

S2392 [1R] BUONO, ALLEN

22

1 28. (New section) a. A public institution of higher education
2 shall adopt a policy to be included in its student code of conduct
3 prohibiting harassment, intimidation, or bullying. The policy shall
4 contain, at a minimum:

5 (1) A statement prohibiting harassment, intimidation, or
6 bullying;

7 (2) Disciplinary actions which may result if a student commits
8 an act of harassment, intimidation, or bullying; and

9 (3) A definition of harassment, intimidation, or bullying that at a
10 minimum includes any gesture, any written, verbal or physical act,
11 or any electronic communication ¹, whether it be a single incident
12 or a series of incidents,¹ that is reasonably perceived as being
13 motivated either by any actual or perceived characteristic, such as
14 race, color, religion, ancestry, national origin, gender, sexual
15 orientation, gender identity and expression, or a mental, physical or
16 sensory disability, or by any other distinguishing characteristic, that
17 takes place on the property of the institution of higher education or
18 at any function sponsored by the institution of higher education ¹,
19 that substantially disrupts or interferes with the orderly operation of
20 the institution or the rights of other students¹ and that:

21 (a) a reasonable person should know, under the circumstances,
22 will have the effect of physically or emotionally harming a student
23 or damaging the student's property, or placing a student in
24 reasonable fear of physical or emotional harm to his person or
25 damage to his property;

26 (b) has the effect of insulting or demeaning any student or group
27 of students ¹[in such a way as to cause disruption in, or
28 interference with, the orderly operation of the institution of higher
29 education]¹; ¹or¹

30 (c) creates a hostile ¹educational¹environment for the student
31 ¹[at the institution of higher education; or

32 (d) infringes on the rights of the student at the institution of
33 higher education] by interfering with a student's education or by
34 severely or pervasively causing physical or emotional harm to the
35 student¹.

36 b. The institution shall distribute the policy by email to each
37 student within seven days of the start of each semester and shall
38 post the policy on its website.

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40 ¹29. (New section) a. Nonpublic schools are encouraged to
41 comply with the provisions of the "Anti-Bullying Bill of Rights
42 Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended and
43 supplemented by P.L. , c. (C.) (pending before the
44 Legislature as this bill).

45 b. In the case of a faith-based nonpublic school, no provision of
46 the "Anti-Bullying Bill of Rights Act," P.L.2002, c.83 (C.18A:37-
47 13 et seq.), as amended and supplemented by P.L. , c. (C.)

1 (pending before the Legislature as this bill), shall be interpreted to
2 prohibit or abridge the legitimate statement, expression or free
3 exercise of the beliefs or tenets of that faith by the religious
4 organization operating the school or by the school's faculty, staff,
5 or student body.¹

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7 ¹30. (New section) Nothing contained in the "Anti-Bullying Bill
8 of Rights Act," P.L.2002, c.83 (C.18A:37-13 et seq.), as amended
9 and supplemented by P.L. , c. (C.) (pending before the
10 Legislature as this bill), shall alter or reduce the rights of a student
11 with a disability with regard to disciplinary actions or to general or
12 special educational services and supports.¹

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14 ¹[29.] 31.¹ This act shall take effect in the first school year
15 following enactment, but the Commissioner of Education may take
16 such anticipatory administrative action in advance thereof as shall
17 be necessary for the implementation of this act.