

REGULATION

BAYONNE SCHOOL DISTRICT

8465

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

R 8465 HATE CRIMES AND BIAS INCIDENTS OCCURRING ON SCHOOL
GROUNDS OR INVOLVING PUPILS

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 designated bias incident offenses are:

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

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



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commission of the act or unlawful act is racial, religious, ethnic or pertains to sexual orientation. A bias incident need not involve an act which constitutes an offense.

B. Procedure For Reporting Hate Crimes

1. A school employee will notify the building principal 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

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 building principal will notify the Superintendent, the Bayonne Police Department and Bias Incident Officer for the county prosecutor's office.

3. The Principal and the Superintendent shall notify the Bayonne Police Department 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 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 building principal whenever the school employee, in the course of his/her employment, develops reason to believe that:



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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 building principal will notify the Superintendent and the Bayonne Police Department.

3. In deciding whether to refer the matter of a bias incident to the Bayonne Police Department and the county prosecutor's office, the building principal and the Superintendent, should consider:

a. the nature and seriousness of the conduct; and

b. the risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public.

4. The building principal will consult with the Superintendent and 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.

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 the 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.

2. Any referral in accordance with this regulation is not an accusation or formal charge.



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3. Any referral pursuant to this regulation 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 Bayonne Police Department or the county prosecutor's office.

E. Concurrent Jurisdiction

1. Unless the Bayonne 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.

2. The school officials will discontinue the in-school investigation if the Bayonne 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.

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 Bayonne 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 Bayonne Police Department or county prosecutor's office.



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3. The Bayonne Police Department 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.

N.J.S.A. 2A:4A-60c

N.J.A.C. 6:29-10.1 et seq.

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