

# **POLICY JICFA**      **Board of Education** **Las Cruces Public Schools**

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**Related Entries:** JICFA-RA, JICFB, JICFB-RA, JICK, JICK-RA, JICKA, JICKA-RA  
**Responsible Office:** Associate Superintendent for Instruction

## **HAZING**

### **I. PURPOSE**

The purpose of this policy is to require a school environment in which students feel safe and secure. The Board of Education is committed to maintaining an environment conducive to learning in which students are safe from hazing.

Hazing of or by students impairs the proper atmosphere for education and creates an inequitable climate for learning. In addition to its negative effect upon education, hazing negatively affects the character of young people.

### **II. POSITION**

- A. It is the policy of the Board of Education to prohibit hazing in all schools of the school district, whether on or off school property, and whether during or outside school hours.
- B. The Board of Education prohibits retaliation against any person for good faith reporting, or participating in the investigation of an alleged violation of this policy.
- C. The Board of Education prohibits employees or students from knowingly giving false reports or information under this policy.
- D. School officials, employees, and volunteers shall not permit or tolerate hazing, and shall intervene to stop hazing that is threatened, found, or reasonably known or suspected to be occurring.

### **III. DEFINITION**

“**Hazing**” as a condition of membership in, or initiation into, any class, team, group, or organization sponsored by, or permitted to operate under, the auspices of a school of the school district, or for similar or related purposes, *provided*, that such conduct shall not be considered hazing when it is a recognized and integral part of the particular sport or activity-includes, but is not limited to:

- A. engaging in any offensive or dangerous physical contact, restraint, abduction, or isolation of a student, or
- B. requiring or encouraging a student to perform any dangerous, painful, offensive, or demeaning physical or verbal act, including the ingestion of any substance, inappropriate exposure to the elements, deprivation of sleep or rest, or extensive isolation, or
- C. subjecting a student to any dangerous, painful, harmful, offensive, or demeaning conduct, or to conduct reasonably likely to create extreme mental distress.

#### **IV. REPORTING, INVESTIGATION AND STANDARDS**

##### **A. Reporting**

###### **1. Reporting by a Student:**

It is the express policy of the Board to encourage students who are victims of hazing to report such claims. Students or their parents may report such conduct to the principal or assistant principal of the school which the student attends.

###### **2. Reporting by a School Employee:**

Any employee who, as a result of personal observation or a report, has reason to believe that a student is a victim of conduct prohibited by this policy, whether the conduct is by another student or by another employee, shall notify his or her principal, or the Superintendent, of such observation or report in writing as soon as possible.

##### **B. Investigation**

1. All reports of hazing in violation of this policy shall be promptly investigated by the school principal or his/her designee of the school receiving the report or of the school in which the conduct allegedly occurred or pertains. Should a designee conduct the investigation, the school principal's designee must be a licensed public school administrator.
2. The Superintendent of Schools shall promulgate regulations governing the investigation of complaints of hazing ensuring that all complaints of violations are properly and thoroughly investigated. The regulations shall require that the final investigation report created be sufficient to document the investigation and to support any disciplinary or other action specified or recommended in the investigation report as a result of the investigation. The regulations shall also provide specific provisions for communication with the alleged victims and their parents/guardians as to whether the complaint was substantiated and as to the progress of the investigation. The regulations shall provide that the investigation process must be concluded within a maximum of 10 school days of receipt of such complaints. The regulations shall also provide that if the investigation is conducted by an administrator other than the school principal, the principal will respond to the submission of the final investigation report within three school days, approving the proposed action to be taken or directing further or different action. The regulations shall also provide that requests for an extension of this time requirements must be approved in writing by the Superintendent.
3. Parents and students to which the complaint pertains will be kept informed throughout the investigative process.
4. The Superintendent's regulations shall provide for a grievance procedure for parents and students (see LCPS regulation JICFA-R) who are not satisfied with actions taken by or wish to appeal the initial findings of the

school principal or designee. The regulations for the policy shall provide that the Superintendent of Schools shall be the final appeal authority on any such grievance. Parents and students shall be informed of the availability of such a grievance process.

5. The regulations shall provide that the Superintendent shall make a determination on a grievance within 15 school days of the submission of a grievance under the regulations approving the actions of the school principal or directing further or different action.
6. The Board of Education prohibits any person from actively obstructing an investigation into an alleged violation of this policy.
7. Where violations of criminal law may have occurred, the principal, in consultation with the Superintendent or his/her designee, shall report the matter to the appropriate law enforcement agency.

C. Standard:

In assessing the existence of a violation of this policy and the appropriate discipline or action to be taken or recommended, the school principal or designated investigator shall consider the nature and extent of the conduct, the age of the student(s) involved, the context in which the alleged conduct occurred, and any prior history of conduct prohibited by this policy on the part of the violator.

**V. CONFIDENTIALITY**

The identities of those reporting violations of this policy and those cooperating in the investigation of alleged violations shall be kept confidential to the extent consistent with the requirements of a full and fair investigation, the due process rights of persons charged with violations, and state and federal law.

**VI. SANCTIONS**

- A. Any employee who is found to have engaged in conduct prohibited by this policy, or to have failed to discharge a duty imposed by this policy, shall be subject to sanctions, including, but not limited to, warning or reprimand, suspension, termination, or discharge, subject to applicable procedural requirements.
- B. Any student who is found to have engaged in conduct prohibited by this policy, shall be subject to discipline, including, but not limited to suspension or expulsion, subject to applicable procedural requirements, and to any applicable limitations imposed by state and federal disabilities law.

**VII. PUBLICATION**

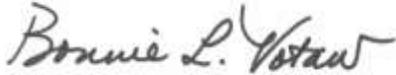
This policy shall be published in the Board's policies manual and on the School District's website. A summary of this policy shall be published each year in all student and employee handbooks.

**VIII. REVIEW**

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

*History: Formerly Procedure 339, revised 01.17.06; formerly titled Harassment, Intimidation, Bullying, and Hazing; revised 02.08, revised 4.30.08, revised 5.20.08*

*Legal Reference:: 22-5-4.3 NMSA 1978, 30-20-13 NMSA 1978, 30-20-16 NMSA 1978, 30-20-18 NMSA 1978, 6.11.2.9 NMAC*



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*Board of Education, President*

May 20, 2008

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*Date Approved*