

Gallup McKinley County Schools
Policy Prohibiting Bullying, Cyberbullying,
Intimidation, and Hostile or Offensive Conduct

The effective education of our students requires a school environment in which students feel safe and secure. The Board of Education (“Board”) is committed to maintaining an environment conducive to learning in which students are safe from cyberbullying, threats, name-calling, intimidation, and unlawful harassment, when such conduct occurs through the use of electronic devices or services provided by the Gallup McKinley County Schools or belonging to the student

A. Official Policy. This policy supersedes and rescinds all previous policies, statements, or practices and is the official Cyberbullying, Intimidation, and Hostile or Offensive Conduct (“Policy”) for the District.

B. Other District Policies. This Policy incorporates all other relevant District policies relating to student conduct and acceptable use of the District Electronic Technologies, made available to District students in connection with the student’s academic program or other school-related activities.

C. Application. This Policy will apply to the use of all Electric Technologies, whether owned by the District, the student, or a third party and whether on or off District property.

D. Definitions.

1. “Unlawful harassment” means verbal or physical conduct based on a student’s actual or perceived race, color, national origin, gender, 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 **VIII. 12.5 GMCS Anti-Bullying Policy**

1. Harassment
2. Disability Harassment
3. Racial Harassment
4. Sexual Harassment
5. Hazing
6. Cyberbullying
7. Menacing
8. Stalking.

2. “Bullying” or “intimidation” means intimidating or offensive verbal or physical conduct toward a student, which may also involve electronic media, when such conduct is habitual or recurring, including but not limited to verbal or physical confrontation, threats, stalking, and name-calling

3. “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 student;
 - (c) is in fact seen by or disclosed to the targeted student; 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.
4. “Electronic Technologies” means computers, laptops, tablets, smart phones, desktop computers, networks, electronic mail, Internet access, and any other form of electronic resources.
5. “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.
6. “Social Networking Websites” includes Facebook, MySpace, Twitter, YouTube 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.

E. Prohibitions

1. It is the policy of the Board to prohibit cyberbullying, threats, name-calling, 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. The Board and Superintendent will not tolerate such victim-based misconduct by students or staff.
2. No person shall be subject to reprisals for good faith reporting, or participating in the investigation, of a potential violation of this Policy.
3. No employee or student may knowingly give false reports or information under this Policy.

F. Use of Social Networking Websites. 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.

1. **Inappropriate Communications.** Students are strongly discouraged from including inappropriate communications on any Social Network Website, including but not limited to:
 - (a) Confidential, personally identifiable, and sensitive District information about other students, employees, and guests;
 - (b) Child pornography or sexual exploitation;
 - (c) Harassment in any form;
 - (d) Bullying or cyberbullying as provided in this Policy;
 - (e) Defamatory or discriminatory statements and images; and
 - (f) Threats of harm, damage, or injury to persons or property.
2. **Interactions with Staff.** Students are strongly discouraged from inviting District staff members 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 consistent with the student code of conduct and the ethical standards required of education professionals.
3. **Prohibited Use of Social Networking Websites.** A student may be subject sanctions provided herein if:
 - (a) The student's use of Social Networking Websites materially or substantially disrupts or interferes with the normal operations of the school;
 - (b) The student's use of Social Networking Websites materially or substantially disrupts or interferes with the rights of other students or teachers; or
 - (c) The District Administration has reasonable cause to believe that the expression would cause a material and substantial disruption of school operations.

F. Training and Reporting

1. All licensed school employees shall complete training in how to recognize signs that a person is a victim of bullying or cyberbullying.
2. It is the express policy of the Board to encourage students who are victims of such physical or verbal misconduct to report such claims. Students or their parents may report such conduct to the principal or assistant principal of the school.
3. Any employee who, as a result of personal observation or a report, has reason to believe that a person 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, the superintendent, or both, of such observation or report in writing as soon as possible.

D. Investigation

1. All reports of physical or verbal misconduct in violation of this Policy shall be promptly investigated by the school principal, the Superintendent, or his/her designee.
2. Principals who receive complaints of bullying shall investigate such complaints, and shall report the complaints, the scope and elements of their investigations, the findings of their investigations, and actions they propose to take, if any, to the Superintendent for approval within ten (10) school days of receipt of such complaints. The Superintendent will respond to such submissions within five (5) school days, approving the proposal or directing further or different action.
3. 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.

- E. 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.

F. Sanctions

1. 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.
2. 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.
3. 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.

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

H. Health Education. The Superintendent or his/her designee shall ensure that District health education programs address bullying and related issues encompassed by this Policy.

I. Revisions. The Board shall make any necessary revisions to its disciplinary policies to ensure compliance with the provisions of this Policy.