

STUDENT CODE OF CONDUCT AND DISCIPLINE

Statement of Anti-Discriminatory Discipline and Prohibition of Racialized Aggression and Prohibition of Discipline Related to Race, Religion, or Culture:

Middle College High School shall not allow for the imposition of discipline, discrimination or disparate treatment against a student based on the student's race, religion or culture or because of the student's use of hairstyles or cultural or religious headdresses. Racialized aggression, defined as any aggressive act that can be characterized, categorized or that appears as such to be racial in nature, is prohibited.

As used in this section:

- (1) "cultural or religious headdresses" includes hijabs, head wraps or other headdresses used as part of an individual's personal cultural or religious beliefs;
- (2) "protective hairstyles" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, bantu knots, afros, weaves, wigs or head wraps; and
- (3) "race" includes traits historically associated with race, including hair texture, length of hair, protective hairstyles or cultural or religious headdresses.

Statutory Reference, NMSA 1978, Sections 22-5-4.3 (2021) and 22-8B-4 (2021).

Behavior Policies

- A. All MCHS students shall follow the rules and standards of behavior set forth in UNM-G Code and Student Handbook, regardless of whether they are enrolled in UNM-G classes, and are required to meet the MCHS conduct expectations as stated in this section. The rules described below are delineated as "MCHS" (meaning specific to MCHS students and MCHS school activities, which rules may exceed expectations of UNM-G) or "MCHS/UNM-G" (meaning the conduct rule applies to MCHS students during MCHS activities and functions as well as UNM-G activities and functions).
- B. MCHS and/or UNM-G may determine whether either or both sets of consequences shall apply under any particular circumstances.
- C. **Conclusion:** Students who violate any provision of the UNM-G Code of Conduct are subject to discipline under UNM-G, up to and including expulsion. The discipline imposed will depend on the severity of the violation and the circumstances of the situation. MCHS or the University may also report any apparent violation of law to campus police or the appropriate law enforcement authorities.
- D. In addition, the following are prohibited for MCHS students whenever they are subject to school control: criminal or delinquent acts, gang related activity, sexual harassment, disruptive conduct, refusal to identify self, and refusal to cooperate with school (including UNM-G) personnel.

E. Bullying

Bullying is defined by UNM-G/MCHS as sufficiently severe, persistent, or pervasive mistreatment directed at one or more individuals, which a reasonable person would consider to improperly interfere with the individual's (or individuals') work or school performance, benefits, or participation. Differences of opinion, conflicts, or problems in relationships occasionally occur as a normal part of working or academic life and should not be considered bullying. The destructive actions known as bullying may include the following, when they rise to the level of the standard set forth below:

"Bullying" means any repeated and pervasive written, verbal, or electronic expression, physical act or gesture, or a pattern thereof, that is intended to cause distress upon one or more students in the school, on school grounds, in school vehicles, at a designated bus stop, or at school activities or sanctioned events.

Bullying includes, but is not limited to, hazing, harassment, intimidation, or menacing acts of a student which may, but need not, be based on the student's race, color, sex, ethnicity, national origin, religion, disability, age or sexual orientation.

- Verbal bullying--oral, written, or electronic communications that include slandering, ridiculing, or maligning of a person or persons; directing abusive or offensive remarks to a person or persons; speaking, shouting, writing (including electronically or via social media), or otherwise displaying offensive or threatening materials toward any other(s) in public or in private.
- Nonverbal bullying--directing threatening gestures toward a person or persons or invading personal space after being asked to move or step away.
- Physical bullying--pushing, shoving, kicking, poking, or tripping; assault or threat of physical assault; damage to a person's work area or property; damage to or destruction of a person's work product.
- Anonymous bullying--withholding or disguising one's identity while treating a person or group in a malicious manner, sending insulting or threatening anonymous messages, placing objectionable objects among a person's belongings, or leaving degrading written or pictorial material about a person where others can see.
- Threatening action toward a person's job or wellbeing--making threats, either explicit or implicit to the security of a person's job, position, or personal wellbeing.

"Cyberbullying" means electronic communication that occurs over digital devices through text messaging and apps, or online in social media, forums, or gaming where people can view, participate in, or share content; includes sending, posting, or sharing negative, harmful, false, or mean content about someone else; sharing personal or private information about someone else causing embarrassment or humiliation. (Some cyberbullying crosses the line into unlawful or criminal behavior.): New Mexico Administrative Code (NMAC 6.12.7.7) recognizes bullying in the following ways:

- (1) targets a specific student;
- (2) is published with the intention that the communication be seen by or disclosed to the targeted student;
- (3) is in fact seen by or disclosed to the targeted student; and

(4) 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.

"Harassment" means knowingly pursuing a pattern of conduct that is intended to annoy, alarm, terrorize, or traumatize another person.

Reports of bullying/cyberbullying may be made orally, in the preferred language of the reporter, anonymously, and by parents in written form.

CONSEQUENCES

The following matrix applies to the school's response to bullying. As an educational institution, MCHS implements a pro-social restorative justice approach, which involves experienced counseling and staff-led mediation between the individuals involved. An educational component is also utilized, which often includes the offending student's development and delivery of anti-bullying presentations. These presentations are often delivered to younger students at sites that matriculate to MCHS. Depending on the severity of the incident, reports may be made to the Title IX Coordinator or Local Law Enforcement Officials immediately.

	First Offense	Second Offense	Third Offense
Bullying	Parent Notification and Mediation with Counselor/Administrator and/or Mandatory Student Presentation	Administrative Conference with Student/Parent Contract	Referral to Title IX Coordinator and/or Local Law Enforcement

PROCEDURES FOR THE PROMPT INVESTIGATION OF REPORTED BULLYING

- Any discovered, observed, or reported bullying incident shall be referred to the school principal, who shall as soon as reasonably possible, follow the procedures identified in the matrix.

NOTIFICATION OF PARENTS

- Parents of students involved in bullying investigations will be contacted promptly by school administration.

APPEALS PROCESS

- The process for appealing disciplinary decisions begins with the school Principal in an effort to seek resolution;
- If dissatisfied with the first step toward resolution or its outcome, an appeal may be filed in writing with the CEO within 10 days of the resolution decision;

- If dissatisfied with the second step toward resolution or its outcome, an appeal may be filed in writing to the President of the Governing Council, who will bring it to the full board for review and recommendations.

SAFETY SUPPORT PLAN

- A student alleging bullying or harassment will have his or her complaint heard by the school administration and/or counseling offices. The student has the right to seek remedy through mediation and/or the school's investigative and disciplinary procedures. The student is assured the right of a non-discriminatory process, in which his or her concerns will be handled in a nonjudgmental manner with the goal of a satisfactory resolution. It is also the goal of the school to provide the student a safe and supportive environment both during and following the investigation and conclusion of a complaint.

BULLYING/CYBERBULLYING REPORTING FORMS

- In addition to verbal reports, reporting forms are made available on the school website and may be submitted in person or electronically. Instructions for electronic submission accompany the form. All complaints, via submission by form or otherwise, will be investigated promptly as specified above.

- F. Adherence to New Mexico Public Education Department (PED) and/or New Mexico Department of Health (DOH) public health and safety orders regarding the wearing of face masks.
- During such times as required by the PED and/or the DOH, students attending MCHS shall wear properly fitted and protective face masks at all times that they are indoors, whether in MCHS or UNM facilities.
 - Students who are observed to be wearing improperly fitted or protective face masks will be provided a properly fitted and protective face mask. MCHS will provide a properly fitted and protective face mask to the student at no cost.
 - Upon provision of a properly fitted and protective face mask, a student who continues to wear a mask improperly shall be subject to the following progressive procedures:
 1. Verbal directive from staff member to wear the mask in a manner that properly covers the student's mouth and nose. If student is later observed to be wearing the mask improperly or refuses to comply with the original directive, the refusal progresses to step two.
 2. Staff member provides immediate notification to school administration, who shall direct the student to remain in the isolation area of the main office until the student's parent is contacted and notified of the noncompliance. If student continues noncompliance after contact with the parent, the refusal progresses to step three.
 3. School administration shall notify the student's parent that the student shall not be permitted to remain on campus and must return home until such time as the student is willing to adhere to the current public health order. MCHS

does not guarantee an alternate provision of school work for a student who is sent home for choosing to willfully refuse this policy.