

POLICY

SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

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HATE CRIMES AND BIAS-RELATED ACTS (M)

8465 HATE CRIMES AND BIAS-RELATED ACTS (M)

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The Board of Education is committed to providing a safe and healthy environment for all children in the school district. ~~Hate-Bias crimes and bias-related acts involving students 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. School district employees will work closely with incidents are a direct attack upon the racial, religious and ethnic heritage of the school community. The school district employees will work closely with local law Enforcement and the county prosecutor's office to report or eliminate the commission of hate crimes and bias incidents. As required by the State Department of Education, the School District shall execute a Memorandum of Agreement with local law enforcement and the county prosecutor's office to report or eliminate the commission of bias crimes and bias-related acts. concerning hate crimes and bias incidents as well as drugs, alcohol and other offenses.~~

Definitions

A. — A hate-“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 ~~is any suspected or confirmed offense or unlawful act which is directed at a person or to property on the basis of race;~~ color; religion; gender; disability; sexual orientation; gender identity or expression; national origin; or ethnicity.

A n offense is-“bias-based 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 and thus constitutes a hate crime if the motive for the commission of the offense or unlawful act is ~~racial prejudice based on race;~~ gender; disability; religion; sexual orientation; ~~us,~~ ethnic or pertains to gender identity or expression; national origin; or ethnicity. ~~or sexual orientation. A bias-related act need not involve conduct at constitutes a criminal offense. The designated bias based offenses are:~~

1. — Murder
2. — Manslaughter
3. — Rape
4. — Robbery
- a. — Larceny
- b. — Theft

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- ~~5. Aggravated Assault~~
- ~~6. Burglary~~
- ~~7. Simple Assault~~
- ~~8. Fear of Bodily Violence~~
- ~~9. Arson~~
- ~~10. Criminal Mischief~~
- ~~11. Damage to Property~~
- ~~12. Weapons Offenses~~
- ~~13. Sex Offenses (other than rape)~~
- ~~14. Terroristic Threats~~
- ~~15. Trespass~~
- ~~16. Disorderly Conduct~~
- ~~17. Harassment~~
- ~~18. Desecration of Venerated Objects~~

~~B. A bias incident is any suspected or confirmed offense which is directed at a person or property on the basis of race, color, religion, gender, disability, sexual orientation, gender identify or expression, national origin, or ethnicity. An act is bias based and thus constitutes a bias incident if the motive for the commission of the act or unlawful act is racial, religious, ethnic or pertains to sexual orientation or gender identity or expression. A bias incident need not involve an act which constitutes an offense, as set forth in paragraph A, above.~~

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

Required Actions

~~Whenever any school employee in the course of his/her employment has reason to believe that 1) a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours, or 2) that a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on school property or during school hours, the sSchool employees shall immediately notify the building Pprincipal, or, in the case of the principal's absence, the 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:16-63(e), who in turn shall notify the South~~



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~~Orange and/or Maplewood Police Department and Bias Incident Officer for the county prosecutor's office.~~

~~The Superintendent or designee shall promptly notify the local 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:16-6.3(e)1.~~

~~The Superintendent or designee shall immediately notify the 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 local 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 local 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 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 local police department or county prosecutor's office.~~

~~N.J.S.A. 2C:16-1~~

~~N.J.A.C. 6A:16-6.1; 6A:16-6.2; 6A:16-6.3~~

~~State Memorandum of Agreement approved by the Department of Law & Public Safety and the Department of Education~~

~~Whenever any school employee in the course of his/her employment has reason to believe that a bias incident has been committed or is about to be committed on school property, or has been or is about to be committed, whether on or off school property and whether or not such bias incident was or is to be committed during school hours, the school employee should immediately notify the building principal and Superintendent, who in turn should promptly notify the South Orange and/or Maplewood Police Department.~~



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~~In deciding whether to refer the matter of a bias incident to the South Orange and/or Maplewood Police Department and the county prosecutor's office, the building principal and the Superintendent, should consider the nature and seriousness of the conduct and the risk the conduct poses to the health, safety and well being of any student, school employee or member of the general public. The building principal and Superintendent should consider the possibility that the suspected incident could escalate or result in some form of retaliation which might occur within or outside school property.~~

~~It is understood that a referral to the South Orange and/or Maplewood Police Department or county prosecutor's office is only a request to conduct an investigation and nothing more than the transmittal of information which might be pertinent to any such law enforcement investigation. A referral is not an accusation or formal charge. A referral is to be predicated on the basis of reasonable suspicion.~~

~~Unless the South Orange and/or Maplewood Police Department or the county prosecutor's office request otherwise, the school district will continue to investigate a suspected hate crime or bias incident occurring on school property and may take such actions as necessary and appropriate to redress and remediate any such acts.~~

~~School officials will secure and preserve any evidence of a suspected hate crime or bias incident pending the arrival of the South Orange and/or Maplewood Police Department or the county prosecutor's office. The school officials, when feasible, will cover or conceal such evidence until the arrival of the South Orange and/or Maplewood Police Department or county prosecutor's office.~~

~~As required by law, the Board directs the Superintendent to provide for annual review of the Memorandum of Agreement.~~

~~N.J.S.A. 2A: 4A-60e~~

Cross Reference: 5512, 5514

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Adopted: 2 April 2001

Revised: 18 July 2016

Revised:

First Reading: April 18, 2022

Second Reading



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