

PURPOSE

The School Board is committed to providing an educational and working environment that promotes respect, dignity and equality. The School Board recognizes that offensive conduct, such as harassment, hazing, intimidation, and bullying, are detrimental to student learning, achievement and well-being. These offensive conducts interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such offensive conducts affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the School Board strictly prohibits all forms of offensive conduct, such as bullying, harassment, hazing, intimidation and violence on school grounds, school buses and at all school-sponsored activities, programs and events. Offensive conduct, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyber bullying, are prohibited. When these offensive conducts create or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students, they may be subject to disciplinary consequences.

The School Board is further committed to prohibiting reprisals or retaliation against individuals who report offensive conduct of bullying, cyber bullying, harassment, hazing, intimidation or violence or who are bullied, witnesses, bystanders, or others with reliable information about an offensive act.

DEFINITIONS of OFFENSIVE CONDUCT

- “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause 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 which may, but need not be based on the student’s race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation. 6.12.7.7 (A) NMAC (2006)
 1. “Power Imbalance” - when someone takes power over someone else. Power imbalances can change over time and in different situations, even if they involve the same people.
 - a. “Physical Imbalance” - a stronger, more physically dominant individual usurps authority over a smaller, less strong individual.
 - b. “Psychological Imbalance” - intellect or social status determines dominance.
- “Cyber Bullying” means electronic communication (a communication transmitted by means of an electronic device, including but not limited to: a phone, computer or social media applications) that:
 1. Targets a specific student;
 2. Is published with the intention that the communication be seen or disclosed to the targeted student;
 3. Is in fact seen by or disclosed to the targeted student; and

4. Creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student's educational benefits, opportunities, or performance.
- "Gender" means a person's actual or perceived sex and includes a person's gender identity or expression.
 - "Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize a person. 6.12.7.7 © NMAC (2006) Harassment includes but is not limited to:
 1. Verbal acts, teasing, use of sarcasm, jokes;
 2. "Name Calling" means the chronic, habitual, or recurring use of names or comments to or about a student, as well as any verbal or physical gestures, regarding the student's actual or perceived physical or personal characteristics when the student has indicated by their conduct, that the names or comments are unwelcome, or when the names or comments are clearly unwelcome, inappropriate, or offensive by their nature;
 3. Belittling;
 4. Nonverbal behavior such as graphic or written statements;
 5. Conduct that is physically threatening, harmful, or humiliating; or
 6. Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment.
 - "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a risk of harm to a person, in order for that student to be initiated into or affiliated with a student organization. Hazing includes but is not limited to:
 1. Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subject the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 4. Any activity that intimidates or threatens the student with the ostracism, that subjects the student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 5. Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or district policies.
 6. Students who engage in hazing activities will be subject to immediate disciplinary action in accordance with Policy 5131 Student Conduct - Discipline.
 - "Intimidation" means a willful act which is written, verbal or physical, or a course of conduct that is not otherwise authorized by law and is highly offensive to a reasonable person. Intimidation may force a student into, or deter them from, some action by inducing fear.

- “Sexual Orientation” means actual or perceived heterosexuality, homosexuality, bisexuality or transgender.
- “Violence” is aggressive behavior that may be physically, sexually, or emotionally abusive. An individual or group against another conducts the aggressive behavior. Physically abusive behavior is where a child, adolescent or group directly or indirectly ill treats, injures, or kills another or others. The aggressive behavior can involve pushing, shoving, shaking, punching, kicking, squeezing, burning or any other form of physical assault on a person(s) or on property.

PROHIBITIONS

The School Board strictly prohibits offensive conduct, such as violence, threats, name-calling, bullying, cyber bullying, harassment, intimidation, or criminal acts, and other target based misconduct that creates an intimidating, hostile, or offensive environment for students, regardless of motive or reason. The School Board and Superintendent will not tolerate offensive conduct by students or staff.

No person shall be subject to reprisals for good faith reporting, or participating in the investigation, of a potential violation of this policy.

No employee or student may knowingly give false reports or information under this policy.

REPORTING

The School Board encourages anyone who is a target of such physical or verbal misconduct to report such claims. Students or their parents may report such offensive conduct to the principal, assistant principal, or counselor of the school.

Any employee who, as a result of personal observation or a report, has reason to believe that a student is a target of offensive conduct prohibited by this policy, whether the conduct is by another student or by another employee, shall notify their principal, or the Superintendent, of such observation or report in writing as soon as possible.

INVESTIGATION

The school principal or designee shall promptly investigate all reports of misconduct in violation of this policy.

In assessing the existence of a violation of this policy and the appropriate discipline, the principal or designee shall consider the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

Principals or designee who receive complaints of offensive conduct shall investigate such complaints, and shall report the complaints, the scope and elements of their

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investigations, the findings and/or status of their investigations, and actions they propose to take, if any, to the Superintendent within 10 school days of receipt of such complaints.

CONFIDENTIALITY

The identities of those reporting violations of this policy and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirement of a full and fair investigation, the due process rights of persons charged with violations, and state and federal law.

SANCTIONS

Any employee who is found to have engaged in conduct prohibited by this policy, or to have failed to discharge a duty imposed by this policy, shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements.

Any student who is found to have engaged in conduct prohibited by this policy shall be subject to discipline, including, but not limited to suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitation imposed by state and federal disabilities law.

Where violations of criminal law may have occurred, the school principal, in consultation with the Superintendent or his/her designee, shall report the matter to the appropriate law enforcement agency.

PUBLICATIONS

This policy shall be published in the School Board's policies manual and on the District's website. A summary of this policy shall be published each year in all student and employee handbooks.

HEALTH EDUCATION

The Superintendent or designee shall ensure that District health and wellness education programs address offensive conduct and related issues encompassed by this policy.

Legal Reference:

- 22-2-21 NMSA
- 6.11.2.8 NMAC
- 6.12.7 NMAC
- 6.29.6 NMAC

Policy Adopted **01/16** _____