

The Board is committed to providing a positive, safe, and productive learning and working environment. Hazing, harassment, intimidation, menacing or bullying are forms of conduct which are strictly prohibited whether engaged in by students, staff or third parties and shall not be tolerated in the District.

A. Definitions.

1. “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause physical or emotional distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events. Bullying includes, but is not limited to, hazing, harassment, intimidation or menacing acts of a student upon another which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age, sexual orientation, or gender identity.

2. “District” includes district facilities, district premises and non-district property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events where students are under the control of the district or where the employee is engaged in district business.

3. “Electronic expression” means any electronic written, verbal, or pictorial communication conveyed through any form of electronic device, medium, or cyber-technology, including, but not limited to, desktop, tablet or laptop computers, the internet, email, instant messaging, web sites, web-cameras, chat rooms, social networking sites (e.g., Facebook, MySpace), cell phones or other personal digital devices, text messaging, digital photographs or movies, and other instant messaging devices.

4. “Harassment” means knowingly pursuing a pattern of conduct, communications or electronic expressions that are intended to annoy, seriously alarm or terrorize another person and that serves no lawful purpose. The conduct must be such that it would cause a reasonable person to suffer substantial emotional distress. Harassment includes, but is not limited to, any act which subjects an individual or group to unwanted, degrading, humiliating or abusive behavior of a nonverbal, verbal, written or physical nature, and may, but need not be, based on the student’s age, race, religion, color, national origin, disability, sexual orientation, gender identity or ethnicity. Verbal and nonverbal harassment includes speech or gestures which are lewd, indecent, profane or obscene and libel.

5. “Hazing” includes, but is not limited to, any act that recklessly, or intentionally endangers or is likely to endanger the mental health, physical health or safety of a student, for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any district-sponsored activity, student club or organization or grade level attainment. Examples include, but are not limited to, consumption of any drink, alcoholic beverage, drug or controlled substance; exposure to the elements; prolonged exclusion from social contact; sleep deprivation or any other required activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene, degrading or physically burdensome article; assignment of

pranks to be performed or other such activities intended to degrade or humiliate a particular person or group; or physical brutality, such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance in or on the body.

6. “**Intimidation**” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience in accessing school facilities, educational or school sponsored programs or subject another to offensive physical contact or inflict serious physical injury which may, but need not be based on the basis of age, race, color, religion, national origin, disability, sexual orientation, gender identity or ethnicity.

7. “**Menacing**” includes, but is not limited to, any assault intended to place a school employee, student or third party in reasonable fear of imminent physical injury.

8. “**Prohibited Conduct**” means that a person 1) is engaging in bullying, hazing, harassment intimidation, or menacing conduct; 2) solicits, encourages, directs, aids, or attempts to aid another in engaging in any of the forgoing activities or 3) has firsthand knowledge of the planning of a specific incident involving a student in the District, or firsthand knowledge that a specific incident of any of the foregoing activities has occurred, and knowingly fails to report that knowledge in writing to the Principal, Title IX Coordinator or Superintendent.

9. “**Third parties**” include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at inter-district and intra-district athletic competitions or other school events.

B. Complaint/Reporting Procedures.

1. **Reporting Prohibited Conduct.** Any student, employee or third party who knows, or in the exercise of reasonable care should know, about prohibited conduct in violation of this policy, or feels he/she has been a victim of hazing, harassment, intimidation, bullying or menacing conduct in violation of this policy shall report his/her concerns immediately to the building principal. A student also may report concerns to a teacher or counselor who shall be responsible for notifying the appropriate district official. Students also are encouraged to tell their parents about the problem and ask for the parent’s help in reporting the prohibited conduct to appropriate school officials.

Prohibited Conduct which targets a student’s sex or disability shall be immediately reported to the Title IX Coordinator or Section 504 Compliance Officer, respectively.

Complaints against the building principal shall be filed with the Superintendent. Complaints against the Superintendent shall be filed with the Board president.

2. **Confidentiality of complaints.** All complaints of prohibited conduct that may be in violation of this policy, as well as the identity of the complainant, shall remain confidential,

except to the extent necessary for communicating in the investigative process with administrators and staff on a “need to know” basis. Complaints may be made anonymously. However, anonymous complaints that do not contain sufficient factual detail to be investigated may be held in suspense pending delivery of additional factual detail.

C. Investigations of Complaints.

1. Principal responsible for investigation. The building principal has the overall responsibility for the prompt investigation and equitable resolution of complaints, unless the complaint is against the principal, in which case the Superintendent or designee shall be responsible for the investigation.

a. **Scope of investigation.** The principal or his/her designee shall appropriately and promptly investigate all reports of conduct, communications, or electronic expression that violate this policy. In determining whether the alleged conduct, communication, or electronic expression constitute violations of this policy, the principal or designee shall evaluate the totality of circumstances, the nature of the activity complained of, and the context in which such activity occurred.

b. Both the complainant and persons accused of engaging in conduct, communications or electronic expressions in violation of this policy may identify witnesses for the principal or designee to interview or offer evidence for the principal or designee to evaluate.

2. Notice of findings. Within five (5) school days from the time the principal or designee receives the complaint, the complainant and alleged offending party(ies) shall be notified individually of the findings of the investigation and what equitable resolutions will be taken.

3. Continuation of Prohibited Conduct; Grievance. In the event that the prohibited conduct continues, the complainant may file a grievance form with the Associate Superintendent at Central Office. The grievance form is available in the administrative office of each school site. The grievance shall include a description of the alleged conduct. The Associate Superintendent shall promptly investigate the grievance. Within five (5) school days from receiving the grievance, the Principal shall determine whether disciplinary action is warranted. A student who is the subject of a grievance following a failed mediation or breach of a behavior contract may be subject to in-school suspension or temporary suspension during such investigation.

D. Discipline/Sanctions. Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Disciplinary decisions shall comply with state and federal IDEA requirements. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including discharge or termination. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the superintendent or Board. Individuals who engage in prohibited conduct also may be referred to law enforcement officials.

E. No Retaliation/False Accusations. Retaliation, reprisal or false accusations against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint is substantiated, and shall be subject to disciplinary consequences. False charges also shall be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

F. Notice. The superintendent shall be responsible for ensuring notice of this policy is provided annually to students, staff and third parties and posted at each school site, and the development of administrative regulations, including reporting and investigative procedures. In addition, the promotion of anti-bully behavior and conduct shall be included as part of the health education curriculum as set forth in 6.30.2.19 NMAC.

G. Implementation of Other Bullying Prevention Programs. The Superintendent or his/her designee is authorized to implement additional bullying prevention programs consistent with public education department guidelines.

Cross Reference: Policy 322