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Electronic Violence and Vandalism (EVVRS) Incident Definitions – 2014-15

The EVVRS reporting year is September 1 through June 30 – Report Period 1 (between September 1 and December 31) and Report Period 2 (between January 1 and June 30). According to 18A:17-46, incidents that occur over the summer between July 1 and August 31 should not be reported over the EVVRS. However, your agency should maintain its own records of incidents and actions taken that occur over the summer and incidents of harassment, intimidation or bullying (HIB) must still be investigated and reported to your board of education/governing authority if the investigation determines that all of the applicable criteria were met. The EVVRS remains open until the last school day prior to July 16 each year for data modification and verification of data entered for the prior reporting year. Only incidents matching the definitions below should be reported on EVVRS unless otherwise specified. Only incidents that occur on school grounds¹ while school is in session (including arrival and dismissal) and at school-sponsored functions (e.g., events, clubs) are reported unless otherwise specified in the definitions. However, there is one exception to this rule related to incidents of harassment, intimidation and bullying (HIB). The *Anti-Bullying Bill of Rights Act (P.L. 2010, c.122)* requires agencies to report incidents of HIB that occur off school grounds as well. This includes electronic communication transmitted by means of, but not limited to, a telephone, cellular phone, or computer.

Incident Header Information

- 1) Bias-Related: Bias-related means that an incident is reasonably perceived as motivated by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, a mental, physical, or sensory disability, or any other distinguishing characteristic. To determine whether bias played a role, consider:
 - an admission by the perpetrator of bias motivation
 - obvious signs of bias – such as the utterance of racial epithets or use of hate graffiti
 - the victim expressing that bias motives were involved
 - a history of bias incidents among the involved students or groups of students

¹ **School Grounds** - means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider. School grounds also includes school buses, school-sponsored functions, structures that support the buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities; generating facilities; and other central service facilities including, but not limited to, kitchens and maintenance shops. School grounds also includes other facilities as defined in as defined in *N.J.A.C. 6A:26-1.2*, playgrounds, and recreational places owned by municipalities, private entities or other individuals during times when the school district has exclusive use of a portion of the land.

A bias incident is not a separate EVVRS-defined incident. Rather, bias is an element that can play a role in any EVVRS-defined incident with the exception of HIB since the definition of HIB includes the bias component. In addition, the EVVRS considers bias in terms of the incident as a whole, not simply with regard to the offender's actions.

- 2) Gang-Related: Confirmation from a law enforcement official, the victim, or the offender that the incident was gang related.

Violence

- 1) Assault: A person attempts to cause – or purposely, knowingly, or recklessly causes – bodily injury to another.
- 2) Criminal Threat: Expressing – either physically or verbally – the intent to commit one of the following violent criminal offenses: homicide, aggravated assault, sexual assault, kidnapping, or arson. The threat must be made for the purpose of placing another in imminent fear of one of these violent acts, under circumstances that would reasonably cause the victim(s) to believe the immediacy of the threat and the likelihood that it will be carried out.
- 3) Extortion: Attempting to obtain or obtaining money or any material thing (regardless of value) from another by means of a stated or implied threat of future violence, or threats to make false charges against someone or to blackmail someone.
- 4) Fight: Mutual engagement in a physical confrontation that may result in bodily injury to either party. Does not include a verbal confrontation or a minor confrontation, such as a shoving match. Each participant must be classified as an offender. One needs to consider age and developmentally appropriate behavior before using this category.
- 5) Threat: Attempting by physical menace (e.g., verbal threats) to put another in fear of future serious bodily injury. (Do not include bomb threats in this category.) One needs to consider age and developmentally appropriate behavior before using this category.
- 6) Kidnapping: Pursuant to *N.J.S.A. 2C:13-1*, unlawful removal of a student from school grounds or a substantial distance from where he or she is found in or on school grounds; or confinement of the victim for the purpose of holding the victim for ransom or reward as a shield or hostage; or confinement for a substantial period of time to facilitate commission of a crime or flight thereafter; or to inflict bodily injury on or terrorize the victim.
- 7) Robbery: Obtaining money or any material thing (regardless of value) from another by means of violence or the threat of immediate violence.
- 8) Sex Offense: Subjecting another to sexual contact or exposure. For the incident to be considered a sex offense, at least one of the following criteria must apply to the offender. The offender must:
 - intentionally touch, either directly or through clothing, the victim's intimate body parts², for the purpose of degrading or humiliating the victim;
 - sexually arouse or sexually gratify himself or herself in view of the victim whom the offender knows to be present;

² Intimate body parts are defined by statute (*N.J.S.A. 2C:14-1e*) to include “sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person.”

- force or coerce the victim to participate in any contact or exposure; or
- commit any act of sexual assault defined under *N.J.S.A. 2C:14-2*, which includes provisions related to the age of the victim and the offender.

One needs to consider age and developmentally appropriate behavior before using this category when there is no victim.

NOTE: Incidents of sexual harassment are reported as Harassment, Intimidation or Bullying if the investigation determines that all of the applicable criteria were met.

Harassment, Intimidation, or Bullying (HIB)

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 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, c.122 (C. 18A:37-15.3), that substantially disrupts or interferes with the orderly operation of the school or the rights of other students and that:

- 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;
- has the effect of insulting or demeaning any student or group of students; or
- 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.

Vandalism – (Incidents of vandalism that occur anytime, between September 1 and June 30, should be reported in the EVVRS.)

- 1) **Arson**: Starting a fire or causing an explosion in or on the grounds of a school, thereby purposely or knowingly placing the victim or group of specified victims in danger of death or bodily injury; or with the purpose of destroying or damaging the victim's or group of specified victims' property that – as defined under Incident Location – is in the school, on school grounds, or in another school building or structure. Arson does NOT include the act of lighting a match.
- 2) **Bomb Threat**: A communication received via telephone, e-mail or other means stating that a bomb (an explosive device greater in size than a firecracker) will detonate on school grounds.
- 3) **Burglary**: An individual entering, or surreptitiously remaining in, a school district facility or on school property, or someone else's property (e.g., an automobile) that is on school property for the purpose of committing an offense therein. For an incident to constitute burglary, the individual must not be entitled to enter or remain in the facility. If the person does have this right, and property is stolen, the incident is reported as theft.
- 4) **Damage to Property**: Purposely, knowingly, or recklessly destroying or defacing school, contracted, or personal property, thereby causing an economic loss due to repair or replacement. Serious incidental damage to property that occurs during an act of violence should be reported.

- 5) Fake Bomb: An object that has the appearance of an explosive device that upon inspection is determined to be harmless.
- 6) Fire Alarm: Knowingly setting off a fire alarm when no fire exists.
- 7) Fireworks Offense: The possession, sale or distribution, or detonation of a self-fusing explosive device that is no greater in size than two inches and is commercially sold as “fireworks.” Cherry bombs, M80s, and M90s are reported in this category.
- 8) Theft: The taking of the school district’s or a person’s belongings or property without consent. Report only incidents where the value of the article taken is \$10 or more. One needs to consider age and developmentally appropriate behavior before using this category.
- 9) Trespassing: Entry onto school property or into a school building without permission when the individual knows that he/she is not privileged to be on the property.

Substance Offense

- 1) Use Confirmed: Per *N.J.A.C. 6A:16-4.3(a)*, any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school property or at a school function shall report the matter as soon as possible to the principal and the certified or non-certified school nurse, school physician, or substance awareness coordinator, according to the requirements of *N.J.S.A. 18A:40A-12*. Per *N.J.A.C. 6A:16-4.3(b)*, any educational staff member or other professional who has reason to believe that a student has used or may be using anabolic steroids shall report the matter as soon as possible to the principal and to the certified or non-certified school nurse, school physician, or substance awareness coordinator, according to the requirements of *N.J.S.A. 18A:40A-12*.
 - Report as “Use Confirmed” when confirmed by medical examination or when medical examination was refused. Enter “refused” in the Incident Description field when a medical examination was refused. A “substance type” should not be selected when the physical exam was refused.
- 2) Possession: A student is found with alcohol, marijuana, and/or any other controlled dangerous substance (not including cigarettes) or anabolic steroids in his or her locker or vehicle, or on his or her person. This category also includes possession of unauthorized prescription drugs, over-the-counter (nonprescription) drugs, drug paraphernalia and authorized prescription drugs – except medicines for asthma, life threatening illnesses, and life threatening allergies as stated in the student’s individualized healthcare plan.
- 3) Sale/Distribution: A student sells, buys, or gives alcohol, other controlled dangerous substances (not including cigarettes), or anabolic steroids to others, or employs others to do the same.
 - A student need not be caught in the act of selling or giving to be accused of distributing. The term “distribution” includes the possession of alcohol or other drugs, including anabolic steroids, in such quantities or under such circumstances that it may be inferred that the student intended to distribute to others. Therefore, possession of a large amount of drugs must be reported as “distribution” rather than “possession.”

Weapons

- 1) Weapons include any instrument readily capable of lethal use or of inflicting bodily injury, but is not limited to: handguns, rifles, knives; clubs or other bludgeons; chains; sling shots; leather bands studded with metal filings; razor blades; stun guns; and any device that projects, releases, or emits tear gas or any other substance (e.g., pepper spray) that is intended to produce temporary discomfort or permanent injury through being vaporized or otherwise dispensed in the air.
 - Components that can be readily assembled into a weapon are reported in this category.
 - Bombs (exploded or unexploded) are considered a type of weapon. A bomb is an explosive device that most commonly is (1) greater in size than typical fireworks; (2) encased in a wax substance, fabric, or metal canister or container; and (3) electrically fused or self-fusing. Examples include Molotov cocktails and similar devices.
 - A toy gun is no longer considered a weapon and its possession would not be reported. An imitation firearm (e.g., an object that looks like a real handgun but cannot be fired or converted to a handgun) would be reported.
- 2) Possession: Having on one's person, in one's locker or vehicle one or more of the types of the following:
 - Handgun
 - Rifle
 - Air Gun, Pellet Gun, BB Gun
 - Imitation Firearm
 - Bomb – Exploded
 - Bomb – Unexploded
 - Knife, Blade, Razor, Scissors, Box Cutter
 - Pin, Sharp Pen/Pencil
 - Chain, Club, Brass Knuckles
 - Spray
- 3) Used in Offense: Using a weapon in the commission of an offense reported in another incident category, such as assault, criminal threat, extortion, damage to property.
- 4) Sale/Distribution: Selling, giving, or having a weapon in one's possession, with the intent to distribute or sell.