

## ***What is the definition of HIB under the NJ Anti-bullying Bill of Rights?***

### ***Definition of HIB***

The definition of HIB that applies to the use of this guidance is established at *N.J.S.A. 18A:37-14* and is provided below. **It is important to note that while the statutory definition of HIB might vary from definitions of bullying provided by program professionals, schools are responsible for the HIB definition at *N.J.S.A. 18A:37-14*.**

The HIB definition below has been separated into component parts for ease of reading and comprehension. Bold type has been added to emphasize selected provisions.

### **HIB Definition**

HIB means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a **single incident** or a **series of incidents**, that:

#### **MUST INCLUDE ALL 3**

- 1)  Is reasonably **perceived as being motivated** either by an **actual or perceived characteristic**, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by **any other distinguishing characteristic**;
- 2)  Takes place on school property, at any school-sponsored function, or on a school bus; or **off school grounds**, as provided for in *N.J.S.A. 18A:37-15.3*,
- 3) Substantially disrupts or interferes with the orderly operation of the school or the rights of other students; **and that**

#### **AND MUST INCLUDE 1 OF THE FOLLOWING**

- 1)  A reasonable person should know, under the circumstances, will have the effect of **physically or emotionally harming** a student **or damaging the student's property**, or placing a student in reasonable **fear of physical or emotional harm** to his person **or damage to his property**; **or**
- 2)  Has the effect of **insulting or demeaning** any student or group of students; **or**
- 3) Creates a **hostile educational environment** for the student by interfering with a student's education or by **severely or pervasively** causing physical or emotional harm to the student.

### ***Conflict vs. Bullying***

Bullying is not a conflict between students or among groups of students. Conflict is a mutually competitive or opposing action or engagement, including a disagreement or an argument which is a normal part of human development. Bullying is one-sided, where one or more students are victims of one or more person's aggression, which is intended to physically or emotionally hurt the victim(s).

"Harmful or demeaning conduct motivated only by another reason, for example, a dispute about a relationship or personal belongings, or aggressive conduct without identifiable motivation does not come within the statutory definition of bullying." K.L. v. Evesham School District (App. Div. 2011)

There generally are four types of bullying behaviors. These behaviors and some examples are identified below:

- *Verbal* – Includes taunting, name calling, malicious teasing or making threats
- *Psychological* – Includes spreading rumors, purposefully excluding people from activities, breaking up friendships
- *Physical* – Includes hitting, punching, shoving, spitting or taking personal belongings
- *Cyberbullying* – Includes using the Internet, mobile phone or other digital technologies to harm others.