

# AP 3437 Prohibition of Bullying of Students

## Reference:

*Education Code Sections 212.5; 44100; 66252; 281.5;*  
*Government Code Section 12950.1;*  
*Title VII of the Civil Rights Act of 1964,*  
*42 U.S.C.A. and 2000e.;*  
*Academic Senate Resolution 3.0.1 (Spring 2011);*  
*AB620 Assembly Bill*  
*BP 3436*

It is the priority of the District to provide every student with a safe and orderly learning and working environment. To this end, the Board specifically prohibits harassing or bullying behavior at all levels between students. This procedure is in addition to AP 3430: Prohibition of Harassment.

Students are expected to comply with the behavior standards established by Board Policy and the Student Code of Conduct.

The Board specifically prohibits reprisal or retaliation against any individual who makes a complaint or reports an incident of bullying behavior or who participates in an investigation or grievance proceeding initiated under this administrative procedure. Reprisal or retaliation against any individual who reports an act of bullying may result in disciplinary action being taken, including long-term suspension or expulsion in certain cases.

## 1. Definition of Harassment and Bullying

- A. As used in this administrative procedure, bullying behavior is any unwanted, aggressive behavior that involves a real or perceived imbalance of power between individuals that is either repeated or has potential to become a recurring deliberate act. Bullying includes, but is not limited to gestures or written, electronic, or verbal communications, or any physical act or any threatening communication on District property or, at any District sponsored function, or as otherwise stated in Board Policy 5500: Standards of Conduct, and that:
- 1) Places a student in actual and reasonable fear of harm to his or her person or damage to his or her property; or
  - 2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. A hostile environment means that the victim subjectively views the conduct as bullying behavior and the conduct is

objectively severe or pervasive enough that a reasonable person would agree that it is bullying behavior.

- B. Bullying behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, gender identity, gender expression, socioeconomic status, academic status, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics.
- C. Examples of the types of conduct that may constitute bullying and are prohibited by the district include, but are not limited to:
  - 1) Physical bullying that inflicts harm upon a person's body or possessions, such as hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's possessions, or making cruel or rude hand gestures
  - 2) Verbal bullying that includes saying or writing hurtful things, such as teasing, name-calling, inappropriate sexual comments, taunting, or threats to cause harm
  - 3) Social/relational bullying that harms a person's reputation or relationships, such as leaving a person out of an activity on purpose, influencing others not to be friends with someone, spreading rumors, or embarrassing someone in public
  - 4) Cyberbullying, such as sending demeaning or hateful text messages or emails, sending rumors by email or by posting on social networking sites, or posting embarrassing photos, videos, web site, or fake profiles

## **2. Reporting Bullying Behavior**

- A. Any student who believes that he or she has been bullied in violation of this administrative procedure should report such behavior immediately to a professor, counselor, or administrator.
- B. A District employee who has witnessed or has reliable information that a student has been subject to any act of bullying behavior shall report the incident to the Vice President of Student Services. A District employee's failure to report may subject the employee to disciplinary action.
- C. Any person may report an act of bullying anonymously. However, formal disciplinary action may not be taken solely on the basis of an anonymous report.

### **3. Investigation of Bullying Reports**

- A. All complaints of bullying behavior made by students shall be promptly reported and thoroughly investigated by the Vice President of Student Services or his/her designee.
- B. Any student, employee, unpaid intern, or volunteer who believes that he/she has been bullied or retaliated against in violation of this policy should immediately report such incidents and such incidents shall be investigated as described above and by following the procedures described in AP 3435.
- C. If at any time during the investigation the District official investigating a student allegation of bullying receives information alleging the bullying was based on sex or gender, the school official shall notify the Title IX Coordinator. In such cases, the procedures outlined in Board Policy 3540: Sexual and Other Assaults on Campus shall be followed. Further, in any case of alleged harassment or bullying, the District shall notify any other appropriate person or entity if required by law or Board Policy 3515-Reporting of Crimes.

### **4. Disciplinary Action**

- A. The actions taken in response to evidence of bullying behavior should be reasonably calculated to end any bullying, eliminate a hostile environment if one has been created, and prevent bullying from occurring again. In addition to taking disciplinary action as necessary, the Superintendent/President or designee shall take appropriate remedial action to address the conduct fully, which may include counseling, behavioral intervention and education, and long-term suspensions or expulsion of students.
- B. This administrative procedure may not be construed to allow District officials to punish student expression or speech based on an undifferentiated fear or apprehension of disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.
- C. Nothing in this administrative procedure precludes the District from taking disciplinary action against a student where the evidence does not establish bullying but the conduct otherwise fails to satisfy the District's high expectations for appropriate conduct.

This administrative procedure and related written procedures shall be widely published and publicized to students, faculty and staff. They shall be available for students and employees in all administrative offices.