

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

**BULLYING, CYBERBULLYING, HARASSMENT, HAZING AND VIOLENCE
PREVENTION POLICY**

POLICY STATEMENT. New Mexico School for the Arts (NMSA) believes that providing an educational environment for all, free from harassment, intimidation, violence, hazing or bullying of any kind, supports a total learning experience that promotes personal growth, healthy interpersonal relationships and wellness. The safety and wellbeing of all students in the NMSA learning environment is of primary importance. NMSA prohibits bullying, cyberbullying, harassment, hazing and violence, and it is the school's goal to prevent and respond to all such acts, in accordance with applicable laws, including the New Mexico Safe Schools for All Students Act, NMSA 1978, §§22-35-1, et seq. This Policy and prohibition applies on NMSA property, including electronic communication on or using School property; at NMSA-sponsored functions; and on NMSA's to-and-from transportation or any NMSA-sponsored transportation.

A. *DEFINITIONS.*

1. ***Bullying.*** Bullying includes any severe, pervasive or persistent act or conduct that targets a student or group, whether physically, electronically or verbally, and that (1) may be based on a student/group'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, or on an association with any person, with one or more of the actual or perceived distinguishing characteristics; and/or (2) 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 interfere with a student's academic performance or attendance; (d) substantially interfere with a student's ability to participate in or benefit from the services, activities or privileges provided by the School; or (e) create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with student educational benefits, opportunities or performance.
2. ***Harassment.*** Bullying includes harassment, which is knowingly pursuing a pattern of conduct that is intended to annoy, seriously alarm or terrorize another person or group.
3. ***Hazing.*** Includes committing an act against a student, or coercing another student into committing an act, that creates a risk of harm to that student, in order for that student to be initiated into or affiliated with an organization, gang, clique, group or for any other purpose.
4. ***Cyberbullying.*** Includes any bullying that takes place through electronic communications, that is published with the intent that it be seen by or disclosed to a student/group, and that substantially interferes with the student/group's ability to participate in or benefit from the services, activities or privileges provided by NMSA.
5. ***Electronic Communication.*** Includes a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer,

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electronic tablet, pager or video/audio recording, and any other forms of electronic resources/mobile devices.

6. **Gender Identity.** Includes a student's self-perception, or perception 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.
7. **Physical or Cognitive Disability.** Includes a physical or cognitive impairment that substantially limits one or more of a student's major life activities.
8. **Progressive Discipline.** Includes 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 may include (but is not limited to):
 - Meeting with the student and student's parents/guardians;
 - Reflective activities, such as requiring the student to write an essay about the student's misbehavior;
 - Counseling;
 - Anger management;
 - Health counseling or intervention;
 - Participation in skill-building and resolution activities, such as social-emotional cognitive skills building, resolution circles and restorative conferencing;
 - Community service; and
 - In-school detention or suspension, which may take place during lunchtime, after school or during weekends.
9. **Sexual Orientation.** Includes heterosexuality, homosexuality or bisexuality, whether actual or perceived.
10. **Regular Volunteers.** Means those persons, including relatives of students, who commit to serve at school on a regular basis.

B. **EXAMPLES of PROHIBITED CONDUCT.** Actions, including actions using electronic communication, that will be viewed as prohibited conduct include, but are not limited to:

1. **Bullying, Cyberbullying and Harassment.**

- Spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose.
- Repeated teasing, use of sarcasm or malicious jokes.
- Name-calling, belittling comments.
- Nonverbal behavior such as gestures, or graphic written statements.
- Conduct that is physically threatening, harmful, intimidating or humiliating.
- Inappropriate physical restraint.
- Posting mean, embarrassing, threatening, intimidating or humiliating pictures, videos, websites, comments, fake profiles or other

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communications over social media platforms, such as Facebook, Twitter, Instagram, LinkedIn, Pinterest (not an exhaustive list).

2. **Hazing.**

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

C. REPORTING AND COMPLAINTS. Students and parents may, and are strongly encouraged to, file verbal or written reports concerning suspected Bullying/Harassment/Cyberbullying/Hazing/Violence to school personnel or to the Principal. See, “Bullying/Harassment/Cyberbullying/Hazing/Violence Report Form” Addendum 2 of the Student/Family Handbook, available online, or in the NMSA administrative offices. Students, parents and/or staff should use the following guidelines when reporting Bullying/Harassment/Cyberbullying/Hazing/Violence:

1. **Who and What?** Any student who believes he/she has been the victim of conduct prohibited by this policy by a student or school personnel, or any person with knowledge or belief of such conduct that may constitute Bullying/Harassment/Cyberbullying/Hazing/Violence toward a student, should immediately report the alleged acts, either orally or using the Report Form. Reports may be made in the reporter’s preferred language. Reports may be made anonymously, and will be investigated pursuant to this Policy, but no formal disciplinary measures shall be taken solely on the basis of an anonymous report.
2. **Report to Whom?** The report may be made to any staff member, including a teacher, or directly to the Principal.
3. **Prompt Notice & Form.** Teachers, Regular Volunteers, and school staff who witness Bullying/Harassment/Cyberbullying/Hazing/Violence or who receive student reports of Bullying/Harassment/Cyberbullying/Hazing/Violence are required to promptly notify the Principal. Reports should be made in writing using the Report Form, and submitted to the Principal.
4. **Assisting Student Reporting.** If a student makes a verbal report to a teacher/Regular Volunteer/staff member, the teacher/Regular Volunteer/staff

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member shall complete the Report Form or take the student to the Principal, where a form will be completed on the student's behalf.

5. **Staff Obligation to Report.** A school employee who has information about or a reasonable suspicion of conduct that may constitute Bullying/Harassment/Cyberbullying/Hazing/Violence toward a student shall report the matter immediately or as soon as practical to Principal, but in no event later than two calendar days after the employee witnesses or receives a report of bullying.

D. **INVESTIGATION.** The Principal or an administrator designated by the Principal will accept and promptly investigate all reports of Bullying/Harassment/Cyberbullying/Hazing/Violence. The administrator will notify the parents of the student(s) alleged to have committed the act of Bullying/Harassment/Cyberbullying/Hazing/Violence and the parents of the student(s) targeted by the alleged act, unless the administrator believes, in their professional capacity, that notifying the parents would endanger the health or well-being of a student, in which case the administrator may delay such notification, as deemed appropriate. The Principal may take immediate steps to protect the reporter, the alleged victim, other students, school faculty and staff, or other individuals on school grounds pending the completion of an investigation.

1. **Process.** The investigation shall consist of personal interviews with the reporter, the individual(s) against whom the report 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 investigating administrator.
2. **Confidentiality.** The right to confidentiality, of the reporter, the victim and the accused, shall be preserved consistent with applicable laws and to the extent possible. However, NMSA cannot guarantee absolute confidentiality, because it may be necessary to discuss the report with others who are witnesses or who may have information about the report.
3. **Outcome.** The investigation shall be completed as soon as possible. The Principal (or designated administrator) shall make a written report concerning the results of their investigation. In determining whether the alleged conduct violates this Policy, 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 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 investigation materials and completed report will be maintained by the Principal for no less than four years from the date of the completed report. To the extent permitted under the Family Educational Rights and Privacy Act (FERPA)(to protect the privacy of the accused student) the Principal will notify the parents/guardians of the accused student and the victim of the outcome of the investigation, but shall not provide a copy of the written report. The Principal or designee shall notify the parent or guardian about a determination that their student has committed an act violating this Policy, and the consequences for the student's actions.

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E. *CONSEQUENCES*. Verified Bullying/Harassment/Cyberbullying/Hazing/Violence conduct shall result in intervention by the Principal or his/her designee that is intended to ensure that this Policy is enforced. The Principal will use Progressive Discipline approaches appropriate to the situation to address Bullying/Harassment/Cyberbullying/Violence, and/or may impose other disciplinary consequences. The level and severity of the prescribed consequence shall be determined by the Principal. All consequences shall be designed to (a) appropriately correct the bullying behavior; (b) prevent another occurrence of bullying or retaliation; (c) protect the target of the bullying; (d) be flexible so that, in application, the consequences can be unique to the individual incident and varied in method and severity based on the nature of the incident, the developmental age of the student who is bullying, and any history of problem behavior from the student who is bullying; and (e) for cyberbullying incidents, use the least restrictive means necessary to address the interference with the student's ability to participate in or benefit from the services, activities or privileges provided by the school, to the greatest extent possible. Certainly, repeated offenses will warrant increasingly severe consequences, up to and including suspension/expulsion.

F. *CONSEQUENCES FOR KNOWINGLY MAKING FALSE REPORTS*. False allegations against another student, member of the faculty or staff, or others, pursuant to this Policy shall be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

G. *RETALIATION*. Retaliation against an individual who witnesses, orally reports or files a written complaint regarding Bullying/Harassment/Cyberbullying/Hazing/Violence, or who acts as a witness, participates in or cooperates with an investigation of such, is prohibited.

H. *APPEAL*. A student accused of bullying/harassment/cyberbullying/hazing/violence, or a student who is the target, who is not satisfied with the outcome of the Principal's/administrator's investigation may appeal the investigation report's conclusions in writing to the Head of School.

I. *ANTI-BULLYING INCLUDED IN HEALTH EDUCATION CURRICULUM*. Anti-bullying education shall be included in the School's health education curriculum, in accordance with health education content standards with benchmarks and performance standards as set forth in NMPED regulation 6.30.2.19 NMAC.

J. *DISSEMINATION OF POLICY*. Parents and Staff will be reminded at the beginning of each school year about this policy as well as their responsibilities regarding preventing and reporting Bullying/Harassment/Cyberbullying/Hazing/Violence. A copy of the policy will be disseminated annually and be posted on the School's website. This Policy will be included in the Student/Family Handbook.

K. *TRAINING*. All School employees, and regular volunteers with significant contact with students, shall complete annual training on bullying, harassment, hazing, violence and cyberbullying prevention. New employee training shall incorporate training on this Policy and procedures.

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L. *STUDENT SAFETY SUPPORT PLAN.* NMSA shall develop a student safety support plan for students who are targets of conduct prohibited by this policy that addresses safety measures the School will take to protect targeted students against further acts of bullying/cyberbullying/harassment/hazing/violence.

M. *ANNUAL REPORTING.* The School shall report aggregate incidents of bullying/harassment/cyberbullying/violence as required under applicable federal or state laws, along with the School's responses to these incidents, and shall report this information annually to the NMPED in the form and content required by NMPED.

N. *PUBLICATION.* This Policy shall be made available on the following public websites:

i. School Policies: Student/Family Handbook
(<https://www.nmschoolforthearts.org/academics/school-policies/>); and

ii. NMSA Charter School Governing Council Policies
(<https://www.nmschoolforthearts.org/about/mission-governance/>).

The School's Principal shall be the point of contact for any bullying-related concerns, or other concerns relating to this Policy. Parents and students shall be informed about this Policy at least annually, through student handbooks and the registration process.

Legal Reference: 6.12.7 NMAC; NMSA 1978, §22-35-1 et seq.

This Bullying, Cyberbullying, Harassment, Hazing and Violence Prevention Policy was approved by the Governing Council of the New Mexico School for the Arts, effective December 18, 2019.

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ATTEST;

BILL BEACHAM, Chair
of the Governing Council

PAULA TACKETT, Secretary
of the Governing Council