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| NEW MEXICO SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED | SUBJECT: NO. 517.9 Anti-Bullying Policy |
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| Distribution: All Staff | Kind: Board Policy |

I. GENERAL POLICY

The New Mexico School for the Blind & Visually Impaired (NMSBVI) is committed to protecting its students, employees, and applicants for admission from bullying, and harassment, for any reason and of any type. The Board of Regents believes that all students and employees are entitled to a safe, equitable, and harassment-free school experience. Bullying, and harassment will not be tolerated and shall be just cause for disciplinary action. Conduct that constitutes bullying or harassment as defined herein, is prohibited.

The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of supports for all students, staff, and families. It is designed to ensure NMSBVI has staff that have been trained and are supported in the school's efforts to provide awareness, intervention training, and instructional strategies on prevention, including violence prevention, to each staff, parent/guardian, and student, and to direct follow up when incidents are reported and/or occur.

II. DEFINITIONS

Bullying means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted purposeful written, verbal, nonverbal, or physical behavior, including but not limited to any threatening, insulting, or dehumanizing gesture, by an adult or student, that has the potential to create an intimidating, hostile, or offensive educational environment or cause long term damage; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation, is carried out repeatedly and is often characterized by an imbalance of power.

Bullying may involve, but is not limited to:

- unwanted teasing
- threatening
- intimidating
- stalking
- cyberstalking
- cyberbullying
- physical violence
- theft
- sexual, religious, or racial harassment
- public humiliation
- destruction of school or personal property
- social exclusion, including incitement and/or coercion
- rumor or spreading of falsehoods.

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

- places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property;
- has the effect of substantially interfering with a student's educational performance or school employee's work performance, or either's opportunities, or benefits;
- has the effect of substantially negatively impacting a student's or school employee's emotional or mental well-being; or
- has the effect of substantially disrupting the orderly operation of the school.

Cyberstalking means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

Cyberbullying is defined as willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, social websites (e.g. MySpace, Facebook), chat rooms, and instant messaging.

Bullying, Harassment, Cyberstalking, and/or Cyberbullying also encompass:

- retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.
- retaliation also includes reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
- perpetuation of conduct listed in the definition of bullying, or harassment, by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - a) incitement or coercion;
 - b) accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the school; or
 - c) acting in a manner that has an effect substantially similar to the effect of bullying, harassment, or discrimination.

Bullying, Harassment, Cyberstalking, and/or Cyberbullying, (hereinafter referred to as bullying, as defined in this policy), also encompass, but are not limited to, unwanted harm towards or discrimination of a student or employee based on their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background.

Accused is defined as any school employee, consultant, contractor, agent, visitor, volunteer, student, parent/guardian, or other person in the school or outside the school at school-sponsored events, on school transportation vehicles, and at training facilities or training programs sponsored by the school, who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing.

Complainant is defined as any school employee, consultant, contractor, agent, visitor, volunteer, student, parent/guardian, or other person who makes a report of bullying, whether formally or informally, verbally or in writing.

III. EXPECTATIONS

NMSBVI expects students and school employees to conduct themselves with a proper regard for the rights and welfare of other students and school employees, the educational purpose underlying all school activities, and the care of school facilities and equipment.

NMSBVI expects all students and school employees to respect and uphold the school's prohibition of bullying of any student or school employee:

- during any educational program or activity conducted by NMSBVI;
- during any school-related or school-sponsored program or activity or while utilizing school transportation;
- through the use of any electronic device or data while on school grounds or while utilizing school transportation, computer software that is accessed through a computer, computer system, or computer network of NMSBVI. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated under this policy;
- through the use of any electronic device or data while away from school grounds, including weekends at home, during school breaks, or while participating in any school sponsored activity;
- through threats using the above to be carried out on school grounds. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity, or on school transportation;

NMSBVI expects all administrators, faculty, and staff, in collaboration with parents/guardians, students, and community members, to incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self discipline, good citizenship, and academic success.

NMSBVI expects that proper prevention and intervention steps shall be taken based on the level of severity of infraction.

IV. REPORTING

The Superintendent or designee is responsible for receiving oral or written complaints alleging violations of this policy.

All school employees are required and must report, in writing, any allegations of bullying or violations of this policy to the Superintendent or designee. Failure to report will result in action(s) or discipline consistent with school policy regarding Reporting of Suspected Abuse and Neglect, and/or Healthy and Safe Environment, up to and including termination of employment. Complaints/concerns should be filed as soon as possible after the staff becomes aware, or suspects, any form of bullying.

Any student (and/or parent/guardian on the student's behalf) who believes he/she is a victim of bullying, or who believes that another student may be the victim of bullying, is strongly encouraged to report the incident(s) in writing to the Superintendent or designee. Complaints/concerns should be filed as soon as possible after the student and/or parent/guardian becomes aware of the complaint/concern.

A school employee, school volunteer, contractor, student, parent/guardian or other persons who promptly reports, in good faith, an act of bullying to the appropriate school official, and who makes this report in compliance with the procedures set forth in this policy, is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. Submission of a good faith complaint or report of bullying will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments with the school.

The Superintendent or designee shall document, in writing and/or via the specified data system, all complaints regarding bullying, to ensure that problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.

V. INVESTIGATION AND RESOLUTION

The investigation of a reported act of bullying of a student, school employee, or other persons providing services to the school is deemed to be a school-related activity and begins with a report of such an act.

The Superintendent or designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. Although this policy encourages students to use the formal written complaint process, school officials should investigate all complaints and reports of bullying whether or not the complaint is in writing.

If the complaint is about the Superintendent or designee, the NMSBVI Board of Regents will be tasked with investigating the complaint.

The procedures for investigating bullying may include the Superintendent or designee and/or in the case of student-to-student bullying, the utilization of the school's Behavioral Support Specialist. For incidents that involve school employees, the Superintendent or designee will require the involvement of the Human Resources Director.

The investigator may not be the accused or the alleged victim.

The Superintendent or designee shall begin a thorough investigation and interviews with the complainant(s), accused, and witnesses within two (2) school days of receiving a notification of complaint.

In the case of student-to-student, or staff-to-student complaints, NMSBVI will provide immediate notification to the parents of both the victim and the alleged perpetrator.

During the investigation, the Superintendent or designee may take any action deemed necessary to protect the complainant, other students or school employees. In general, student complainants will continue attendance at school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any legal order of a court will prevail.

When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the Superintendent or designee may discuss the complaint with any school employee, the parent of the complainant or accused, if one or both is a minor, and/or child protective agencies responsible for investigating child abuse.

During the investigation, where a school employee is the accused, the Superintendent or designee may recommend to the Human Resources Director any action necessary to protect the complainant, or other students or school employees, consistent with the requirements of applicable statutes and school policies.

Within ten (10) school days of the filing of the complaint, there shall be a written decision by the Superintendent or designee regarding the completion of the investigation. The Superintendent shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable.

The Superintendent or designee will inform all relevant parties in writing of the outcome of the investigation, decisions regarding intervention/disciplinary action, and the right to appeal. All information will be recorded in the appropriate data system.

If the reported act is outside the scope of the school, and determined a criminal act, referral to appropriate law enforcement shall be made immediately. The parents/guardians of involved students will be notified immediately. The referral will be recorded in the appropriate data system.

VI. INTERVENTION/CONSEQUENCES

Reports of bullying are taken seriously and shall be dealt with quickly and effectively. If a student or school employee is found guilty of bullying behavior the consequences shall depend on both the results of the investigation and the severity of the incident. Consequences may include but are not limited to:

Students:

Mediation

Parent conference

Counseling

Suspension

Expulsion

Referral to local law enforcement

School Employees:

Administrative Leave w/o Pay

Administrative Leave w/Pay

Counseling

Administrative Censure

Termination of Employment

Referral to local law enforcement

VII. APPEALS

School employees, students, and parents/guardians have a right to appeal the decision of the Superintendent once the investigation is complete. Appeals will be referred to the Board of Regents for review. The Board of Regents, after a thorough review of the complaint, investigation, and decision, may elect to uphold the Superintendent's decision, or may elect to conduct an additional investigation into the matter. If an additional investigation is deemed necessary, the investigation will be conducted by the Board of Regents or their legal counsel. Any appeal decision made by the Board of Regents will be deemed final.

An appeal submitted to the Board of Regents will be reviewed during their next scheduled regular meeting unless the Board of Regents deems it necessary to call a Special Meeting of

the Board of Regents. Appeals will be discussed in a closed session of the Board of Regents per the New Mexico Open Meetings Act, with any decision regarding the appeal being announced in open session.

VIII. POLICY REVIEW

NMSBVI Administration and Board of Regents will review this policy annually and assess its implementation and effectiveness. The policy will be promoted and implemented throughout NMSBVI.

This policy will be provided to the parents/guardians at the beginning of each school year, and as revisions are made.

A condensed version of this policy will be included in the NMSBVI Student/Parent Handbook, and will be reviewed annually and revised as deemed necessary.