8465 BIAS 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. Bias crimes and bias-related acts involving pupils can lead to further violence and retaliation. Bias 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 bias crimes and bias-related acts.

Definitions

A "bias crime" means 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; religion; gender; disability; sexual orientation; gender identity or expression; national origin; or ethnicity.

A "bias-related act" means an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial; gender; disability; religion; sexual orientation; gender identity or expression; national origin; or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense.

All bias crimes are also bias-related acts, but not all bias-related acts will constitute a bias crime.

Required Actions

School employees shall immediately notify the Principal and the Superintendent or designee when in the course of their employment they develop reason to believe a bias crime or bias-related act has been committed or is about to be committed in accordance with N.J.A.C. 6A:16-6.3(e).

The Superintendent or designee shall promptly notify the Haddonfield Police Department and the bias investigation officer for the county prosecutor's office when a bias crime or bias-related act has been committed or is about to be committed in accordance with N.J.A.C. 6A:16-16.3(e)1.

The Superintendent or designee shall immediately notify the Haddonfield local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe that a bias crime or bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe that a life has been or will be threatened in accordance with N.J.A.C. 6A:16-6.3(e)2.

It is understood a referral to the Haddonfield Police Department or county prosecutor's office pursuant to the Memorandum of Agreement between Education and Law Enforcement Officials 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 Haddonfield Police Department or the county prosecutor's office request otherwise, the school district may continue to investigate a suspected bias crime or bias-related act occurring on school grounds 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 bias crime or bias-related act pending the arrival of the Haddonfield Police Department local police department or the county prosecutor's office. The school officials, where feasible, will cover or conceal such evidence until the arrival of the Haddonfield Police Department local police department or county prosecutor's office.

N. J. A. C. 6A: 16-6.1; 6A:16-6.2; 6A: 16-6.3(e)
State Memorandum of Agreement approved by the Department of Law & Public Safety and the Department of Education.

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R 8465 BIAS CRIMES AND BIAS-RELATED ACTS

A. Definitions

1. A bias crime means 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; religion; gender; disability; sexual orientation; gender identity or expression; national origin; or ethnicity.

2. A bias-related act means an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial;~~,~~ gender; disability; religion; sexual orientation; gender identity or expression; national origin; or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense.

3. All bias crimes are also bias-related acts, but not all bias-related acts will constitute a bias crime.

B. Procedure For Reporting Bias Crimes and Bias-Related Acts

1. A school employee shall immediately notify the Principal and the Superintendent or designee when in the course of their employment, they develop~~s~~ reason to believe that:

   a. A bias crime or a bias-related act has been committed or is about to be committed on school grounds

   b. A bias crime or a bias-related act has been or is about to be committed by student, on or off school grounds, and whether such offense was or is to be committed during operating school hours; or

   c. A student enrolled in the school has been or is about to become the victim of a bias crime or bias-related act, on or off school grounds, or during operating school hours.

2. The Superintendent or designee shall promptly notify the Haddonfield Police Department and the bias investigation officer for the county prosecutor's office when a bias crime or bias-related act has been committed or is about to be committed on school grounds, or has been or is about to be committed by a student on or off school grounds, and whether such offense was or is to be committed during operating school hours, or a student enrolled in the school has been or is about to become the victim of a bias crime or bias-related act on or off school grounds, or during operating school hours.

3. The Superintendent or designee shall immediately notify the Haddonfield Police Department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias crime or bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

C. Nature of Referral

1. The mandatory referral for suspected or committed bias crimes and bias-related acts as described in N.J.A.C. 6A:16-6.3(e) and this Regulation is only a request to the law enforcement agencies to conduct an investigation and is nothing more than the transmittal of information which may be pertinent to any such law enforcement investigation.

D. Concurrent Jurisdiction

1. Unless the Haddonfield Police Department or the county prosecutor's office request otherwise, school officials may continue to investigate a suspected bias crime or bias-related act occurring on school grounds and may take such actions as necessary and appropriate to redress and remediate any such acts.

2. School officials will immediately discontinue any ongoing school investigation if the Haddonfield Police Department or the county prosecutor's office believe the school investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.

   a. Upon notice provided in D.2. above, school officials will take no further action without providing notice to and receiving the assent of the local police department or the county prosecutor's office.

E. Preservation of Evidence

1. School officials will secure and preserve any such graffiti or other evidence of a suspected bias crime or bias-related act pending the arrival of the Haddonfield Police Department or the county prosecutor's office.

2. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Haddonfield Police Department or county prosecutor's office in a manner designed to minimize the harm and continued exposure to students by such evidence.

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