

Board of Education **POLICY GBGBA Las Cruces Public Schools**

Related Entries: GBGBA-R, EBBC, EBBC-R, GBGB, GBGB-R

Responsible Office: Associate Superintendent for Operations

Applicable To: Union Certified Employees Union Classified Employees Non-Union Employees All Employees

EMPLOYEE ASSAULT

I. PURPOSE

To assist employees, who, when acting within the scope of their duties, are subjected to assault, battery, or any physical confrontation which results in physical injury, mental anguish and/or property damage.

II. BACKGROUND

The Board of Education places great importance on the safety of its employees, and supports school district efforts to assist any school district employee who has suffered any physical or psychological loss or damage as a result of a confrontation with a co-worker, parent, student, volunteer or anyone else while on duty.

III. DEFINITIONS

1. “*Employee*” means all individuals who are employed by Las Cruces Public Schools either full-time or part-time.
2. “*Scope of duties*” means the range of actions undertaken by a school district employee in the performance of duties that such employee is requested, required, or authorized to perform by the school district administration, regardless of the time and place of performance.
3. “*Assault*” means:
 - a. Threatening behavior toward or an attempt to commit a battery upon a school district employee while he/she is lawfully acting within the scope of his/her duties.
 - b. Any unlawful act, threat or menacing conduct which causes any school district employee lawfully acting within the scope of his/her duties to reasonably believe he/she is in danger of receiving an immediate battery.
4. “*Battery*” means the unlawful, intentional touching or application of force to a school district employee while he/she is lawfully acting within the scope of his/her duties.
5. “*Injury*” means any physical or mental harm to ~~the~~ a school district employee or to the employee's property, resulting from an assault, a battery or other physical confrontation occurring while the employee is lawfully acting within the scope of his/her duties.

6. “*Incident*” means an occurrence including, but not limited to assault, battery or physical confrontation, governed by this policy.

IV. POSITION

- A. This Policy applies to all district employees (faculty and staff), unless specifically preempted by the provisions of an applicable collective bargaining agreement covering the district employee. The district employee is directed to the provisions of the applicable collective bargaining agreement on this topic for further guidance and possible changes or additions to this Policy as applied to the district employee.

As provided for in the school district’s agreements with the National Education Association–Las Cruces (Article 5, Section H, Item 3) and the Classified School Employees Council–Las Cruces (Article 21, Section 10, Item c), school district employees “who have been the victim of an assault, a battery or a physical confrontation while acting properly within the scope of their duties will receive, at District expense, assistance relating to the incident, such as attorney consultation, counseling and paid leave.” And further, “the District will seek to minimize the financial impact on employees on an individual basis.”

- B. The school district shall provide support to school district employees who have suffered physical and/or psychological injury and/or loss as a result of their lawful actions within the scope of their duties.
- C. The school district shall provide a process for the reporting of any incidents of assault, battery or physical confrontation (LCPS Form JICF-E2: Report of Serious School Incident).
- D. The school district shall provide a process for the investigation of these incidents and the determination of whether or not the employee acted properly with regard to the incident.
- E. School district employees shall have the right to use force as is necessary to protect themselves, students or other employees from physical injury which they reasonably believe might result in actual or threatened physical attack upon themselves or others.
- F. The Superintendent of Schools shall promulgate a regulation for the enforcement of this policy.

V. REVIEW

This policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.



Board of Education, President

February 15, 2011

Date Approved

History: Formerly Policy #250; revised 11.22.95; reviewed 10.17.2000; Replaces #250 Employee Assault; 1st read 12.14.10; 2nd read 1.18.11; 3rd read 02.15.11

Legal Reference: