

# AP 3435 Prohibition of Bullying

## Reference:

*Education Code Sections 212.5; 44100; 66252; 66281.5;*  
*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*

It is the priority of the District to provide every student and employee 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, between employees and students, between peers or coworkers, between supervisors and subordinates, or between non-employees/volunteers and employees and/or students. This policy is in addition to Board Policy 3430: Prohibition of Harassment.

Students are expected to comply with the behavior standards established by Board Policy and the Student Code of Conduct. Employees are expected to comply with Board Policy and institutional system regulations. Volunteers and visitors on school property also are expected to comply with Board Policy and established institutional rules and procedures.

The Board specifically prohibits reprisal or retaliation against any individual who makes a complaint or reports an incident of harassing or bullying behavior or who participates in an investigation or grievance proceeding initiated under this policy. Reprisal or retaliation against any individual who reports an act of harassment or bullying may result in disciplinary action being taken, up to and including dismissal in the case of employees, or up to and including long-term suspension or expulsion in certain cases for students.

## 1. Definition of Harassment and Bullying

- A. As used in this policy, harassing or bullying behavior is any repeated, unwanted, systematic pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication on District property; at any District sponsored function; or as otherwise stated in Board Policy 5500: Standards of Conduct, and that:
- 1) Places a student or District employee in actual and reasonable fear of harm to his or her person or damage to his or her property.

- 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 or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.
- B. Harassing or bullying behavior includes, but is not limited to, acts reasonably perceived as being motivated by any actual or perceived differentiating characteristics, 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.

## **2. Reporting Harassing and Bullying Behavior**

- A. Any student who believes that he or she has been harassed or bullied in violation of this policy should report such behavior immediately to a professor, counselor or administrator.
- B. Any District employee who believes that he or she has been harassed or bullied in violation of this policy should report such behavior to their immediate supervisor and/or the Director of Human Resources or designee.
- C. A District employee who has witnessed or has reliable information that a student or school employee has been subject to any act of harassing or bullying behavior shall report the incident as follows:
- 1) To the Vice President of Student Services in the case of a student.
  - 2) To the immediate supervisor of the alleged harasser or bully and/or the Director of Human Resources.
  - 3) Failure to do so make such a report may subject the employee to disciplinary action.
- D. Any person may report an act of harassment or bullying anonymously. However, formal disciplinary action may not be taken solely on the basis of an anonymous report.

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

- A. All complaints of harassing or bullying behavior made by students shall be promptly and thoroughly investigated by the Vice President of Student Services. If the alleged harasser or bully is a District employee, the Vice President of Student Services will determine if a referral to Human Resources is warranted.
- B. All complaints of harassing or bullying made by employees shall be promptly reported to their immediate supervisor and/or the Director of Human Resources. The investigation shall be conducted by the Director of Human Resources or designee.
- C. If the individual required to investigate a complaint made under this policy is the alleged harasser or bully, the investigation shall be conducted by an appropriate administrator as designated by the Superintendent/President. If the alleged perpetrator is the Superintendent/President, the Board attorney is the investigator. In such cases, whoever receives a complaint of harassment or bullying shall immediately notify the Director of Human Resources, who shall immediately notify the Board President. The Board President shall direct the Board attorney to respond to the complaint and investigate. If the alleged perpetrator is a member of the Board, the Board attorney is the investigator. In such cases, whoever receives a complaint of harassment or bullying shall notify the Superintendent/President who shall direct the Board attorney to respond to the complaint and investigate. Unless the Board President is the alleged perpetrator, the Superintendent/President shall also notify the Board President of the complaint.
- D. If at any time during the investigation the District official investigating a student allegation of harassment or bullying receives information alleging the harassment or 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 harassing or bullying behavior should be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been created, and prevent harassment 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.

- B. Violations of this policy shall be considered misconduct and will result in disciplinary action up to and including long-term suspension or expulsion in the case of students and disciplinary action up to and including dismissal in the case of employees.
- C. This policy 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.
- D. Nothing in this policy precludes the District from taking disciplinary action against a student or employee where the evidence does not establish harassment but the conduct otherwise fails to satisfy the District's high expectations for appropriate conduct.