

**Hate Crimes and Bias-Related Acts**

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**8465 HATE CRIMES AND BIAS-RELATED ACTS**

The Board of Education is committed to providing a safe and healthy environment for all children in the school district. Hate crimes and bias-related acts involving pupils can lead to further violence and retaliation. Hate 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. 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-related acts.

**Definitions**

- A. A "hate crime" is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race, color, gender, gender identity or expression, disability, religion, sexual orientation, or ethnicity.
  
- B. A "bias-related act" is an act directed at a person, group of persons, private property, or public property that is motivated in whole or part by racial, gender, disability, religion, sexual orientation, or ethnic prejudice. A bias-related act need not involve conduct that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

**Required Actions**

Whenever any school employee in the course of his/her employment develops 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 by any pupil, 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) a pupil enrolled in the school has been or is about to become the victim of a hate crime, whether committed on or off school property or during operating school hours, the school employee shall immediately notify the Building Principal and Superintendent, who in turn shall notify the Westfield Police Department and Bias Investigation Officer for the county prosecutor's office. The Principal shall notify the Westfield Police Department and the county prosecutor's office immediately if there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a pupil or there is otherwise reason to believe that a life has been or will be threatened.

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Whenever any school employee in the course of his/her employment has reason to believe that a bias-related act has been committed or is about to be committed on school property, or has been or is about to be committed by any pupil, whether on or off school property and whether or not such bias-related act was or is to be committed during operating school hours, the school employee should immediately notify the Building Principal and Superintendent, who in turn should promptly notify the Westfield Police Department when deemed appropriate.

In deciding whether to refer the matter of a bias-related act to the Westfield Police Department or the county prosecutor's office, the Building Principal and the Superintendent, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being of any pupil, school employee or member of the general public. The Building Principal and Superintendent should also consider the possibility that the suspected bias-related act could escalate or result in some form of retaliation which might occur within or outside school property.

It is understood a referral to the Westfield Police Department or county prosecutor's office 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 Westfield Police Department or the county prosecutor's office request otherwise, the school district may continue to investigate a suspected hate crime or bias-related act 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 such graffiti or other evidence of a suspected hate crime or bias-related act pending the arrival of the Westfield Police Department or the county prosecutor's office. The school officials, when feasible, will cover or conceal such evidence until the arrival of the Westfield Police Department or county prosecutor's office.

N.J.A.C. 6A:16-6.1 et seq.; 6A:16-6.3(e)  
Memorandum of Agreement with Law Enforcement

Approved: December 2, 2003  
Revised: June 5, 2012  
Revised: December 3, 2019

**R 8465 HATE CRIMES AND BIAS-RELATED ACTS**

A. Definitions

1. A hate crime is any criminal offense where the person or persons committing the offense acted with a purpose to intimidate an individual or group of individuals because of race, color, gender, gender identity or expression, disability, religion, sexual orientation, or ethnicity.
2. A bias-related act is an act directed at a person, group of persons, private property, or public property that is motivated in whole or in part by racial, gender, disability, religion, sexual orientation, or ethnic prejudice. A bias-related act need not involve an act that constitutes a criminal offense. All hate crimes are also bias-related acts, but not all bias-related acts will constitute a hate crime.

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 pupil, 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 pupil 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 Westfield Police Department and Bias Incident Officer for the county prosecutor's office.
3. The Principal and the Superintendent shall notify the Westfield Police Department and the county prosecutor's office immediately if there is reason to believe that a hate crime that involves an act of violence has been or is about to be physically committed against a pupil or there is otherwise reason to believe that a life has been or will be threatened.

C. Procedure for Reporting Bias Incidents

1. A school employee should immediately notify the Building Principal whenever the school employee, in the course of his/her employment, develops reason to believe that:
  - a. A bias-related act has been committed or is about to be committed on school property; or
  - b. A bias-related act has been or is about to be committed by any pupil, whether on or off school property and whether or not such bias-related act was or is to be committed during school hours.
2. The Building Principal will notify the Superintendent and, when deemed appropriate, the Westfield Police Department.
3. In deciding when to notify the Westfield Police Department or 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 pupil, school employee or member of the general public.
4. The Building Principal will consult with the Superintendent and should consider:
  - a. That the police department or the county prosecutor's office may possess, or have access to, other information that could put the suspected bias-related act in proper context, which could shed light on the motivation for the act or some other unsolved hate crime; and
  - b. The possibility that the suspected incident could escalate or result in some form of retaliation that 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-related acts 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.

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2. Any referral in accordance with this regulation is not an accusation or formal charge.
  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 Westfield Police Department or the county prosecutor's office.
- E. Concurrent Jurisdiction
1. Unless the Westfield Police Department or the county prosecutor's office request otherwise, the school district may continue to investigate a suspected hate crime or bias-related act 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 Westfield 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-related act pending the arrival of the Westfield 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 Westfield Police Department or county prosecutor's office in a manner designed to minimize the harm and continued exposure to pupils by such evidence, but that will not permanently damage or destroy such evidence or otherwise limit its utility in an ongoing investigation or prosecution.
  3. The Westfield 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.

In Effect: June 5, 2012