

702 Anti-Bullying Policy

The Estancia Municipal Schools Board of Education believes that providing an educational environment for all students, employees, volunteers, and families, free from harassment, intimidation, or bullying supports a total learning experience that promotes personal growth, healthy interpersonal relationships, wellness, and freedom from discrimination and abuse. Therefore, harassment, intimidation or bullying are forms of dangerous and disrespectful behavior that will not be tolerated.

702.1 Definitions

- 702.1.1** “Bullying” means any repeated and pervasive written, verbal or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause 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.
- 702.1.2** “Harassment” means knowingly pursuing a pattern of conduct that is intended to annoy, alarm, or terrorize another person.
- 702.1.3** “Disability Harassment” is defined as intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student’s participation in or receipt of benefits, services, or opportunities in the district.
- Harassment and Disability Harassment include but are not limited to:
- 702.1.3.1** Verbal acts, teasing, use of sarcasm, jokes;
 - 702.1.3.2** Name-calling, belittling;
 - 702.1.3.3** Nonverbal behavior such as graphic or written statements;
 - 702.1.3.4** Conduct that is physically threatening, harmful, or humiliating; or
 - 702.1.3.5** Inappropriate physical restraint by adults.
- 702.1.4** “Racial Harassment” consists of physical or verbal conduct relating to an individual’s race when the conduct:
- 702.1.4.1** Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
 - 702.1.4.2** Has the purpose or effect of substantially or unreasonably interfering with an individual’s academic performance; or
 - 702.1.4.3** Otherwise adversely affects an individual’s academic opportunities.
- 702.1.5** “Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, or other inappropriate verbal, written, or physical conduct of a sexual nature. Sexual harassment may take place under any of the following circumstances:
- 702.1.5.1** When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
 - 702.1.5.2** Submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual’s education; or
 - 702.1.5.3** That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual’s

education, or creating an intimidating, hostile or offensive educational environment.

702.1.6 “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, or for any other purpose. Hazing includes but is not limited to:

- 702.1.6.1** Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
- 702.1.6.2** 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.
- 702.1.6.3** 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.
- 702.1.6.4** Any activity that intimidates or threatens the student with 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.
- 702.1.6.5** Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or district policies.

702.2 Notice of Prohibition Against Bullying and Anti-Bullying Interventions

702.2.1 The prohibition against bullying shall be publicized by including the following statement in the student handbook(s):

“Bullying behavior by any student in the Estancia Municipal Schools is strictly prohibited, and such conduct may result in disciplinary action, including suspension and/or expulsion from school. “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 that a reasonable person under the circumstances should know will have the effect of:

- *Placing a student in reasonable fear of physical harm or damage to the student’s property; or*
- *Physically harming a student or damaging a student’s property; or*
- *Insulting or demeaning any student or group of students in such a way as to disrupt or interfere with the school’s educational mission or the education of any student.*

Students and parents may file verbal or written complaints concerning suspected bullying behavior to school personnel and administrators. Any report of suspected bullying behavior will be promptly reviewed. If acts of bullying are verified, prompt

disciplinary action may be taken against the perpetrator, up to and including suspension and/or expulsion.”

702.2.2 Staff will be reminded at the beginning of each school year about the Anti-Bullying Policy, as well as their responsibilities regarding bullying behavior. A copy of the policy will be disseminated annually.

702.2.3 The Anti-Bullying Policy will be available on the Estancia Municipal Schools’ website and in all staff handbooks.

702.3 Reporting Intimidation, Harassment, or Bullying Behavior

702.3.1 Any student who believes he/she has been the victim of harassment, intimidation, bullying, or hazing by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute harassment, intimidation, bullying, or hazing toward a student should immediately report the alleged acts.

702.3.2 The report may be made to any staff member. The staff member will assist the student in reporting to the principal.

702.3.3 Teachers and other school staff who witness acts of bullying or receive student reports of bullying will promptly notify building Principal or school Counselor.

702.3.4 Reports should be done in writing using the Harassment, Intimidation, Bullying, or Hazing Complaint Form (See Sample Form).

702.3.5 School principal or designee will accept and investigate all reports of suspected intimidation, harassment or bullying.

702.3.6 School principal or designee will notify the parent or guardian of a student who commits a verified act of intimidation, harassment, or bullying of the response of the school staff and consequences that may result from acts of bullying.

702.3.7 Nothing in this policy shall prevent any person from reporting directly to the office of the Superintendent.

702.3.8 Retaliation against an individual who either orally reports or files a written complaint regarding harassment, intimidation, bullying, or hazing or who participates in or cooperates with an investigation is prohibited.

702.3.9 The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.

702.3.10 If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.

702.3.11 To the extent permitted under the Family Educational Rights and Privacy Act, (FERPA) school staff will notify the parent or guardian of a student who is a target of bullying of the action taken to prevent any further acts of bullying.

702.4 Investigating Intimidation, Harassment, or Bullying Behavior The Principal, or their designee will appropriately and promptly investigate all reports of harassment, intimidation, bullying, or hazing. In determining whether the alleged conduct constitutes bullying, the totality of the circumstances, the nature of the conduct, the student’s history, and the context in which the alleged conduct occurred will be investigated.

702.4.1 The administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of harassment, intimidation, bullying, or hazing prior to the formal investigation taking place.

702.4.2 The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint was filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of other methods or documents deemed relevant by the investigator.

702.4.3 The district may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.

702.4.4 The investigation shall be completed as soon as possible. The principal (or investigator) shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report shall be filed directly with the New Mexico Public Education Department, Educator Ethics Bureau. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy. A copy of the completed report will be maintained by the district Safe Schools Coordinator.

702.5 Consequences for Bullying

702.5.1 Verified acts of bullying shall result in intervention by the building Principal or his/her designee that is intended to ensure that the prohibition against bullying behavior is enforced.

702.5.2 Bullying behavior can take many forms and can vary dramatically in how serious it is, and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying. While conduct that rises to the level of “bullying” as defined above will generally warrant disciplinary action against the perpetrator of such bullying, whether and to what extent to impose disciplinary action (detention, in and out-of-school suspension, or expulsion) is a matter for the professional discretion of the building Principal.

702.6 Consequences for Knowingly Making False Reports

702.6.1 False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

702.7 Anti-Bullying included in Health Education Curriculum

“Health Education” is the instructional program that provides the opportunity to motivate and assist all students to maintain and improve their health, prevent disease, and reduce health related risk behaviors. It allows students to develop and demonstrate increasingly sophisticated health-related knowledge, attitudes, skills, and practices. It meets the content standards with benchmarks and performance standards as set forth in 6.30.2.19 NMAC.

Bullying behavior is mentioned specifically in many areas of the Health Education performance standards, in all grade levels. All students need to be aware of bullying behavior beginning in Kindergarten and continuing throughout their school years. It is imperative that students are comfortable with understanding, describing, and recognizing bullying behaviors, and then in the later grades being able to analyze those behaviors and role play refusal skills.

Our curriculum recognizes the importance of bully prevention skills in all grade levels.

702.8 Threats of Violence

- 702.8.1** Threats of violence toward other students, school staff, or facilities are prohibited and may result in suspension or expulsion, regardless of whether the student has previously engaged in such conduct.
- 702.8.2** All employees and students are required to report evidence of threats of violence to their principal. Such reports shall be investigated by the principal or designee. All such reports shall be documented by the principal.
- 702.8.3** In cases of threats that may constitute a violation of criminal law, the principal, superintendent or designee shall notify law enforcement authorities.
- 702.8.4** Students who are charged with violation of this policy shall be placed on short-term suspension pending investigation of the charge(s). Those found, through a due-process hearing, to have violated this regulation shall be subject to discipline, including long-term suspension or expulsion. For Special Education students administrators will consult with the Director of Special Education regarding the appropriate process.

Board Adoption: 8-14-07