



GOVERNING COUNCIL POLICY: Bully and Harassment Prevention

Policy No. SC0007
Adopted: 09/13/2010
Amended:
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PURPOSE

This policy is established to prevent acts of bullying, harassment, intimidation, threats of violence, and other similar harmful and disruptive behavior at Alma d'arte Charter High School and outline school personnel's response to such actions if they should occur. Bullying and harassment are strictly prohibited at Alma d'arte. Retaliation against person who report or witness incidents of bullying or harassment is also strictly prohibited. School personnel will enforce the prevention of bullying and harassment on school property, including electronic communication, and at sponsored functions.

DEFINITIONS

- A. "Bullying" means any severe, pervasive, or persistent act or conduct that targets a student, whether physically, electronically or verbally, and that:
1. 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; type of dress, hair or makeup; speech or voice differences, communication style variations, or any association with person, or group with any person, with one or more of the actual or perceived distinguishing characteristics; and can be reasonably predicted to:
 - a. Place a student in reasonable fear of physical harm to the student's person or property;
 - b. Cause a substantial detrimental effect on a student's physical or mental health;
 - c. Substantially interferes with a student's academic performance or attendance; or
 - d. Substantially interferes with a student's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.
- B. "Cyberbullying" means any bullying that takes place through electronic communication.
- C. "Electronic communication" means communication transmitted by means of an electronic device, including telephone, cellular phone, computer, electronic tablet, pager or video or audio recording.

- D. "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. Gender identity also refers to one's internal sense of being male, female, or something else, which may be different from one's assigned sex at birth, and which is consistently asserted, or for which there is other evidence that the gender identity is sincerely held as part of the student's core identity.
- E. "Physical or cognitive identity" means a physical or cognitive impairment that substantially limits one or more of a student's major life activities;
- F. "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
- G. "Sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived. This term describes a person's romantic or sexual attraction to people of a specific gender or genders. Our sexual orientation and our gender identity are separate, distinct parts of our overall identities.
- H. "Trolling" is defined as creating discord on the Internet by starting quarrels or upsetting people by posting inflammatory or off-topic messages in an online community. Basically, a social media troll is someone who purposely says something controversial in order to get a rise out of other users.
- I. "Name-calling" means the chronic, habitual, or recurring use of names or comments to or about a student regarding the student's actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments are clearly unwelcome, inappropriate, or offensive by their nature.
- J. "Social Networking Websites" means an online platform that allows users to create a public profile and interact with other users on the website. Social networking sites usually have a new user input a list of people with whom they share a connections and then allow the people on the list to confirm or deny the connection. After connections are established, the new user can search the networks of connections to make more connections. These websites include but are not limited to Facebook, Myspace, Twitter, YouTube, Snapchat, Tiktok, and Instagram. A social networking site is also known as a social networking website or social website.
- K. "Unlawful harassment" means verbal or physical conduct based on a student's actual or perceived race, color, national origin, gender, sexual

orientation, sexual identity, religion, or disability and which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive environment. Sexual harassment of students and hazing are addressed by separate Board policies.

EXAMPLES OF BULLYING

Actions, including actions using electronic technologies, that will be viewed as prohibited conduct include, but are not limited to:

1. Spreading rumors or revealing personal information
2. Attacking someone physically or verbally
3. Excluding someone from a group on purpose
4. Repeated teasing
5. Use of sarcasm or malicious jokes
6. Name-calling and/or belittling comments
7. Nonverbal behavior such as gestures, or graphic written statements
8. Conduct that is physically threatening, harmful, intimidating or humiliating
9. Inappropriate physical restraint
10. Hazing, which is an action with the intent to humiliate, embarrass, or shame regardless of the person's willingness to participate
11. Posting mean, embarrassing, threatening, intimidating or humiliating pictures, videos, websites, comments, fake profiles, or other communications on social media

EXAMPLES OF HARASSMENT

Actions that will be viewed as prohibited conduct include, but are not limited to:

1. Intimidation, ridicule, insults, slurs, offensive jokes or pictures
2. Unwanted comments on dress and appearance
3. Remarks of a sexual nature
4. Threats to reveal personal information
5. Unwanted, unwelcome physical contact, such as touching, bumping, grabbing, or patting
6. Conduct that is physically or emotionally threatening, harmful, intimidating or humiliating

USE OF SOCIAL NETWORKING SITES

Students are responsible for their own behavior when communicating on social networking websites and will be held accountable for the content of the communications that they initiate or post on social networking website locations.

A. Inappropriate Communications:

Students are strongly discouraged from including inappropriate communications on any social network website, including but not limited to:

1. Confidential, personally identifiable, and sensitive district information about other students, employees, and guests;
2. Child pornography or sexual exploitation;
3. Unlawful harassment, intimidation or name-calling as defined in this policy;
4. Bullying or cyberbullying as defined in this policy;
5. Defamatory or discriminatory statements and images; and
6. Threats of harm, damage, or injury to persons or property.

B. Interactions with Staff:

Students are strongly discouraged from inviting employees to join a student's social network or from accepting a friend request from a teacher or other staff member. Communications between students and staff in any electronic medium should be limited to that which is school-related and consistent with the student code of conduct and the ethical standards required of education professionals.

C. Prohibited Use of Social Networking Sites:

A student may be subject to sanctions if:

1. The student's use of social networking websites materially or substantially disrupts or interferes with the normal operations of the school;
2. The student's use of social networking websites materially or substantially disrupts or interferes with the rights of other students or teachers; or
3. The district administration has reasonable cause to believe that the expression would cause a material and substantial disruption of school operations.

REPORTING

Anyone in the school community who is aware of suspected bullying or harassment is strongly encouraged to provide verbal or written notice of the behavior to school personnel or the Principal/CAO. Persons wishing to report bullying or harassment may use the Bullying/Harassment Reporting Form in the Alma d'arte handbook, available online or in the front office. Reports may be made anonymously by mailing a completed Bullying/Harassment Reporting Form to the school or by placing a completed form in a sealed envelope marked "Principal/CAO" through the outside mail slot of the school's foyer. Students, guardians, and/or staff should use the following guidelines when reporting bullying:

1. Any student who believes she/he has been the victim of bullying or harassment by a student or school personnel, or any person with knowledge or belief of conduct that may constitute bullying or harassment toward a student, should immediately report the alleged acts.
2. The report may be made to any staff member or directly to the Principal/CAO. If a student makes the complaint to a staff member, she/he will assist the student in reporting to the Principal/CAO.
3. Teachers and other school staff who witness bullying or harassment or receive reports of bullying or harassment are required to notify the Principal/CAO within two calendar days. Reports should be made in writing using the Bullying/Harassment Reporting Form. A copy of this form will be submitted to the Principal/CAO.
4. If a student makes a verbal report to a teacher, the teacher will complete the Bullying/Harassment Reporting Form or take the student to the Principal/CAO where a form will be completed on the student's behalf.
5. A school employee who has information about or a reasonable suspicion of bullying or harassment toward a student shall report the matter immediately to the Principal/CAO.

INVESTIGATION

The Principal/CAO or designee will accept and promptly investigate all reports of bullying or harassment. School personnel will make every effort, but are not required, to inform the guardians of the victim and the accused of any report of bullying or harassment prior to the investigation taking place. School personnel may take immediate steps, including immediate removal of the student, to protect the complainant, students, school faculty and staff, or other individuals on school grounds pending the completion of an investigation.

A. Process

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.

B. Confidentiality

The right of confidentiality, both of the complainant and the accused, will be preserved consistent with applicable laws and to the extent possible. However, absolute confidentiality cannot be guaranteed because it may be necessary to discuss the complaint with others who are witnesses or who may have information about the complaint.

C. Outcome

The investigation shall be completed within 10 calendar days or sooner if possible. The Principal/CAO or designee will make a written report concerning the bullying or harassment conduct. In determining whether the alleged conduct constitutes bullying or harassment, 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. The report will 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 Principal/CAO.

D. Safety Support Plan

When a student is identified as a possible target for repeated bullying or harassment, a Safety Support Plan will be developed by a team including the guardian, Principal/CAO, or designee, the student's teacher(s), and other school personnel as needed. The goal of the plan will be to protect the student from further acts of bullying or harassment. The plan will identify preventative steps school personnel will take and steps the student can take when they feel that bullying or harassment may occur. It will identify adults and spaces in the school that are safe.

E. Guardian Notification

Notification of the guardians of the student alleged to have committed bullying or harassment and the student targeted in the alleged act will be provided by the Principal/CAO or designee by phone, email, or in person, depending on the severity of the incident. By the conclusion of the investigation, the guardians will be notified of the incident, and the guardian of the student alleged to have committed the bullying or harassment will also be notified of the consequences for the student's actions. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA), school personnel will protect the privacy of the students involved.

APPEAL PROCESS

Involved parties who are not satisfied with the investigation process or results may appeal. The appeal should be initiated by contacting the Principal/CAO, or if the Principal/CAO is the concern of appeal, the Chair of the Governing Council should be contacted. The appeal process will begin with a prompt investigation into the situation, and next steps will be determined by the circumstances.

CONSEQUENCES

Verified bullying or harassment will result in intervention and progressive discipline by the Principal/CAO or his/her designee to ensure that this policy is enforced. While conduct that rises to the level of bullying or harassment as defined above will generally warrant disciplinary action against the perpetrator, the extent to impose progressive discipline is the final decision of the Principal/CAO. Consequences may include such actions as counseling or intervention, skill-building and resolution activities, and/or in-school detention or suspension. Repeated or severe offenses will warrant increasingly serious consequences, up to and including suspension or expulsion.

CONSEQUENCES FOR KNOWINGLY MAKING FALSE REPORTS

False allegations against another student or member of the staff will be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

RETALIATION

Retaliation against an individual who either orally reports or files a written report regarding bullying or harassment, or who participates in, or cooperates with an investigation is prohibited. Reports of retaliation can be made using the processes

outlined in Section VI of this policy. If the report involves the Principal/CAO, it should be filed with the Chair of the Governing Council.

DISSEMINATION OF POLICY

Guardians and staff will be notified annually about this policy and their responsibilities regarding preventing and reporting bullying and harassment. This may include inclusion of the policy in the Alma d'arte handbook for guardians and professional development for staff. The policy will also be posted on Alma d'arte's website.

THREATS OF VIOLENCE

Threats of violence may be deemed bullying or harassing behavior. However, threats of violence also includes threats of physical harm by a student to another student(s), school personnel, visitors, contractors or any person on school grounds, or to school property. Such threats that result in material and substantial disruption to the school environment are taken seriously and are prohibited. Threats of violence may occur by a student while on or off campus and may be made through electronic communications.

1. Reports

All employees and students are required to report evidence of threats of violence to the Principal/CAO. Such reports shall be investigated by the Principal/CAO or designee. All such reports shall be documented by the Principal/CAO. In cases of threats that may constitute a violation of criminal law, the Principal/CAO, shall notify law enforcement authorities.

2. Consequences

Students who are found to have violated this policy shall be subject to progressive discipline. Repeated offenses may warrant more severe discipline, including suspension or expulsion. Consequences are imposed at the discretion of the Principal/CAO or designee.

PUBLICATION

This policy shall be published with the Board's policies and on the school district's website. A summary of this policy shall be published each year in all student and employee handbooks, using developmentally and culturally appropriate language. In addition, the accompanying regulation for the enforcement of this policy shall:

1. Identify a district point of contact for bullying-related concerns; and
2. Identify a procedure to ensure that parents and students are informed about the policy at least annually through student handbooks and other resources.

REVIEW

A. The Council will review the Policies per the policy review process.

Approved, Governing Council, President

Date

Legal Reference: 6.12.7 NMAC, 5B288, 6.30.2.19 NMAC