

Prohibited Conduct

The District 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, bullying, harassment, hazing, or intimidating others are forms of dangerous and disrespectful behavior that will not be tolerated and are absolutely prohibited within the District. 6.12.7.8(C)(2) NMAC (2006).

Definitions

1. “Harassment” means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or terrorize another person. 6.12.7.7(C) NMAC (2006). Discriminatory harassment should be reported and addressed through District policy 330.

Harassment includes but is not limited to:

- a. verbal acts, teasing, use of sarcasm, jokes;
 - b. name-calling, belittling;
 - c. nonverbal behavior such as graphic or written statements;
 - d. conduct that is physically threatening, harmful, or humiliating; and
 - e. has the purpose or effect of creating an intimidating, hostile, or offensive academic environment.
2. “Bullying” is a severe and repeated form of harassment, it 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. 6.12.7.7(A) NMAC (2006).

Bullying is a behavior that meets the following criteria:

- a. Is intended to inflict distress or harm, i.e., it is knowingly pursued to harm someone;
- b. reflects an imbalance of power such that those who are targeted have difficulty defending themselves; and
- c. is usually repeated or there is a threat that it will be repeated.

Bullying includes but is not limited to any of the following types of behaviors:

- Physical bullying: pushing, shoving, kicking, destroying property, tripping, punching, blocking, tearing clothes, pushing books from someone’s hands;
- Verbal or written bullying: name calling, insulting, making offensive comments, using offensive language, mimicking, imitating, teasing, laughing at someone’s mistakes, using unwelcome nicknames, threatening;
- Relational bullying: Intentional social isolation of an individual by his or her peer group, spreading rumors, excluding others, and
- Cyberbullying: the use of communication technologies, including internet and mobile telecommunication services to intimidate, control, manipulate, falsely discredit,

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humiliate, embarrass or otherwise harm another person. Cyberbullying should be reported and addressed consistent with District policy 342.

3. “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:
 - a. Any type of physical brutality such as whipping, beating, striking, branding, shocking, or placing a harmful substance on the body.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. Any activity that causes or requires the student to perform a task that involves a violation of state or federal law, or District policies.

Prohibition against Bullying

1. In accordance with 6.12.7.8(C)(3) NMAC (2006), the prohibition against bullying shall be publicized by including the following statement in the student handbook(s):

Bullying behavior by any student in the District 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.

Under state law, 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;

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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. Unlawful discrimination and harassment based on a student's race, color, sex, gender, ethnicity, national origin, religion, disability or other protected status under federal law, shall be investigated and addressed consistent with District policy 330.

2. All instructional and licensed personnel will be provided with annual training on recognition and prevention of bullying, related district policy, and employee responsibilities regarding reporting of such behavior. A copy of this Board policy will be disseminated annually through staff handbooks.
3. This Board policy will be available on the District's website.

Reporting Bullying, Harassment, Hazing, or Intimidating Behavior

District has the following methods to report incidents of harassment, bullying, hazing, or intimidating behavior:

1. Any student who believes he/she has been the target of bullying, harassment, hazing or intimidating behavior by a student or school personnel, or any person with knowledge or belief that such conduct has been directed toward a student should immediately report the alleged acts to any staff member or campus administrator. The staff member will assist the student in reporting to the principal at that site.
2. Teachers and other school staff who witness or suspect acts of bullying, harassment, hazing or intimidating behavior or who receive student reports of such conduct are required to promptly notify administration at the school site.
3. All reports should be submitted in writing using the Bullying, Harassment, Hazing or Intimidating Behavior Complaint Form (attached hereto). A copy of this form will be submitted to the Safety and Security Office by the school site administration.
4. School principal or designee is required to investigate and document the results of all reports of bullying, harassment, hazing or intimidation.
5. School principal or designee is required to notify the parent or guardian of a student who commits a verified act of bullying, harassment, hazing or intimidating behavior of the response of the school staff and consequences that may result from further acts of bullying.
6. Nothing in this Board policy shall prevent any person from reporting bullying,

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harassment, hazing or intimidating behavior directly to the office of the Superintendent.

7. Retaliation against an individual who either orally reports or files a written complaint regarding bullying, harassment, hazing or intimidating behavior or who participates in or cooperates with an investigation is prohibited.
8. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
9. If bullying, harassing, hazing or intimidating behavior continues, the confirmed, repeat perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.
10. To the extent permitted under the Family Educational Rights and Privacy Act ("FERPA") school staff is required to 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.

Investigating Bullying, Harassing, Hazing or Intimidating Behavior

The Principal or his/her designee will appropriately and promptly investigate all reports of bullying, harassing, hazing or intimidating behavior. 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.

1. The administrator will make every effort to inform the parents/guardians of the victim and the accused of any report of bullying, harassment, hazing, or intimidating behavior.
2. The District may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
3. The investigation will be completed within twenty (20) school days, and if the investigation requires more time, the administrator (or investigator) will inform the parties involved. 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 NMPED, 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 school site.

Consequences for Bullying, Harassment, Hazing, or Intimidating Behavior

In accordance with 6.12.7.8(C)(5) NMAC (2006), the District may implement the following consequences for incidents of bullying, harassment, hazing, or intimidating behavior:

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.
2. Bullying behavior can take many forms and can vary dramatically in how serious it is,

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and what impact it has on the targeted individual and other students. Accordingly, there is no one response to bullying. Although bullying is usually a repeated form of harassment, a single offense should be investigated and disciplined according to Board Policy, Administrative Regulation, and the Behavioral Expectations for Students (“BES”).

3. A confirmed, repeat perpetrator of bullying, harassing, hazing, or intimidating behavior will be immediately suspended and removed from school. Notice of a disciplinary hearing will be sent to perpetrator and parent or legal guardian pursuant to the Administrative Regulations as established by the Superintendent. The removal hearing will be held pursuant to the Administrative Regulations as established by the Superintendent.

Consequences for Knowingly Making False Reports

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

Anti-Bullying included in Health Education Performance Standards

In accordance with 6.12.7.8(C)(9) NMAC (2006), anti-bullying education will be part of Health Education Performance Standards in the District. Health education performance standards require that schools provide 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 6.29.6.1 *et. seq.* NMAC (2009).

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 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. District curriculum does recognize the importance of bully prevention skills in all grade levels.

Reference: Board Policy 330 – Discrimination and Harassment – Students; Board Policy 342 - Cyberbullying

Legal Reference: NMSA 1978, § 22-2-21 (2011).

6.11.2.8 NMAC (2009), 6.12.7 NMAC *et. seq.* (2006), 6.29.6.1 NMAC *et. seq.* (2009).

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SFPS Harassment, Intimidation, Bullying, or Hazing Complaint Form [school name]		
Student Information		
Name		ID#
Grade	Phone Number	Home Address
Complaint Filed Against		
Name		Grade (or position if not a student)
Name		Grade (or position if not a student)
Incident		
Date		Time
Location		
Is this the first time this has happened? YES NO		
Is this the first time you are reporting this? YES NO		
Description- PROVIDE AS MUCH DETAIL AS POSSIBLE		
Witnesses (if applicable)		
Name	Grade/position	Phone number
Name	Grade/position	Phone number

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