

POLICY JICFB

Board of Education Las Cruces Public Schools

Related Entries: JICFB-R, JICFA, JICFA-R, EJA, EJA-R
Responsible Office: Associate Superintendent for Instruction

BULLYING, CYBERBULLYING, INTIMIDATION AND HOSTILE OR OFFENSIVE CONDUCT

I. PURPOSE

The purpose of Policy JICFB is to require a school environment in which students feel, and are, safe and secure.

II. BACKGROUND

- A. The Board of Education is committed to maintaining an environment conducive to learning in which students are safe from bullying, cyberbullying, violence, threats, name-calling, intimidation, and unlawful harassment.
- B. Bullying, intimidation and hostile or offensive conduct of students impairs the proper atmosphere for education and creates an inequitable climate for learning. In addition to its negative effect upon education, bullying, cyberbullying, intimidation and hostile or offensive conduct negatively affect the characters of young people.

III. DEFINITIONS

- 1. **“Bullying” or “Intimidation”** mean intimidating or offensive verbal or physical conduct toward a student, which may also involve electronic media or the use of district technologies and resources, when such conduct is habitual or recurring, including, but not limited to, verbal or physical confrontation, threats, stalking, and name-calling, or menacing acts.
- 2. **“Cyberbullying”** means electronic communication that:
 - a. targets a specific student;
 - b. is published with the intention that the communication be seen by or disclosed to the targeted students;
 - c. is in fact seen by or disclosed to the targeted students; and
 - d. creates or is certain to create a hostile environment on the school campus that is so severe or pervasive as to substantially interfere with the targeted student’s educational benefits, opportunities or performance.
- 3. **“Electronic Technologies”** means computers, laptops, tablets, smart phones, desktop computers, networks, electronic mail, Internet access, and any other form of electronic resources and mobile devices.

4. **“Name-calling”** means the chronic, habitual, or recurring use of names or comments to or about a student regarding the student’s actual or perceived physical or personal characteristics when the student has indicated by his or her conduct, that the names or comments are unwelcome, or when the names or comments are clearly unwelcome, inappropriate, or offensive by their nature.
5. **“Social Networking Websites”** means Facebook, MySpace, Twitter, YouTube, Snapchat, Instagram, or similar Internet-based websites, whose functions may include sharing personal information and directly communicating with other members or participants or broad electronic distribution of written, graphic, photographic, or video materials or images, in a web-based format.
6. **“Unlawful harassment”** means verbal or physical conduct based on a student’s actual or perceived race, color, national origin, gender, sexual orientation, sexual identity, religion, or disability and which has the purpose or effect of substantially interfering with a student’s educational performance or creating an intimidating, hostile or offensive environment. Sexual harassment of students and hazing are addressed by separate Board policies. (See Policy JICK and JICFA)

IV. POSITION

- A. It is the policy of the Board of Education to prohibit violence, threats, name-calling, bullying, cyberbullying, unlawful harassment, intimidation, assault, battery, extortion, robbery, vandalism, and other victim-based misconduct that creates an intimidating, hostile, or offensive environment for students, regardless of motive or reason. Victim-based misconduct by students or employees will **not be tolerated**.
- B. The district shall adopt best practices directed at prevention, as well as measures to ameliorate the negative effects that impact the victims of bullying and the perpetrators, as well.
- C. This Policy will apply to the use of all district electronic technologies and resources, whether owned by the District, the student, or a third party and whether on or off district property.
- D. This Policy incorporates all other relevant district policies relating to student conduct and acceptable use of the electronic technologies, in connection with the student’s academic program or other school-related activities.
- E. School officials, employees and volunteers shall not permit or tolerate bullying, cyberbullying, intimidation and hostile or offensive conduct and shall immediately report, intervene or stop such conduct that is threatened, found or reasonably known or suspected to be occurring.

- F. The Board of Education prohibits employees or students from knowingly giving false reports or information under this policy.
- G. In compliance with the Children’s Internet Protection Act [Pub.L. No. 106-554 and 47 USC 254(h)], LCPS will provide age-appropriate training for students with regard to safety on the Internet including appropriate online behavior on social networking web sites and in chat rooms, and cyberbullying awareness and response.

V. USE OF SOCIAL NETWORKING SITES

Students are responsible for their own behavior when communicating on social networking websites and will be held accountable for the content of the communications that they initiate or post on social networking website locations.

- A. **Inappropriate Communications:**
Students are strongly discouraged from including inappropriate communications on any social network website, including but not limited to:
 - 1. Confidential, personally identifiable, and sensitive district information about other students, employees and guests;
 - 2. Child pornography or sexual exploitation;
 - 3. Unlawful harassment, intimidation or name-calling as defined in this policy;
 - 4. Bullying or cyberbullying as defined in this policy;
 - 5. Defamatory or discriminatory statements and images; and
 - 6. Threats of harm, damage, or injury to persons or property.
- B. **Interactions with Staff:**
Students are strongly discouraged from inviting employees to join a student’s social network or from accepting a friend request from a teacher or other staff member. Communications between students and staff in any electronic medium should be limited to that which is school-related and consisten with the student code of conduct and the ethical standards required of education professionals.
- C. **Prohibited Use of Social Networking Sites:**
A student may be subject to sanctions provided herein if:
 - 1. The student’s use of social networking websites materially or substantially disrupts or interferes with the normal operations of the school;
 - 2. The student’s use of social networking websites materially or substantially disrupts or interferes with the rights of other students or teachers; or

3. The district administration has reasonable cause to believe that the expression would cause a material and substantial disruption of school operations.

VI. TRAINING, REPORTING, INVESTIGATION AND STANDARDS

- A. Training
All licensed school employees shall complete training in how to recognize signs that a person is a victim of bullying or cyberbullying.
- B. Reporting
 1. Reporting by a Student:
It is the express policy of the Board to encourage students who are victims of such conduct prohibited by this policy to report such claims. Students or their parents may report such conduct to the principal, assistant principal or counselor of the school in 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.
 3. No person shall be subject to reprisals for good faith reporting, or participating in the investigation, or a potential violation of this policy.
- C. Investigation
 1. All reports of physical or verbal misconduct in violation of this Policy shall be promptly investigated by the Superintendent, school principal or his/her designee.
 2. The Superintendent of Schools shall promulgate regulations governing the investigation of complaints of violations of this policy ensuring that all complaints of violations are properly, thoroughly and immediately investigated, with specified timelines.
 3. The Superintendent's regulations shall provide for a grievance procedure, with specified timelines, for parents and students.
 4. The Board of Education prohibits any person from actively obstructing an investigation into an alleged violation of this policy.
 5. Violations of criminal activity shall be reported to the appropriate law enforcement agency.

D. Standard

In assessing the existence of a violation of this policy and the appropriate discipline, the principal or designee 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.

VII. 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.

VIII. SANCTIONS AND DISCIPLINE

The District shall establish guidelines to address sanctions and/or discipline for any employee or student found to be engaged in conduct prohibited by this Policy.

- 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.
- C. Disciplinary action taken pursuant to this policy must be by the least restrictive means necessary to address a hostile environment on the school campus resulting from the confirmed cyberbullying and may include counseling, mediation, and appropriate disciplinary action that is consistent with the legal rights of the students involved.

IX. PUBLICATION

This policy shall be published with the Board's policies and on the school district's website. A summary of this policy shall be published each year in all student and employee handbooks, when applicable.

X. REVIEW

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

Maria A. Flores

Board of Education, President

February 21, 2017

Date Approved

History: *Formerly JICK Harassment, Intimidation, Bullying, and Hazing; Revised 1.17.06; Retitled Feb. 2008; Revised 5.20.08; Revised 6.25.13; Revised 02.21.17*

Legal Reference: *Legal Review Sept-Oct. 2007; Jan. 2008.; Revised 4.30.08; HB 54, 2013; Children's Internet Protection Act [Pub.L. No. 106-554 and 47 USC 254(h)]*