

THE SCHOOL DISTRICT OF SOUTH ORANGE AND MAPLEWOOD, NEW JERSEY

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Hate Crimes and Bias  
Incidents in Schools  
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8465 HATE CRIMES AND BIAS INCIDENTS IN SCHOOLS

The Board of Education is committed to providing a safe and healthy environment for all children in the school district. Hate crimes and bias 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 concerning hate crimes and bias incidents as well as drugs, alcohol and other offenses.

Definitions

A. A hate crime 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 identify or expression, national origin, or ethnicity. ~~race, color, religion, marital or domestic partnership or civil union status, gender identity or expression, affectional or 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 gender identity or expression or sexual orientation. The designated bias based offenses are:

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

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.

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Required Actions

Whenever any school employee in the course of his/her employment has reason to believe that 1) a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours, or 2) that a student enrolled in the school has been or is about to become the victim of a hate crime, whether committed on school property or during school hours, the school employee shall immediately notify the building principal, or, in the case of the principal's absence, the and Superintendent, who in turn shall notify the South Orange and/or Maplewood Police Department and Bias Incident Officer for the county prosecutor's office.

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.

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.

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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-60c

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Adopted:  
April 2, 2001