

## **Frequently Asked Questions**

### **What is the definition of HIB in New Jersey?**

“Harassment, intimidation or bullying” 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 is reasonably perceived as being motivated either by any 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, that takes place on school property, at any school-sponsored function, on a school bus, or off school grounds as provided for in section 16 of P.L.2010, CHAPTER 122, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- a. 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;
- b. Has the effect of insulting or demeaning any student or group of students; or
- c. 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.

### **What if I feel as if my child was bullied but it doesn’t meet the definition of HIB in New Jersey?**

The school follows the Code of Conduct Policy, and appropriate discipline and remedial measures will be taken.

### **How is HIB different than the traditional definition of bullying that involves an imbalance of power?**

The main difference is that the HIB law applies in situations where it is believed that the motivation behind the incident is 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 any other distinguishing characteristic.

### **How is Peer Conflict different from bullying or HIB?**

It is not bullying when two kids with no perceived power imbalance fight, have an argument, or disagree. Peer conflict refers to mutual disagreement or hostility between peers or peer groups. It is characterized as conflict between people of equal or similar power; it occurs occasionally; it is unplanned; and it does not involve violence or result in serious harm. Perpetrators of peer conflict do not seek power or attention. However, peer conflict can escalate into violence. Those involved in violence and aggression usually have comparable emotional reactions, demonstrate some remorse, and actively try to resolve the problem. Peer Conflict is not motivated by an actual or perceived characteristic. Code of Conduct consequences, Conflict resolution, restorative practices, or peer mediation may be appropriate for these situations.

## Forms of HIB

**HIB can take many forms although it must be motivated by an actual or perceived characteristic**

- Name-calling, teasing, and put downs because of someone's actual or perceived characteristic
- Spreading rumors, leaving people out on purpose, and breaking up friendships because of someone's actual or perceived characteristic
- Physical aggression toward the target because of someone's actual or perceived characteristic
- Using the Internet, mobile phones or other digital technologies to harm others because of someone's actual or perceived characteristic

## Conflict vs. HIB

Conflict	HIB
<ul style="list-style-type: none"> <li>• Motivation not based on a characteristic</li> </ul>	<ul style="list-style-type: none"> <li>• Motivation based on an actual or perceived characteristic</li> </ul>
<ul style="list-style-type: none"> <li>• Involves people with similar degrees of power</li> </ul>	<ul style="list-style-type: none"> <li>• Involves an imbalance of power</li> </ul>
<ul style="list-style-type: none"> <li>• Involves a mutual disagreement or difference in interests or goals. Includes arguments and fights.</li> </ul>	<ul style="list-style-type: none"> <li>• One or more students are victims of one or more person's aggression, needs, or interest.</li> </ul>
<ul style="list-style-type: none"> <li>• Is reciprocal; both parties participate in the conflict</li> </ul>	<ul style="list-style-type: none"> <li>• Is one-sided; one party instigates</li> </ul>
<ul style="list-style-type: none"> <li>• Both parties are responsible for wrongdoing</li> </ul>	<ul style="list-style-type: none"> <li>• Bully is responsible for wrongdoing</li> </ul>
<ul style="list-style-type: none"> <li>• A normal part of growing up and of life. The intent is not to hurt.</li> </ul>	<ul style="list-style-type: none"> <li>• The intent is to physically or emotionally hurt someone.</li> </ul>
<ul style="list-style-type: none"> <li>• Can be fairly resolved by compromise or negotiation</li> </ul>	<ul style="list-style-type: none"> <li>• A fair resolution involves a change in behavior of the bully; the target has no concession to make up.</li> </ul>