shall not engage or seek to be in the presence of a pupil beyond the staff member's professional responsibilities. School staff shall not provide transportation to a pupil in their private vehicle or permit a pupil into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

The Commissioner of Education has determined inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but are not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display.

A school staff member is always expected to maintain a professional relationship with pupils and to protect the health, safety and welfare of school pupils. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.





# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
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Inappropriate Staff Conduct

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate supervisor, the school staff member may report directly to the Assistant Superintendent for Administration. In addition, school personnel having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Superintendent of Schools of all reports, including anonymous reports. The Assistant Superintendent for Administration will investigate all reports with a final report to the Superintendent of Schools. The Assistant Superintendent for Administration or the Superintendent may, at any time after receiving a report, take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at anytime upon request.

N.J.S.A. 18A:28-5 et seq.  
N.J.A.C. 6A:16-10.1 et seq.

Adopted: 09 June 2010



# EXHIBIT "I"

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS

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Electronic Communications Between Teaching Staff  
Members and Students

M

### POLICY 3283 ELECTRONIC COMMUNICATIONS BETWEEN TEACHING STAFF MEMBERS AND STUDENTS

The Board of Education recognizes electronic communications and the use of social media outlets create new options for extending and enhancing the educational program of the school district. Electronic communications and the use of social media can help students and teaching staff members communicate regarding: questions during non-school hours regarding homework or other assignments; scheduling issues for school-related co-curricular and interscholastic athletic activities; school work to be completed during a student's extended absence; distance learning opportunities; and other professional communications that can enhance teaching and learning opportunities between teaching staff members and students. However, the Board of Education recognizes teaching staff members can be vulnerable in electronic communications with students.

In accordance with the provisions of N.J.S.A. 18A:36-40, the Board of Education adopts this Policy to provide guidance and direction to teaching staff members to prevent improper electronic communications between teaching staff members and students.

The Commissioner of Education and arbitrators, appointed by the Commissioner, have determined inappropriate conduct may determine a teaching staff member unfit to discharge the duties and functions of their position. Improper electronic communications by teaching staff members may be determined to be inappropriate conduct.

For the purposes of this Policy, "electronic communication" means a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. "Electronic communications" include, but are not limited to, e-mails, text messages, instant messages, and communications made by means of an Internet website, including social media and social networking websites.

For the purposes of this Policy, "professional responsibility" means a teaching staff member's responsibilities regarding co-curricular, athletic coaching, and any other instructional or non-instructional responsibilities assigned to the teaching staff member by the administration or Board of Education.

For the purposes of this Policy, "improper electronic communications" means an electronic communication between a teaching staff member and any student of the school district when:

1. The content of the communication is inappropriate as defined in this Policy; and/or
2. The manner in which the electronic communication is made is not in accordance with acceptable protocols for communications between a teaching staff member and a student as defined in this Policy and other school policies.

Inappropriate communication between a teaching staff member and a student includes, but is not limited to:

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS

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Electronic Communications Between Teaching Staff  
Members and Students

1. Communications of a sexual nature, sexually oriented humor or language, sexual advances, or content with a sexual overtone;
2. Communications involving the use, encouraging the use, or promoting or advocating the use of alcohol or tobacco, the illegal use of prescription drugs or controlled dangerous substances, illegal gambling, or other illegal activities;
3. Communications regarding the teaching staff member's or student's past or current romantic relationships;
4. Communications which include the use of profanities, obscene language, lewd comments, or pornography;
5. Communications that are harassing, intimidating, or bullying;
6. Communications requesting or trying to establish a personal relationship with a student beyond the teaching staff member's professional responsibilities;
7. Communications related to personal or confidential information regarding another school staff member or student; and
8. Communications between the teaching staff member and a student that the Commissioner of Education or an arbitrator would determine to be inappropriate in determining the teaching staff member is unfit to discharge the duties and functions of their position.

The following acceptable protocols for all electronic communications between a teaching staff member and a student shall be followed:

1. **E-Mail Electronic Communications Between a Teaching Staff Member and a Student**
  - a. All e-mails between a teaching staff member and a student must be sent or received through the school district's e-mail system. The content of all e-mails between a teaching staff member and a student shall be limited to the staff member's professional responsibilities regarding the student.
  - b. A teaching staff member shall not provide their personal e-mail address to any student. If a student sends an e-mail to a teaching staff member's personal e-mail address, the staff member shall respond to the e-mail through the school district e-mail system and inform the student his/her personal e-mail address shall not be used for any electronic communication between the teaching staff member and the student.
  - c. A teaching staff member's school district e-mail account is subject to review by authorized school district officials. Therefore, a teaching staff member shall have no expectation of privacy on the school district's e-mail system.
2. **Cellular Telephone Electronic Communications Between a Teaching Staff Member and a Student**
  - a. Communications between a teaching staff member and a student via a personal cellular telephone shall be prohibited.
    - (1) However, a teaching staff member may, with prior approval of the Principal or designee, communicate with a student using their personal cellular telephone if the need to communicate is directly related to the teaching staff member's professional responsibilities for a specific purpose such as a field trip, athletic event, co-curricular activity, etc. Any such approval for cellular telephone communications shall not extend beyond the specific field trip, athletic event, co-curricular activity, etc. approved by the Principal or designee.
3. **Text Messaging Electronic Communications Between Teaching Staff Members and Students**

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS

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Electronic Communications Between Teaching Staff  
Members and Students

a. Text messaging communications between a teaching staff member and an individual student are prohibited.

(1) However, a teaching staff member may, with prior approval of the Principal or designee, text message students provided the need to text message is directly related to the teaching staff member's professional responsibilities with a class or co-curricular activity. Any such text message must be sent to every student in the class or every member of the co-curricular activity. Any such approval for text messaging shall not extend beyond the class or activity approved by the Principal or designee.

4. Social Networking Websites and other Internet-Based Social Media Electronic Communications Between Teaching Staff Members and a Student

a. A teaching staff member is prohibited from communicating with any student through the teaching staff member's personal social networking website or other Internet-based website. Communications on personal websites are not acceptable between a teaching staff member and a student.

b. A teaching staff member shall not accept "friend" requests from any student on their personal social networking website or other Internet-based social media website. Any communication sent by a student to a teaching staff member's personal social networking website or other Internet-based social media website shall not be responded to by the teaching staff member and shall be reported to the Principal or designee by the teaching staff member.

c. If a teaching staff member has a student(s) as a "friend" on their personal social networking website or other Internet-based social media website they must permanently remove them from their list of contacts upon Board adoption of this Policy.

d. Communication between a teaching staff member and a student through social networking websites or other Internet-based social media websites is only permitted provided the website has been approved by the Principal or designee and all communications or publications using such websites are available to: every student in the class; every member of the co-curricular activity and their parents; and the Principal or designee.

### Reporting Responsibilities

In the event a student sends an improper electronic communication, as defined in this Policy, to a teaching staff member, the teaching staff member shall report the improper communication to the Principal or designee by the next school day. The Principal or designee will take appropriate action to have the student discontinue such improper electronic communications. Improper electronic communications by a teaching staff member or a student may result in appropriate disciplinary action.

The provisions of this Policy shall be applicable at all times while the teaching staff member is employed in the school district and at all times the student is enrolled in the school district, including holiday and summer breaks.

A copy of this Policy will be made available on an annual basis, to all parents, students, and school employees either electronically or in school handbooks.

N.J.S.A. 18A:36-40

Adopted: 13 August 2014

# EXHIBIT "J"

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
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Code of Ethics

### 3211 CODE OF ETHICS

The Board of Education endorses the code of ethics for professional educators published by the National Education Association.

#### Preamble

The educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nature of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. The educator accepts the responsibility to adhere to the highest ethical standards.

The educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of pupils, of parent(s) or legal guardian(s), and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct. The Code of Ethics of the Education Profession indicates the aspiration of all educators and provides standards by which to judge conduct.

The remedies specified by the NEA and/or its affiliates for the violation of any provision of this Code shall be exclusive and no such provision shall be enforceable in any form other than one specifically designated by the NEA or its affiliates.

#### Principle I -- Commitment to the Pupil

The educator strives to help each pupil realize his/her potential as a worthy and effective member of society. The educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

In fulfillment of the obligation to the pupil, the educator--

1. Shall not unreasonably restrain the pupil from independent action in the pursuit of learning.
2. Shall not unreasonably deny the pupil access to varying points of view.
3. Shall not deliberately suppress or distort subject matter relevant to the pupil's progress.
4. Shall make reasonable effort to protect the pupil from conditions harmful to learning or to health and safety.



# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
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Code of Ethics

5. Shall not intentionally expose the pupil to embarrassment or disparagement.
6. Shall not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background, or sexual orientation, unfairly--
  - a. Exclude any pupil from participation in any program
  - b. Deny benefits to any pupil
  - c. Grant any advantage to any pupil
7. Shall not use professional relationships with pupils for private advantage.
8. Shall not disclose information about pupils obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

### Principle II -- Commitment to the Profession

The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service.

In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards to promote a climate that encourages the exercise of professional judgment, to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

In fulfillment of the obligation to the profession, the educator--

1. Shall not in an application for a professional position deliberately make a false statement or fail to disclose a material fact related to competency and qualifications.
2. Shall not misrepresent his/her professional qualifications.
3. Shall not assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute.





# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
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4. Shall not knowingly make a false statement concerning the qualifications of a candidate for a professional position.
5. Shall not assist a non educator in the unauthorized practice of teaching.
6. Shall not disclose information about colleagues obtained in the course of professional service unless disclosure serves a compelling professional purpose or is required by law.
7. Shall not knowingly make false or malicious statements about a colleague.
8. Shall not accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

Adopted: 09 June 2010



# EXHIBIT "K"

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS

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Liability for Pupil Welfare

### 3280 LIABILITY FOR PUPIL WELFARE

Teaching staff members are responsible for supervision of pupils and must discharge that responsibility with the highest levels of care and prudent conduct. All teaching staff members of this district shall be governed by the following rules in order to protect the well-being of pupils and to avoid any assignment of liability to this Board of Education or to a staff member personally in the event a pupil is injured.

The Superintendent shall prepare such regulations as may be required to enforce the following rules:

1. Each teaching staff member must maintain a standard of care for supervision, control, and protection of pupils commensurate with the member's assigned duties and responsibilities;
2. A teaching staff member should not voluntarily assume responsibility for duties he/she cannot reasonably perform. Such assumed responsibilities carry the same potential for liability as do assigned responsibilities;
3. A teaching staff member must provide proper instruction in safety wherever course guides so provide;
4. A teaching staff member must report immediately to the Building Principal any accident or safety hazard the member detects;
5. A teaching staff member must not send pupils on personal errands;
6. A teaching staff member must never transport pupils in a personal vehicle without the approval of the Building Principal;
7. A teaching staff member must not require a pupil to perform tasks that may be detrimental to the health or well-being of the pupil or other pupils;
8. A teaching staff member will refrain from the use of personal furnishings and equipment in the classroom without the express permission of the Principal;
9. A teaching staff member must immediately report any instance of substance abuse, violence, vandalism, accidents, or suspected child abuse in accordance with Policy Nos. 8442, 8461, and 8462.

N.J.S.A. 9:6-8.8 et seq.

N.J.S.A. 18A:25-2

N.J.S.A. 59:1-1 et seq.

Adopted: 09 June 2010



# EXHIBIT "L"

# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
3281/page 1 of 2  
Inappropriate Staff Conduct

### 3281 INAPPROPRIATE STAFF CONDUCT

The Board of Education recognizes its responsibility to protect the health, safety and welfare of all pupils within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a pupil's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all pupils attending the school district.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all pupils. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-pupil professional relationship that exists in a school district's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward pupils.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to pupils or about pupils and shall not engage in inappropriate language or expression in the presence of pupils. School staff shall not engage in inappropriate conduct toward or with pupils. School staff shall not engage or seek to be in the presence of a pupil beyond the staff member's professional responsibilities. School staff shall not provide transportation to a pupil in their private vehicle or permit a pupil into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

The Commissioner of Education has determined inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but are not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display.

A school staff member is always expected to maintain a professional relationship with pupils and to protect the health, safety and welfare of school pupils. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.



# POLICY

## VINELAND BOARD OF EDUCATION

TEACHING STAFF MEMBERS  
3281/page 2 of 2  
Inappropriate Staff Conduct

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate supervisor, the school staff member may report directly to the Assistant Superintendent for Administration. In addition, school personnel having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Superintendent of Schools of all reports, including anonymous reports. The Assistant Superintendent for Administration will investigate all reports with a final report to the Superintendent of Schools. The Assistant Superintendent for Administration or the Superintendent may, at any time after receiving a report, take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at anytime upon request.

N.J.S.A. 18A:28-5 et seq.  
N.J.A.C. 6A:16-10.1 et seq.

Adopted: 09 June 2010



# EXHIBIT "M"

# POLICY

## VINELAND BOARD OF EDUCATION

SUPPORT STAFF MEMBERS  
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Inappropriate Staff Conduct

### 4281 INAPPROPRIATE STAFF CONDUCT

The Board of Education recognizes its responsibility to protect the health, safety and welfare of all pupils within this school district. Furthermore, the Board recognizes there exists a professional responsibility for all school staff to protect a pupil's health, safety and welfare. The Board strongly believes that school staff members have the public's trust and confidence to protect the well-being of all pupils attending the school district.

In support of this Board's strong commitment to the public's trust and confidence of school staff, the Board of Education holds all school staff to the highest level of professional responsibility in their conduct with all pupils. Inappropriate conduct and conduct unbecoming a school staff member will not be tolerated in this school district.

The Board recognizes and appreciates the staff-pupil professional relationship that exists in a school district's educational environment. This Policy has been developed and adopted by this Board to provide guidance and direction to avoid actual and/or the appearance of inappropriate staff conduct and conduct unbecoming a school staff member toward pupils.

School staff's conduct in completing their professional responsibilities shall be appropriate at all times. School staff shall not make inappropriate comments to pupils or about pupils and shall not engage in inappropriate language or expression in the presence of pupils. School staff shall not engage in inappropriate conduct toward or with pupils. School staff shall not engage or seek to be in the presence of a pupil beyond the staff member's professional responsibilities. School staff shall not provide transportation to a pupil in their private vehicle or permit a pupil into their private vehicle unless there is an emergency or a special circumstance that has been approved in advance by the Building Principal/immediate supervisor and the parent/legal guardian.

The Commissioner of Education has determined inappropriate conduct by a school staff member outside their professional responsibilities may be considered conduct unbecoming a staff member. Therefore, school staff members are advised to be concerned with such conduct which may include, but are not limited to, communications and/or publications using e-mails, text-messaging, social networking sites, or any other medium that is directed and/or available to pupils or for public display.

A school staff member is always expected to maintain a professional relationship with pupils and school staff members shall protect the health, safety and welfare of school pupils. A staff member's conduct will be held to the professional standards established by the New Jersey State Board of Education and the New Jersey Commissioner of Education. Inappropriate conduct or conduct unbecoming a staff member may also include conduct not specifically listed in this Policy, but conduct determined by the New Jersey State Board of Education, the New Jersey Commissioner of Education and/or appropriate courts to be inappropriate or conduct unbecoming a school staff member.





# POLICY

## VINELAND BOARD OF EDUCATION

### SUPPORT STAFF MEMBERS

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### Inappropriate Staff Conduct

School personnel, compensated and uncompensated (volunteers), are required to report to their immediate supervisor or Building Principal any possible violations of this Policy. In the event the report alleges conduct by the Building Principal or the immediate supervisor, the school staff member may report directly to the Assistant Superintendent for Administration. In addition, school personnel having reasonable cause to believe a pupil has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.10 are required to immediately report to the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.1 et seq. and inform the Building Principal or immediate supervisor after making such report. However, notice to the Building Principal or designee need not be given when the school staff member believes such notice would likely endanger the referrer or child(ren) involved or when the staff member believes that such disclosure would likely result in retaliation against the child or in discrimination against the referrer with respect to his/her employment.

Reports may be made in writing or with verbal notification. The immediate supervisor or Building Principal will notify the Superintendent of Schools of all reports, including anonymous reports. The Assistant Superintendent for Administration will investigate all reports with a final report to the Superintendent of Schools. The Assistant Superintendent for Administration or the Superintendent may, at any time after receiving a report take such appropriate action as necessary and as provided for in the law. This may include, but is not limited to, notifying law enforcement, notifying the Division of Youth and Family Services in accordance with N.J.A.C. 6A:16-10.2 et seq., and/or any other measure provided for in the law.

This Policy will be distributed to all school staff and provided to staff members at anytime upon request.

N.J.S.A. 18A:28-5 et seq.

N.J.A.C. 6A:16-10.1 et seq.

Adopted: 09 June 2010



# EXHIBIT "N"

# **POLICY**

————— VINELAND —————  
**BOARD OF EDUCATION**

PUPILS

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Harassment, Intimidation and Bullying

## **POLICY 5512 Harassment, Intimidation, and Bullying**

**M**

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# POLICY

## VINELAND BOARD OF EDUCATION

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Harassment, Intimidation and Bullying

### A. Policy Statement

The Board of Education prohibits acts of harassment, intimidation, or bullying of a student. A safe and civil environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation, or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe and disciplined environment. Since students learn by example, school administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment, intimidation, or bullying.

For the purposes of this Policy, the term "parent," pursuant to N.J.A.C. 6A:16-1.3, means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s), or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency which has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

### B. Harassment, Intimidation, and Bullying Definition

"Harassment, intimidation, or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, as defined in N.J.S.A. 18A:37-14, whether it be a single incident or a series of incidents that:

1. Is reasonably perceived as being motivated by either 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;
2. Takes place on school property, at any school-sponsored function, on a school bus, or off school grounds, as provided for in N.J.S.A. 18A:37-15.3;
3. 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, that the act(s) 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/her person or damage to his/her property; or
  - 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.

Schools are required to address harassment, intimidation, and bullying occurring off school grounds, when there is a nexus between the harassment, intimidation, and bullying and the school (e.g., the harassment, intimidation, or bullying substantially disrupts or interferes with the orderly operation of the school or the rights of other students).

# POLICY

## VINELAND BOARD OF EDUCATION

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Harassment, Intimidation and Bullying

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

### C. Student Expectations

The Board expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment consistent with the Code of Student Conduct.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents, school employees, school administrators, school volunteers, and community representatives, producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district and community property on the part of students, staff, and community members.

Students are expected to behave in a way that creates a supportive learning environment. The Board believes the best discipline is self-imposed, and it is the responsibility of staff to use instances of violations of the Code of Student Conduct as opportunities to help students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to prevent student pupil conduct problems and foster students' abilities to grow in self-discipline.

The Board expects that students will act in accordance with the student behavioral expectations and standards regarding harassment, intimidation, and bullying, including:

1. Student responsibilities (e.g., requirements for students to conform to reasonable standards of socially accepted behavior; respect the person, property and rights of others; obey constituted authority; and respond to those who hold that authority);
2. Appropriate recognition for positive reinforcement for good conduct, self-discipline, and good citizenship;
3. Student rights; and
4. Sanctions and due process for violations of the Code of Student Conduct.

Pursuant to N.J.S.A. 18A:37-15(a) and N.J.A.C. 6A:16-7.1(a)1, the district has involved a broad-base of school and community members, including parents, students, instructional staff, student support services staff, school administrators, and school volunteers, as well as community organizations, such as faith-based, health and human service, business and law enforcement, in the development of this Policy. Based on locally determined and accepted core ethical values adopted by the Board, pursuant to N.J.A.C. 6A:16-7.1(a)2, the Board must develop guidelines for student conduct pursuant to N.J.A.C. 6A:16-7.1. These guidelines for student conduct will take into consideration the developmental ages of students, the severity of the offenses and students'

# POLICY

## VINELAND BOARD OF EDUCATION

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Harassment, Intimidation and Bullying

histories of inappropriate behaviors, and the mission and physical facilities of the individual school(s) in the district. This Policy requires all students in the district to adhere to the rules established by the school district and to submit to the remedial and consequential measures that are appropriately assigned for infractions of these rules.

Pursuant to N.J.A.C. 6A:16-7.1, the Superintendent must annually provide to students and their parents the rules of the district regarding student pupil conduct. Provisions shall be made for informing parents whose primary language is other than English.

The district prohibits active or passive support for acts of harassment, intimidation, or bullying. Students are encouraged to support other students who:

1. Walk away from acts of harassment, intimidation, and bullying when they see them;
2. Constructively attempt to stop acts of harassment, intimidation, or bullying;
3. Provide support to students who have been subjected to harassment, intimidation, or bullying; and
4. Report acts of harassment, intimidation, and bullying to the designated school staff member.

### D. Consequences and Appropriate Remedial Actions

#### Consequences and Appropriate Remedial Actions - Students

The Board of Education requires its school administrators to implement procedures that ensure both the appropriate consequences and remedial responses for students who commit one or more acts of harassment, intimidation, or bullying, consistent with the Code of Student Conduct. The following factors, at a minimum, shall be given full consideration by school administrators in the implementation of appropriate consequences and remedial measures for each act of harassment, intimidation, or bullying by students. Appropriate consequences and remedial actions are those that are graded according to the severity of the offense(s), consider the developmental ages of the student offenders and students' histories of inappropriate behaviors, per the Code of Student Conduct and N.J.A.C. 6A:16-7.

#### Factors for Determining Consequences - Student Considerations

1. Age, developmental and maturity levels of the parties involved and their relationship to the school district;
2. Degrees of harm;
3. Surrounding circumstances;
4. Nature and severity of the behavior(s);
5. Incidences of past or continuing patterns of behavior;
6. Relationships between the parties involved; and
7. Context in which the alleged incidents occurred.

# POLICY

## VINELAND BOARD OF EDUCATION

PUPILS

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Harassment, Intimidation and Bullying

### Factors for Determining Consequences - School Considerations

1. School culture, climate, and general staff management of the learning environment;
2. Social, emotional, and behavioral supports;
3. Student-staff relationships and staff behavior toward the student;
4. Family, community, and neighborhood situation; and
5. Alignment with Board policy and regulations/procedures.

### Factors for Determining Remedial Measures

#### Personal

1. Life skill deficiencies;
2. Social relationships;
3. Strengths;
4. Talents;
5. Interests;
6. Hobbies;
7. Extra-curricular activities;
8. Classroom participation;
9. Academic performance; and
10. Relationship to students and the school district.

#### Environmental

1. School culture;
2. School climate;
3. Student- staff relationships and staff behavior toward the student;
4. General staff management of classrooms or other educational environments;
5. Staff ability to prevent and manage difficult or inflammatory situations;
6. Social-emotional and behavioral supports;
7. Social relationships;
8. Community activities;
9. Neighborhood situation; and
10. Family situation.

Consequences for a student who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion of students, as set forth in the Board's approved Code of Student Conduct pursuant to N.J.A.C. 6A:16-7.1. Consequences for a student who commits an act of harassment, intimidation, or bullying are those that are graded according to the severity of the offenses, consider the developmental age of the student offenders and the students' histories of inappropriate behaviors -consistent with the Board's approved Code of Student Conduct and N.J.A.C. 6A:16-7, Student Conduct. The use of negative consequences should occur in conjunction with remediation and not be relied upon as the sole intervention approach.

# POLICY

## VINELAND BOARD OF EDUCATION

PUPILS

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Harassment, Intimidation and Bullying

Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the problem, protect and provide support for the victim of the act, and take corrective action for documented systemic problems related to harassment, intimidation, or bullying. The consequences and remedial measures may include, but are not limited to, the examples listed below:

### Examples of Consequences

1. Admonishment;
2. Temporary removal from the classroom;
3. Deprivation of privileges;
4. Classroom or administrative detention;
5. Referral to disciplinarian;
6. In-school suspension during the school week or the weekend;
7. Out-of-school suspension (short-term or long-term);
8. Reports to law enforcement or other legal action; or
9. Expulsion.

### Examples of Remedial Measures -

#### Personal - Student Exhibiting Bullying Behavior

1. Develop a behavioral contract with the student. Ensure the student has a voice in the outcome and can identify ways he or she can solve the problem and change behaviors;
2. Meet with parents to develop a family agreement to ensure the parent and the student understand school rules and expectations;
3. Explain the long-term negative consequences of harassment, intimidation, and bullying on all involved;
4. Ensure understanding of consequences, if harassment, intimidation, and bullying behavior continues;
5. Meet with school counselor, school social worker, or school psychologist to decipher mental health issues (e.g., what is happening and why?);
6. Develop a learning plan that includes consequences and skill building;
7. Consider wrap-around support services or after-school programs or services;
8. Provide social skill training, such as impulse control, anger management, developing empathy, and problem solving;
9. Arrange for an apology, preferably written;
10. Require a reflective essay to ensure the student understands the impact of his or her actions on others;
11. Have the student research and teach a lesson to the class about bullying, empathy, or a similar topic;
12. Arrange for restitution (i.e., compensation, reimbursement, amends, repayment), particularly when personal items were damaged or stolen;
13. Explore age-appropriate restorative (i.e., healing, curative, recuperative) practices; and
14. Schedule a follow-up conference with the student.



# **POLICY**

## **VINELAND BOARD OF EDUCATION**

PUPILS

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Harassment, Intimidation and Bullying

### **Personal - Target/Victim**

1. Meet with a trusted staff member to explore the student's feelings about the incident;
2. Develop a plan to ensure the student's emotional and physical safety at school;
3. Have the student meet with the school counselor or school social worker to ensure he or she does not feel responsible for the bullying behavior;
4. Ask students to log behaviors in the future;
5. Help the student develop skills and strategies for resisting bullying; and
6. Schedule a follow-up conference with the student.

### **Parents, Family, and Community**

1. Develop a family agreement;
2. Refer the family for family counseling; and
3. Offer parent education workshops related to bullying and social-emotional learning.

### **Examples of Remedial Measures - Environmental (Classroom, School Building, or School District)**

1. Analysis of existing data to identify bullying issues and concerns;
2. Use of findings from school surveys (e.g., school climate surveys);
3. Focus groups;
4. Mailings - postal and email;
5. Cable access television;
6. School culture change;
7. School climate improvement;
8. Increased supervision in "hot spots" (e.g. locker rooms, hallways, playgrounds, cafeterias, school perimeters, buses);
9. Adoption of evidence-based systemic bullying prevention practices and programs;
10. Training for all certificated and non-certificated staff to teach effective prevention and intervention skills and strategies;
11. Professional development plans for involved staff;
12. Participation of parents and other community members and organizations (e.g., Parent Teacher Associations, Parent Teacher Organizations) in the educational program and in problem-solving bullying issues;
13. Formation of professional learning communities to address bullying problems;
14. Small or large group presentations for fully addressing the actions and the school's response to the actions, in the context of the acceptable student and staff member behavior and the consequences of such actions;
15. School policy and procedure revisions;
16. Modifications of schedules;
17. Adjustments in hallway traffic;
18. Examination and adoption of educational practices for actively engaging students in the learning process and in bonding students to pro-social institutions and people;
19. Modifications in student routes or patterns traveling to and from school;
20. Supervision of student victims before and after school, including school transportation;
21. Targeted use of monitors (e.g., hallway, cafeteria, locker room, playground, school perimeter, bus);

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22. Targeted use of teacher aides;
23. Disciplinary action, including dismissal, for school staff who contributed to the problem;
24. Supportive institutional interventions, including participation in the Intervention and Referral Services Team, pursuant to N.J.A.C. 6A:16-8;
25. Parent conferences;
26. Family counseling;
27. Development of a general harassment, intimidation, and bullying response plan;
28. Behavioral expectations communicated to students and parents;
29. Participation of the entire student body in problem-solving harassment, intimidation, and bullying issues;
30. Recommendations of a student behavior or ethics council;
31. Participation in peer support groups;
32. School transfers; and
33. Involvement of law enforcement officers, including school resource officers and juvenile officers or other appropriate legal action.

### Consequences and Appropriate Remedial Actions - Adults

The district will also impose appropriate consequences and remedial actions to an adult who commits an act of harassment, intimidation, or bullying of a student. The consequences may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

### Target/Victim Support

Districts should identify a range of strategies and resources that will be available to individual victims of harassment, intimidation, and bullying, and respond in a manner that provides relief to victims and does not stigmatize victims or further their sense of persecution. The type, diversity, location, and degree of support are directly related to the student's perception of safety.

Sufficient safety measures should be undertaken to ensure the victims' physical and social-emotional well-being and their ability to learn in a safe, supportive, and civil educational environment.

Examples of support for student victims of harassment, intimidation, and bullying include:

1. Teacher aides;
2. Hallway and playground monitors;
3. Partnering with a school leader;
4. Provision of an adult mentor;
5. Assignment of an adult "shadow" to help protect the student;
6. Seating changes;
7. Schedule changes;
8. School transfers;
9. Before- and after-school supervision;
10. School transportation supervision;

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11. Counseling; and
12. Treatment or therapy.

## E. Harassment, Intimidation, and Bullying Reporting Procedure

The Board of Education requires the Principal at each school to be responsible for receiving complaints alleging violations of this Policy. All Board members, school employees, and volunteers and contracted service providers who have contact with students are required to verbally report alleged violations of this Policy to the Principal or the Principal's designee on the same day when the individual witnessed or received reliable information regarding any such incident. All Board members, school employees, and volunteers and contracted service providers who have contact with students, also shall submit a report in writing to the Principal within two school days of the verbal report. The Principal will inform the parents of all students involved in alleged incidents, and, as appropriate, may discuss the availability of counseling and other intervention services. The Principal, upon receiving a verbal or written report, may take interim measures to ensure the safety, health, and welfare of all parties pending the findings of the investigation.

Students, parents, and visitors are encouraged to report alleged violations of this Policy to the Principal on the same day when the individual witnessed or received reliable information regarding any such incident. Students, parents, and visitors may report an act of harassment, intimidation, or bullying anonymously. Formal action for violations of the Code of Student Conduct may not be taken solely on the basis of an anonymous report.

A Board member or school employee who promptly reports an incident of harassment, intimidation, or bullying and who makes this report in compliance with the procedures set forth in this Policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

In accordance with the provisions of N.J.S.A. 18A:37-18, the harassment, intimidation, and bullying law does not prevent a victim from seeking redress under any other available law, either civil or criminal, nor does it create or alter any tort liability.

The district may consider every mechanism available to simplify reporting, including standard reporting forms and/or web-based reporting mechanisms. For anonymous reporting, the district may consider locked boxes located in areas of a school where reports can be submitted without fear of being observed.

A school administrator who receives a report of harassment, intimidation, and bullying from a district employee, and fails to initiate or conduct an investigation, or who should have known of an incident of harassment, intimidation, or bullying and fails to take sufficient action to minimize or eliminate the harassment, intimidation, or bullying, may be subject to disciplinary action.

## F. Anti-Bullying Coordinator, Anti-Bullying Specialist, and School Safety Team(s)

1. The Superintendent shall appoint a district Anti-Bullying Coordinator. The Superintendent shall make every effort to appoint an employee of the school district to this position.

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The district Anti-Bullying Coordinator shall:

- a. Be responsible for coordinating and strengthening the school district's policies to prevent, identify, and address harassment, intimidation, or bullying of students;
  - b. Collaborate with school Anti-Bullying Specialists in the district, the Board of Education, and the Superintendent to prevent, identify, and respond to harassment, intimidation, or bullying of students in the district;
  - c. Provide data, in collaboration with the Superintendent, to the Department of Education regarding harassment, intimidation, or bullying of students;
  - d. Execute such other duties related to school harassment, intimidation, or bullying as requested by the Superintendent; and
  - e. Meet at least twice a school year with the school Anti-Bullying Specialist(s) to discuss and strengthen procedures and policies to prevent, identify, and address harassment, intimidation, and bullying in the district.
2. The Principal in each school shall appoint a school Anti-Bullying Specialist. The Anti-Bullying Specialist shall be a guidance counselor, school psychologist, or other certified staff member trained to be the Anti-Bullying Specialist from among the currently employed staff in the school.

The school Anti-Bullying Specialist shall:

- a. Chair the School Safety Team as provided in N.J.S.A. 18A:37-21;
  - b. Lead the investigation of incidents of harassment, intimidation, or bullying in the school; and
  - c. Act as the primary school official responsible for preventing, identifying, and addressing incidents of harassment, intimidation, or bullying in the school.
3. A School Safety Team shall be formed in each school in the district to develop, foster, and maintain a positive school climate by focusing on the on-going, systemic operational procedures and educational practices in the school, and to address issues such as harassment, intimidation, or bullying that affect school climate and culture. Each School Safety Team shall meet, at a minimum, two times per school year. The School Safety Team shall consist of the Principal or the Principal's designee who, if possible, shall be a senior administrator in the school and the following appointees of the Principal: a teacher in the school; a school Anti-Bullying Specialist; a parent of a student in the school; and other members to be determined by the Principal. The school Anti-Bullying Specialist shall serve as the chair of the School Safety Team.

The School Safety Team shall:

- a. Receive records of all complaints of harassment, intimidation, or bullying of students that have been reported to the Principal;

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- b. Receive copies of all reports prepared after an investigation of an incident of harassment, intimidation, or bullying;
- c. Identify and address patterns of harassment, intimidation, or bullying of students in the school;
- d. Review and strengthen school climate and the policies of the school in order to prevent and address harassment, intimidation, or bullying of students;
- e. Educate the community, including students, teachers, administrative staff, and parents, to prevent and address harassment, intimidation, or bullying of students;
- f. Participate in the training required pursuant to the provisions of N.J.S.A. 18A:37-13 et seq. and other training which the Principal or the district Anti-Bullying Coordinator may request. The School Safety Team shall be provided professional development opportunities that may address effective practices of successful school climate programs or approaches; and
- g. Execute such other duties related to harassment, intimidation, or bullying as requested by the Principal or district Anti-Bullying Coordinator.

Notwithstanding any provision of N.J.S.A. 18A:37-21 to the contrary, a parent who is a member of the School Safety Team shall not participate in the activities of the team set forth in 3. a., b., or c. above or any other activities of the team which may compromise the confidentiality of a student, consistent with, at a minimum, the requirements of the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232 and 34 CFR Part 99), N.J.A.C. 6A:32-7, Student Records and N.J.A.C. 6A:14-2.9, Student Records.

## G. Harassment, Intimidation, and Bullying Investigation

The Board requires a thorough and complete investigation to be conducted for each report of violations and complaints which either identify harassment, intimidation, or bullying or describe behaviors that indicate harassment, intimidation, or bullying. The investigation shall be initiated by the Principal or the Principal's designee within one school day of the verbal report of the incident. The investigation shall be conducted by the school Anti-Bullying Specialist in coordination with the Principal. The Principal may appoint additional personnel who are not school Anti-Bullying Specialists to assist with the investigation.

The investigation shall be completed and the written findings submitted to the Principal as soon as possible, but not later than ten school days from the date of the written report of the incident. Should information regarding the reported incident and the investigation be received after the end of the ten-day period, the school Anti-Bullying Specialist shall amend the original report of the results of the investigation to ensure there is an accurate and current record of the facts and activities concerning the reported incident.

The Principal shall proceed in accordance with the Code of Student Conduct, as appropriate, based on the investigation findings. The Principal shall submit the report to the Superintendent within two school days of the completion of the investigation and in accordance with the Administrative Procedures Act (N.J.S.A. 52:14B-1 et seq.). As appropriate to the findings from the investigation, the Superintendent shall ensure the Code of Student Conduct has been implemented and may decide to provide intervention services, order counseling,

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establish training programs to reduce harassment, intimidation, or bullying and enhance school climate, impose discipline, or take or recommend other appropriate action, as necessary.

The Superintendent shall report the results of each investigation to the Board of Education no later than the date of the regularly scheduled Board of Education meeting following the completion of the investigation. The Superintendent's report shall include information on any consequences imposed under the Code of Student Conduct, any services provided, training established, or other action taken or recommended by the Superintendent.

Accused staff offenders or parents of accused student offenders and targets/victims shall be provided with information about the investigation, in accordance with Federal and State law and regulation. The information to be provided to accused staff offenders or to parents shall include the nature of the investigation, whether the district found evidence of harassment, intimidation, or bullying, and whether consequences were imposed or services provided to address the incident of harassment, intimidation, or bullying. This information shall be provided in writing within five school days after the results of the investigation are reported to the Board of Education.

An accused staff offender or a parent may request a hearing before the Board of Education after receiving the information about the investigation. The hearing shall be held within ten school days of the request. The Board of Education shall conduct the hearing in executive session, pursuant to the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.), to protect the confidentiality of the students. At the hearing, unless otherwise privileged or confidential, the Board may hear testimony from and consider information provided by the school Anti-Bullying Specialist and others, as appropriate, regarding the incident, the findings from the investigation of the incident, recommendations for consequences or services, and any programs instituted to reduce such incidents, prior to rendering a determination.

At the regularly scheduled Board of Education meeting following its receipt of the Superintendent's report on the results of the investigations to the Board or following a hearing in executive session, the Board shall issue a decision, in writing, to affirm, reject, or modify the Superintendent's decision. The Board's decision may be appealed to the Commissioner of Education, in accordance with N.J.A.C. 6A:3, Controversies and Disputes, no later than ninety days after issuance of the Board of Education's decision.

A parent, student or staff member may file a complaint with the Division on Civil Rights within one hundred eighty days of the occurrence of any incident of harassment, intimidation, or bullying based on membership in a protected group as enumerated in the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

## H. Range of Responses to an Incident of Harassment, Intimidation, or Bullying

The Board shall establish a range of responses to harassment, intimidation, and bullying incidents and the Principal and the Anti-Bullying Specialist shall appropriately apply these responses once an incident of harassment, intimidation, or bullying is confirmed. The Superintendent shall respond to confirmed harassment, intimidation, and bullying, according to the parameters described in this Policy. The range of ways in which school staff will respond shall include an appropriate combination of counseling, support services, intervention services, and other programs. The Board recognizes that some acts of harassment, intimidation, or bullying

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may be isolated incidents requiring the school officials respond appropriately to the individual(s) committing the acts. Other acts may be so serious or parts of a larger pattern of harassment, intimidation, or bullying that they require a response either at the classroom, school building, or school district level or by law enforcement officials.

For every incident of harassment, intimidation, or bullying, the school officials must respond appropriately to the individual who committed the act. The range of responses to confirmed harassment, intimidation, or bullying acts should include individual, classroom, school, or district responses, as appropriate to the findings from each incident. Examples of responses that apply to each of these categories are provided below:

1. Individual responses can include consistent and appropriate positive behavioral interventions (e.g., peer mentoring, short-term counseling, life skills groups) intended to remediate the problem behaviors.
2. Classroom responses can include class discussions about an incident of harassment, intimidation, or bullying, role plays (when implemented with sensitivity to a student's situation or involvement with harassment, intimidation, and bullying), research projects, observing and discussing audio-visual materials on these subjects, and skill-building lessons in courtesy, tolerance, assertiveness, and conflict management.
3. School responses can include theme days, learning station programs, "acts of kindness" programs or awards, use of student survey data to plan prevention and intervention programs and activities, social norms campaigns, posters, public service announcements, "natural helper" or peer leadership programs, "upstander" programs, parent programs, the dissemination of information to students and parents explaining acceptable uses of electronic and wireless communication devices, and harassment, intimidation, and bullying prevention curricula or campaigns.
4. District-wide responses can comprise of adoption of school-wide programs, including enhancing the school climate, involving the community in policy review and development, providing professional development coordinating with community-based organizations (e.g., mental health, health services, health facilities, law enforcement, faith-based organizations), launching harassment, intimidation, and bullying prevention campaigns.

### I. Reprisal or Retaliation Prohibited

The Board prohibits a Board member, school employee, contracted service provider who has contact with students, school volunteer, or student from engaging in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information, or any other person who has reliable information about an act of harassment, intimidation, or bullying or who reports an act of harassment, intimidation, or bullying. The consequence and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act, in accordance with case law, Federal and State statutes and regulations, and district policies and procedures. All suspected acts of reprisal or retaliation will be taken seriously and appropriate responses will be made in accordance with the totality of the circumstances.

Examples of consequences and remedial measures for students who engage in reprisal or retaliation are listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.



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Examples of consequences for a school employee or a contracted service provider who has contact with students who engages in reprisal or retaliation may include, but not be limited to: verbal or written reprimand, increment withholding, legal action, disciplinary action, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

Examples of consequences for a Board member who engages in reprisal or retaliation may include, but not be limited to: reprimand, legal action, and other action authorized by statute or administrative code. Remedial measures may include, but not be limited to: counseling and professional development.

### J. Consequences and Appropriate Remedial Action for False Accusation

The Board prohibits any person from falsely accusing another as a means of retaliation or as a means of harassment, intimidation, or bullying.

1. Students - Consequences and appropriate remedial action for a student found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation may range from positive behavioral interventions up to and including suspension or expulsion, as permitted under N.J.S.A. 18A:37-1 et seq., Discipline of Students and as set forth in N.J.A.C. 6A:16-7.2, Short-term Suspensions, N.J.A.C. 6A:16-7, Long-term Suspensions and N.J.A.C. 6A:16-7.5, Expulsions and those listed and described in the Consequences and Appropriate Remedial Actions section of this Policy.

2. School Employees - Consequences and appropriate remedial action for a school employee or contracted service provider who has contact with students found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could entail discipline in accordance with district policies, procedures, and agreements which may include, but not be limited to: reprimand, suspension, increment withholding, termination, and/or bans from providing services, participating in school district-sponsored programs, or being in school buildings or on school grounds. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

3. Visitors or Volunteers - Consequences and appropriate remedial action for a visitor or volunteer found to have falsely accused another as a means of harassment, intimidation, or bullying or as a means of retaliation could be determined by the school administrator after consideration of the nature, severity, and circumstances of the act, including law enforcement reports or other legal actions, removal of buildings or grounds privileges, or prohibiting contact with students or the provision of student services. Remedial measures may include, but not be limited to: in or out-of-school counseling, professional development programs, and work environment modifications.

### K. Harassment, Intimidation, and Bullying Policy Publication and Dissemination

This Policy will be disseminated annually by the Superintendent to all school employees, contracted service providers who have contact with students, school volunteers, students, and parents who have children enrolled in a school in the district, along with a statement explaining the Policy applies to all acts of harassment,



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intimidation, or bullying, pursuant to N.J.S.A. 18A:37-14 that occur on school property, at school-sponsored functions, or on a school bus and, as appropriate, acts that occur off school grounds.

The Superintendent shall ensure that notice of this Policy appears in the student handbook and all other publications of the school district that set forth the comprehensive rules, procedures, and standards for schools within the school district.

The Superintendent shall post a link to the district's Harassment, Intimidation, and Bullying Policy that is prominently displayed on the homepage of the school district's website. The district will notify students and parents this Harassment, Intimidation, and Bullying Policy is available on the school district's website.

The Superintendent shall post the name, school phone number, school address, and school email address of the district Anti-Bullying Coordinator on the home page of the school district's website. Each Principal shall post the name, school phone number, address, and school email address of both the Anti-Bullying Specialist and the district Anti-Bullying Coordinator on the home page of each school's website.

### L. Harassment, Intimidation, and Bullying Training and Prevention Programs

The Superintendent and Principal(s) shall provide training on the school district's Harassment, Intimidation, and Bullying Policy to current and new school employees; including administrators, instructors, student support services, administrative/office support, transportation, food service, facilities/maintenance; contracted service providers; and volunteers who have significant contact with students; and persons contracted by the district to provide services to students. The training shall include instruction on preventing bullying on the basis of the protected categories enumerated in N.J.S.A. 18A:37-14 and other distinguishing characteristics that may incite incidents of discrimination, harassment, intimidation, or bullying.

Each public school teacher and educational services professional shall be required to complete at least two hours of instruction in harassment, intimidation, and bullying prevention within each five year professional development period as part of the professional development requirement pursuant to N.J.S.A. 18:37-22.d. The required two hours of suicide prevention instruction shall include information on the risk of suicide and incidents of harassment, intimidation, or bullying and information on reducing the risk of suicide in students who are members of communities identified as having members at high risk of suicide.

Each newly elected or appointed Board members must complete, during the first year of the member's first term, a training program on harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:12-33.

The school district shall provide time during the usual school schedule for the Anti-Bullying Coordinator and each school Anti-Bullying Specialist to participate in harassment, intimidation, and bullying training programs.

A school leader shall complete school leader training that shall include information on the prevention of harassment, intimidation, and bullying as required in N.J.S.A. 18A:26-8.2.

The school district shall annually observe a "Week of Respect" beginning with the first Monday in October. In order to recognize the importance of character education, the school district will observe the week by providing

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age-appropriate instruction focusing on the prevention of harassment, intimidation, and bullying as defined in N.J.S.A. 18A:37-14. Throughout the school year the district will provide ongoing age-appropriate instruction on preventing harassment, intimidation, or bullying, in accordance with the Core Curriculum Content Standards, pursuant to N.J.S.A. 18A:37-29.

The school district and each school in the district will annually establish, implement, document, and assess harassment, intimidation, and bullying prevention programs or approaches, and other initiatives in consultation with school staff, students, administrators, volunteers, parents, law enforcement, and community members. The programs or approaches and other initiatives shall be designed to create school-wide conditions to prevent and address harassment, intimidation, and bullying in accordance with the provisions of N.J.S.A. 18A:37-17 et seq.

M. Harassment, Intimidation, and Bullying Policy Reevaluation, Reassessment and Review  
The Superintendent shall develop and implement a process for annually discussing the school district's Harassment, Intimidation, and Bullying Policy with students.

The Superintendent and the Principal(s) shall annually conduct a reevaluation, reassessment, and review of the Harassment, Intimidation, and Bullying Policy, with input from the schools' Anti-Bullying Specialists, and recommend revisions and additions to the Policy as well as to harassment, intimidation, and bullying prevention programs and approaches based on the findings from the evaluation, reassessment, and review.

N. Reports to Board of Education and New Jersey Department of Education  
The Superintendent shall report two times each school year, between September 1 and January 1 and between January 1 and June 30 at a public hearing all acts of violence, vandalism, and harassment, intimidation, and bullying which occurred during the previous reporting period in accordance with the provisions of N.J.S.A. 18A:17-46. The information shall also be reported to the New Jersey Department of Education in accordance with N.J.S.A. 18A:17-46.

O. School and District Grading Requirements  
Each school and each district shall receive a grade for the purpose of assessing their efforts to implement policies and programs consistent with the provisions of N.J.S.A. 18:37-13 et seq. The grade received by a school and the district shall be posted on the homepage of the school's website and the district's website in accordance with the provisions of N.J.S.A. 18A:17-46. A link to the report that was submitted by the Superintendent to the Department of Education shall also be available on the school district's website. This information shall be posted on the websites within ten days of receipt of the grade for each school and the district.

P. Reports to Law Enforcement  
Some acts of harassment, intimidation, and bullying may be bias-related acts and potentially bias crimes and school officials must report to law enforcement officials either serious acts or those which may be part of a larger pattern in accordance with the provisions of the Memorandum of Agreement Between Education and Law Enforcement Officials.

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Harassment, Intimidation and Bullying

## Q. Collective Bargaining Agreements and Individual Contracts

Nothing in N.J.S.A. 18A:37-13.1 et seq. may be construed as affecting the provisions of any collective bargaining agreement or individual contract of employment in effect on the Anti-Bullying Bill of Rights Act's effective date (January 5, 2011). N.J.S.A. 18A:37-30.

The Board of Education prohibits the employment of or contracting for school staff positions with individuals whose criminal history record check reveals a record of conviction for a crime of bias intimidation or conspiracy to commit or attempt to commit a crime of bias intimidation.

## R. Students with Disabilities

Nothing contained in N.J.S.A. 18A:37-13.1 et seq. may alter or reduce the rights of a student with a disability with regard to disciplinary actions or to general or special education services and supports. N.J.S.A. 18A:37-32.

The school district shall submit all subsequent amended Harassment, Intimidation, and Bullying Policies to the appropriate Executive County Superintendent of Schools within thirty days of Board adoption.

N.J.S.A. 18A:37-13 through 18A:37-32

N.J.A.C. 6A:16-7.1 et seq.; 6A:16-7.9 et seq.

Model Policy and Guidance for Prohibiting Harassment, Intimidation, and Bullying on School Property, at School-Sponsored Functions and on School Buses - April 2011 - New Jersey Department of Education Memorandum - New Jersey Commissioner of Education - Guidance for Schools on Implementing the Anti-Bullying Bill of Rights Act - December 16, 2011

Adopted: 9 June 2010

Revised: 31 Aug 2011

Revised: 13 Nov 2013

**REVISED: 13 May 2015 (as per court settlement of Oct 20 2014)**

# EXHIBIT "O"

# POLICY

## VINELAND BOARD OF EDUCATION

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Sexual Harassment  
M

### 5751 SEXUAL HARASSMENT

The Board of Education will not tolerate sexual harassment of pupils by school employees, other pupils, or third parties. Sexual harassment of pupils is a form of prohibited sex discrimination. School district staff will investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

The Board shall establish a grievance procedure through which school district staff and/or pupils can report alleged sexual discrimination, including sexual harassment which may include quid pro quo harassment and hostile environment.

#### Definitions:

1. Quid pro quo harassment occurs when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid Pro Quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile environment sexual harassment is sexually harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

This Policy protects any "person" from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Sexual harassment, regardless of the gender of the harasser, even if the harasser and the pupil being harassed are members of the same gender is prohibited. Harassing conduct of a sexual nature directed toward any pupil, regardless of the pupil's sexual orientation, may create a sexually hostile environment and therefore constitute sexual harassment. Nonsexual touching or other nonsexual conduct does not constitute sexual harassment.

The regulation and grievance procedure shall provide a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.



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Sexual Harassment

The Superintendent, or designee, will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The school district staff can learn of sexual harassment through notice and any other means such as from a witness to an incident, an anonymous letter or telephone call.

This policy and regulation on sexual harassment of pupils shall be published and distributed to pupils and employees to ensure all pupils and employees understand the nature of sexual harassment and that the Board will not tolerate it. The Board shall provide training for all staff and age-appropriate classroom information for pupils to ensure the staff and the pupils understand what type of conduct can cause sexual harassment and that the staff know the school district policy and regulation on how to respond.

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other programs in the public schools. The Superintendent, or designee, will formulate, interpret, and apply the policy so as to protect free speech rights of staff, pupils and third parties.

In addition, if the Board accepts federal funds, the Board shall be bound by Title IX of the Education Amendments of 1972 prohibiting sexual harassment of pupils. Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school in a school building or at another location.

United States Department of Education - Office of Civil Rights Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties (1997)

Adopted: 09 June 2010



# EXHIBIT "P"

# POLICY

## VINELAND BOARD OF EDUCATION

OPERATIONS  
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Hate Crimes and Bias-Related Acts  
M

### 8465 HATE CRIMES AND BIAS-RELATED ACTS

The Board of Education is committed to providing a safe and healthy environment for all children in the school district. Hate crimes and bias-related acts involving pupils can lead to further violence and retaliation. Hate crimes and bias-related acts, by their nature are confrontational, inflame tensions, and promote social hostility and will not be tolerated by 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-related acts.

#### Definitions

A "hate crime" is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race, color, disability, religion, sexual orientation, or ethnicity.

A "bias-related act" is an act directed at a person, group of persons, private property, or public property that is motivated in whole or part by racial, gender, disability, religion or sexual orientation, or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

#### Required Actions

Whenever any school employee in the course of his/her employment develops 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 pupil, 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) a pupil enrolled in the school has been or is about to become the victim of a hate crime, whether committed on or off school property or during operating school hours, the school employee shall immediately notify the Building Principal and Superintendent, who in turn shall notify the Vineland Police Department and Bias Investigation Officer for the county prosecutor's office. The Principal shall notify the Vineland Police Department and the county prosecutor's office immediately if there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a pupil or there is otherwise reason to believe that a life has been or will be threatened.





# POLICY

## VINELAND BOARD OF EDUCATION

OPERATIONS  
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Hate Crimes and Bias-Related Acts

Whenever any school employee in the course of his/her employment has reason to believe that a bias-related act has been committed or is about to be committed on school property, or has been or is about to be committed by any pupil, whether on or off school property and whether or not such bias-related act was or is to be committed during operating school hours, the school employee should immediately notify the Building Principal and Superintendent, who in turn should promptly notify the Vineland Police Department.

In deciding whether to refer the matter of a bias-related act to the Vineland Police Department or 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 pupil, school employee or member of the general public. The Building Principal and Superintendent should also consider the possibility that the suspected bias-related act could escalate or result in some form of retaliation which might occur within or outside school property.

It is understood a referral to the Vineland Police Department or county prosecutor's office is only a transmittal of information that might be pertinent to a law enforcement investigation and is not an accusation or formal charge.

Unless the Vineland Police Department or the county prosecutor's office request otherwise, the school district may continue to investigate a suspected hate crime or bias-related act 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-related act pending the arrival of the Vineland Police Department or the county prosecutor's office. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Vineland Police Department or county prosecutor's office.

N.J.A.C. 6A:16-6.1 et seq.; 6A:16-6.3(e)  
State Memorandum of Agreement approved by the Department  
of Law & Public Safety and the Department of Education

Adopted: 09 June 2010

