

BULLYING PREVENTION POLICY

PURPOSE

Sandoval Academy of Bilingual 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.

DEFINITIONS

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, 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.

Harassment means knowingly pursuing a pattern of conduct that is intended to annoy, alarm or intimidate another person.

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:

- 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 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.

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 school.

Harassment and Disability Harassment include but are not limited to:

- *Verbal acts, teasing, use of sarcasm, jokes;*
- *Name-calling, belittling;*
- *Nonverbal behavior such as graphic or written statements or signing;*
- *Conduct that is physically threatening, harmful, or humiliating; or*
- *Inappropriate physical restraint by adults.*

Racial Harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

- Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
- Otherwise adversely affects an individual's academic opportunities.

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:

- When submission to such conduct is made, explicitly or implicitly, a term or condition of obtaining an education; or
- Submission to or rejection of that conduct or communication by an individual is used to factor in decisions affecting that individual's education; or
- 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.

NOTICE OF PROHIBITION AGAINST BULLYING AND ANTI-BULLYING INTERVENTIONS

Sandoval Academy of Bilingual Education prohibits bullying/harassment. Bullying/Harassment is when an individual takes out aggression toward another in the form of criticism, exclusion, isolation, teasing with verbal, psychological, emotional, and physical violence. If behaviors toward another student(s) make him or her feel intimidated, uncomfortable or if the student feels threatened, it may be considered bullying harassment even if the harasser did not intend for his or her actions to be offensive. 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 the School Principal/Director. 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.

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.

REPORTING INTIMIDATION, HARASSMENT OR BULLYING BEHAVIOR

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.

1. The report may be made to any staff member. The staff member will assist the student in reporting to the Principal/Director or other personnel.
2. Teachers and other school staff who witness acts of bullying or receive student reports of bullying are *required* to promptly notify designated staff.

3. Reports should be done in writing using the Harassment, Intimidation, Bullying, or Hazing Complaint Form. A copy of this form will be submitted to administration.
4. School Principal/Director or designee is *required* to accept and investigate all reports of intimidation, harassment or bullying.
5. School Principal/Director or designee is *required* to 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 further acts of bullying.
6. 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.
7. The right to confidentiality, both of the complainant and the accused, shall be preserved consistent with applicable laws.
8. If harassment or bullying continues, the perpetrator will be immediately suspended and removed from the school, pending a long-term hearing.
9. 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 INTIMIDATION, HARASSMENT OR BULLYING BEHAVIOR

Sandoval Academy of Bilingual Education administration 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.

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 investigation taking place.
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.
3. The school may take immediate steps to protect the complainant, students, teachers, administrators, or other school personnel pending the completion of an investigation.
4. The investigation shall be completed as soon as possible. The Principal/Director (or investigator) shall make a written report. 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. If the complaint involves the Principal/Director, the report shall be submitted to the Governing Council who will then designate an investigation to determine the validity of the report and will then make a decision, based on the investigative findings, whether or not to file a complaint with the New Mexico Public Education Department, Educator Ethics Bureau. A copy of the completed report will be maintained by the school's administration.
5. The Special Services coordinator will be involved in all reports involving a student receiving special services to ensure a fair investigation. Sandoval Academy of Bilingual Education will follow IDEA regulations when investigating students receiving special services.

CONSEQUENCES FOR BULLYING

1. Verified acts of bullying shall result in intervention by the building Principal/Director 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, 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/Director.

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 EDUCATION

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. It is imperative that students are comfortable with understanding, describing, and recognizing bullying behaviors.

Health education will be incorporated into thematic units at each grade level.

THREATS OF VIOLENCE

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.
2. All employees and students are required to report evidence of threats of violence to the Principal/Director. Such reports shall be investigated by the Principal/Director or designee. All such reports shall be documented by the Principal/Director.
3. In cases of threats that may constitute a violation of criminal law, the Principal/Director or designee shall notify law enforcement authorities, when it is substantiated through the use of the threat assessment tool.
4. If the Principal/Director finds a significant behavior violation upon investigation, the student(s) 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 Students receiving Special Services, administration will consult with the special education staff regarding the appropriate process.