

**HATE CRIMES AND BIAS INCIDENTS
OCCURRING ON SCHOOL GROUNDS
OR INVOLVING PUPILS**

POLICY #5154

A. Definitions

1. A hate crime is any suspected or confirmed offense or unlawful act which is directed at or occurs to a person, private property, or public property on the basis of race, color, religion, sexual orientation or ethnicity. An offense is bias-based and thus constitutes a hate crime if the motive for the commission of the offense or unlawful act is racial, religious, ethnic or pertains to sexual orientation. The designate bias incident offenses are:

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

2. A bias incident is any suspected or confirmed offense or unlawful act which is directed at, or occurs to a person, private property, or public property on the basis of race, color, religion, sexual orientation or ethnicity. An act is bias-based and thus constitutes a bias incident if the motive for the commission of the act is racial, religious, ethnic or pertains to sexual orientation. A bias incident need not involve an act which constitute an offense.

B. Procedure For Reporting Hate Crimes

1. A School employee will notify the Superintendent, or his/her designee, whenever the School employee, in the course of his/her employment, develops reason to believe that:
 - a. A hate crime has been committed or is about to be committed on School property, or

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- b. A hate crime has been or is about to be committed by any student, whether on or off School property and whether or not such offense was or is about to be committed during operating School hours, or
 - c. That a student enrolled in the School has been or is about to become the victim of a hate crime, whether committed on School property or during School hours.
 2. The Superintendent shall notify the State Police Tuckerton Barracks at 609-296-3132 and the County Prosecutor's Office immediately if there is reason to believe the act of violence has been or is about to be committed against a student or employee of the District or there is reason to believe that a life has been or will be threatened.
- C. Procedure For Reporting Bias Incidents
 1. A School employee should notify the Superintendent whenever the School employee, in the course of his/her employment, develops reason to believe that:
 - a. A bias incident has been committed or is about to be committed on School property, or
 - b. A bias incident has been or is about to be committed by any student, whether on or off School property and whether or not such bias incident was or is to be committed during School hours.
 2. The Superintendent
 3. In deciding whether to refer the matter of a bias incident to the State Police and the County Prosecutor's Office, the Superintendent should consider:
 - a. The nature and seriousness of the conduct, and
 - b. The risk that the conduct poses to the health, safety and well-being of any student, School employee or member of the general public.
 4. The Superintendent should consider the possibility that the suspected incident could escalate or result in some form of retaliation which might occur within or outside School property.

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D. Nature of Referral

1. The mandatory referral for suspected or committed hate crimes and the presumptive referral for suspected or committed bias incidents as described in this policy 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.
2. Any referral in accordance with this policy is not an accusation or formal charge.
3. Any referral pursuant to this policy is predicated on the basis of reasonable suspicion, which is less than probable cause, less than the proof sufficient to sustain an adjudication of delinquency or a finding of guilt in a court of law and less than the proof sufficient to justify the imposition of School discipline.
4. All doubts by School officials should be resolved in favor of referring a matter to the State Police or the County Prosecutor's Office.

E. Concurrent Jurisdiction

1. Unless the State Police or the County Prosecutor's Office request otherwise, the School District will continue to investigate a suspected hate crime or bias incident occurring on School property and may take such actions as necessary and appropriate to redress and remediate any such acts.
2. The School officials will discontinue the in-School investigation if the State Police or the County Prosecutor's Office believe the School investigation could jeopardize an on-going law enforcement investigation or otherwise endanger the public safety.

F. Preservation of Evidence

1. School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias incident pending the arrival of the State Police or the County Prosecutor's Office.
2. The School officials, when practicable, will cover or conceal such evidence until the arrival of the State Police or County Prosecutor's Office.

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3. The State Police and/or the County Prosecutor's Office will photograph or otherwise document the location and content of any such graffiti or other bias-based evidence as soon as possible so that the graffiti or other evidence may be removed or eliminated at the School District's earliest opportunity.

LEGAL REFERENCES:

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

FIRST READING: Board of Education Meeting: 11/20/08

SECOND READING & ADOPTION: Board of Education Meeting: 12/18/08