

STUDENT HARASSMENT / BULLYING / CYBERBULLYING PREVENTION

Harassment, bullying and cyberbullying are prohibited on school property:

- including electronic communication on or with the use of its property;
- at sponsored functions; and
- on its to-and-from-school transportation or transportation by the District to or from any school-sponsored event.

Electronic communication is prohibited if it is:

- directed at a student,
- published with the intent that it be seen by or disclosed to that student and others, and
- substantially interferes with the student's ability to participate in or benefit from the services, activities or privileges provided by the public school.

Anti-bullying and prevention shall be included as a part of the health education curriculum as set forth in the New Mexico Administrative Code and incorporated annually in the instruction for all students.

Definitions. For purposes of this policy:

- "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person.
- "Bullying" means any severe, pervasive or persistent act or conduct that targets a student, whether physically, electronically or verbally, and that:
 - may be based on a student's actual or perceived race, religion, color, national origin, ancestry, sex, sexual orientation, gender identity, spousal affiliation, physical or cognitive disability or any other distinguishing characteristic; or on an association with a person, or group with any person, with one (1) or more of the actual or perceived distinguishing characteristics; and
 - can be reasonably predicted to:
 - ▲ place a student in reasonable fear of physical harm to the student's person or property;

- ▲ cause a substantial detrimental effect on a student's physical or mental health;
 - ▲ substantially interfere with a student's academic performance or attendance; or
 - ▲ substantially interfere with a student's ability to participate in or benefit from the services, activities or privileges provided by an agency, educational institution or grantee.
- "Cyberbullying" means any bullying that takes place through electronic communication.
 - "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, electronic tablet, pager or video or audio recording.
 - "Gender identity" means a student's self-perception, or perception of that student by another, of the student's identity as a male or female based upon the student's appearance, behavior or physical characteristics that are in accord with or opposed to the student's physical anatomy, chromosomal sex or sex at birth.
 - "Local school board" includes the governing body of a charter school.
 - "Physical or cognitive disability" means a physical or cognitive impairment that substantially limits one (1) or more of a student's major life activities.
 - "Progressive discipline" means disciplinary action, other than suspension or expulsion from school, that is designed to correct and address the basic causes of a student's specific misbehavior while retaining the student in class or in school, or restorative school practices to repair the harm done to relationships and other students from the student's misbehavior, and may include:
 - meeting with the student and the student's parents;
 - reflective activities, such as requiring the student to write an essay about the student's misbehavior;
 - counseling;
 - anger management;
 - health counseling or intervention;

- mental health counseling;
 - participation in skill-building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
 - community service; and
 - in-school detention or suspension, which may take place during lunchtime, after school or during weekends.
- "Sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

Reporting and Investigation

School employees and volunteers having significant contact with students shall complete training on how to recognize signs that a person is being harassed, bullied or cyberbullied and shall be responsible for reading and understanding this policy.

Any student, parent or person may report an allegation of bullying by contacting a school employee with information that will allow the administration to contact those who may be involved. A school employee who has information about or a reasonable suspicion that a person is being harassed, bullied or cyberbullied shall report immediately to the school principal, an administrator, the superintendent or any of these school officers. Retaliation for witnessing or reporting bullying is prohibited and the person initiating such retaliation is subject to disciplinary action. Reports of retaliation shall be made in the same manner as those for bullying.

The employee shall elicit from a student, parent or person the particulars determined by the Superintendent to be necessary for the allegation to be investigated. When the allegation is submitted in a manner other than on a prescribed form, the particulars of the allegation must be written on the form as immediately as possible after receipt by the employee. The employee may assist the student, parent or person in completing the information form or may enter the information needed from any provided verbal or other source. A student, parent or person making an allegation should sign and date the information provided, however, unsigned forms are to be processed in the same manner as signed forms. No formal disciplinary measures may be taken based solely upon an anonymously submitted complaint. A school staff member, support staff member or volunteer shall report behavior that falls within this policy, on the forms provided, upon becoming aware of such behavior.

When the school staff member receiving the information or observing the act is other than a school administrator, it shall be the responsibility of the staff member to inform a school administrator as soon as feasible, but not later than two (2) days after the staff member receives or observes the allegation of bullying. If a school administrator is included in the allegation, the information shall be transmitted to the next higher administrative supervisor. A failure by the school staff member to timely inform the school administrator or next higher administrative supervisor of the allegation may subject the staff member to disciplinary action. The professional staff member shall preserve the confidentiality of the subject, disclosing it only to the appropriate school administrator or next higher administrative supervisor or as otherwise required by law.

The Superintendent shall designate a school administrator at each campus to investigate all reports of bullying and shall supervise the investigation of all reports of bullying. Any school administrator who receives a report of harassment, bullying, or cyberbullying shall take immediate steps to ensure a prompt investigation of the report and shall take prompt action in response to these acts upon confirmation of the occurrence through such investigation. Such action may include the least restrictive means necessary to address a hostile environment resulting from harassment, bullying or cyberbullying that may include:

- counseling;
- mediation;
- development of a student safety support plan for protection of the targeted student;
- discipline up to but not including expulsion (see "progressive discipline" in *Definitions* above).

Where disciplinary action is necessary, District policies and regulations pertaining to permissible penalties and procedures shall be followed as in policy. Reference Policy JK for implementation of permissible penalties within the context of progressive discipline referent to all of the surrounding circumstances including:

- the nature of the incident;
- the developmental age of the student who is bullying as well as the student who has been bullied; and
- any history of problem behavior from the student who is bullying.

The District shall document reports and investigations of bullying by school and shall maintain those records for no less than four (4) years making such reports as shall be necessary to both state and federal authorities.

To assure that students and staff are aware of its content and intent, a notice of this policy and procedure shall be:

- posted conspicuously in each school building;
- made a part of the student handbook in such form and such language as may provide the best understanding for the student and parent population; and
- posted on the District web site.

Forms for submitting complaints are to be available to students, parents, other persons, and staff in the school offices.

Reports or investigative information relative to harassment, bullying and cyberbullying shall be maintained by staff and the District and shared only in accord with the Family Education Rights and Privacy Act and conforming District discipline and conduct policies. Records of investigation and reported information sufficient to meet both state and federal reporting requirements on these topics shall be maintained.

Adopted: October 14, 2019

LEGAL REF.: 22-2-21 NMSA
 22-35-1 NMSA *et seq.*
 28-1-2 NMSA *et seq.*
 6.12.7.8 NMAC
 6.29.6.8 NMAC

CROSS REF.: AC - Nondiscrimination/Equal Opportunity
 ACA - Sexual Harassment
 IJNDB - Use of Technology Resources in Instruction
 JB - Equal Educational Opportunities
 JIC - Student Conduct
 JII - Student Concerns, Complaints, and Grievances
 JK - Student Discipline
 JKD - Student Suspension/Expulsion
 JR - Student Records
 KE - Public Concerns and Complaints