

**POLICY AND GUIDANCE FOR  
PROHIBITING HARASSMENT, INTIMIDATION AND BULLYING  
ON SCHOOL PROPERTY, AT SCHOOL-SPONSORED FUNCTIONS  
AND ON SCHOOL TRANSPORTATION**

*Updated August 20, 2012*

**New Mexico Statute Reference**

Legislation (6.12.7 NMAC.) requires each school district and charter to adopt a policy prohibiting harassment, intimidation and bullying on school property, at school-sponsored functions and on school buses.

**Anit-Bullying Policy Statement**

VGHS prohibits acts of harassment, intimidation or bullying. The Governing Council has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards; harassment, intimidation or bullying, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment.

**Definition of Bullying Behaviors**

*"Harassment, intimidation or bullying" means any gesture or written, verbal or physical act that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory handicap, or by any other distinguishing characteristic, that takes place on school property, at any school-sponsored function or on a school bus and that:*

These acts may have the effect of harming a student or damaging the student's property, or placing a student in reasonable fear of harm to his person or damage to his property.

These acts may have the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school.

Examples of bullying behaviors include: name calling, teasing, gossiping, undesired text messaging, exclusion, pushing, shoving, taking personal possessions, verbal threats, hand gestures, etc..

Since bystander support of harassment or bullying can support these behaviors, the staff and governing council members of VGHS Governing Council prohibits both active and passive support for acts of harassment or bullying. The staff should encourage students to support students who walk away from these acts when they see them, constructively attempt to stop them, or report them to the designated authority.

### **Expectation of Student Behavior**

The Governing Council expects students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities and the care of school facilities and equipment.

The Governing Council believes that the best discipline is self-imposed, and that it is the responsibility of staff to use disciplinary situations as opportunities for helping students learn to assume and accept responsibility for their behavior and the consequences of their behavior. Staff members who interact with students shall apply best practices designed to *prevent* discipline problems.

### **Consequences for Violations of Anti-Bullying Policy**

After investigating complaints of bullying the VGHS Director may provide consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying. These may range from positive behavioral interventions up to and including suspension or expulsion.

### ***Factors for Determining Consequences***

- Age, developmental and maturity levels of the parties involved;
- Degrees of harm;
- Surrounding circumstances;
- Nature and severity of the behaviors;
- Incidences of past or continuing patterns of behavior;
- Relationships between the parties involved; and
- Context in which the alleged incidents occurred.

### ***Examples of Consequences***

- Admonishment;
- Temporary removal from the classroom;
- Deprivation of privileges;
- Classroom or administrative detention;

- In-school suspension during the school week or the weekend;
- Out-of-school suspension;
- Legal action; and
- Expulsion.

## **Reporting**

The Governing Council requires the Director to be responsible for receiving complaints alleging violations of this policy. All school employees are required to report alleged violations of this policy to the Director or the Director's designee. All other members of the school community, including students, parents, volunteers and visitors, are encouraged to report any act that may be a violation of this policy.

## **Response to the Reporter of Incidents**

The Governing Council prohibits reprisal or retaliation against any person who reports an act of harassment, intimidation or bullying. The consequences and appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the Director after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State statutes and regulations and district policies and procedures.

## **False Reports**

The Governing Council prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying. The consequences and appropriate remedial action for a *student* found to have falsely accused another as a means of harassment, intimidation or bullying may range from positive behavioral interventions up to and including suspension or expulsion, as permitted by law.

## **Establishment of Bullying Prevention Programs**

Section 22-2-21, NMSA 1978 – Bullying Prevention Programs, requires every public school to implement a bullying prevention program by August 2012. VGHS uses the Expeditionary Learning focus on culture and character (Core Practices 26, 27, 28 and 29) and the structure of “crew” as proactive measures to ensure that students develop pro-social behaviors, problem-solving skills, community, reflection skills and a sense of belonging. In addition, the school uses curriculum such as “PBIS” material from the U.S. and state government and Teaching Tolerance.

## **Consequences for Violations of Anti-Bullying Policy**

After investigating complaints of bullying the VGHS Director may provide consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment, intimidation or bullying. These may range from positive behavioral interventions up to and including suspension or expulsion.

The staff and governing council members of VGHS Governing Council requires its school administrator to develop and implement procedures that ensure *both* the appropriate consequences *and* remedial responses to a student or staff member who commits one or more acts of harassment or bullying. The following factors, at a minimum, may be given consideration by school administrators in the development of the procedures for determining appropriate consequences and remedial measures for each act of harassment or bullying.

### ***Factors for Determining Consequences***

- Age, development, and maturity levels of the parties involved
- Degree of harm
- Surrounding circumstances
- Nature and severity of the behavior(s)
- Incidences of past or continuing pattern(s) of behavior
- Relationship between the parties involved
- Context in which the alleged incident(s) occurred

### ***Factors for Determining Remedial Measures***

#### ***Personal***

- Life skill competencies
- Experiential deficiencies
- Social relationships
- Strengths
- Talents
- Extra-curricular activities
- Classroom participation
- Academic performance and needs

#### ***Environmental***

- School culture & climate
- Student-staff relationships and staff behavior toward the student
- General staff management of classrooms or other educational environments
- Staff ability to prevent and de-escalate difficult or inflammatory situations
- Social-emotional and behavioral supports
- Social relationships & power dynamics

- Community activities
- Neighborhood culture
- Family situation

Consequences and appropriate remedial actions for a student or staff member who commits one or more acts of harassment or bullying may range from positive behavioral interventions up to and including suspension or expulsion, in the case of a student, or suspension or termination in the case of an employee, as set forth in the board of education's approved code of student conduct or employee handbook.

Consequences for a student who commits an act of harassment or bullying shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the board of education's approved code of student conduct.

Remedial measures shall be designed to: *correct the problem behavior*, *prevent another occurrence* of the behavior; and *protect the victim* of the act. Effective discipline should employ a school-wide approach to adopt a rubric of bullying offenses and the associated consequences. The consequences and remedial measures may include, but are not limited to, the examples listed below:

***Examples of Consequences (see Matrix for further detail)***

- Temporary removal from the classroom
- Loss of privileges
- Classroom or administrative detention
- Referral to director
- In/Out-of-school suspension
- Legal action
- Expulsion

***Examples of Remedial Measures***

*Personal*

- Framing the aggressive behavior as a failed attempt to solve a real problem or reach a goal. The adult assists the misbehaving student to find a better way to solve the problem or meet the goal.
- Restitution and restoration
- Transformative conferencing/restorative justice
- Peer support group
- Corrective instruction or other relevant learning or service experience
- Supportive discipline to increase accountability for the bullying offense
- Supportive interventions, including participation of an Intervention and Referral Services team, peer mediation, etc.

- Behavioral assessment or evaluation, including, but not limited to, a referral to a Student Assistance Team or school counselor, as appropriate
- Behavioral management plan, with benchmarks that are closely monitored
- Referral for Student counseling or BMS services
- Parent conferences

*Environmental (Classroom, School Building)*

- Set a time, place, and person to help the bully reflect on the offending behavior, maintaining an emotionally-neutral and strength-based approach
- School and community surveys or other strategies for determining the conditions contributing to harassment, intimidation, or bullying
- School culture change or climate improvement
- Modifications of schedules or passing times & traffic
- Targeted use of monitors
- General professional development programs for certified and non-certified staff
- Professional development plans for involved staff
- Disciplinary action for school staff who contributed to the problem
- Parent conferences
- Involvement of parent-teacher organizations
- Involvement of community-based organizations
- Peer support groups
- Law enforcement involvement