

BP 3436 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.

Definition of Harassment and Bullying

1. 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:
 - a. 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; or
 - b. 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.

2. Harassing or 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.

The Superintendent/President shall establish procedures that define harassment or bullying on campus. The Superintendent/President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment or bullying, and procedures for students to resolve complaints of harassment or bullying. Any student or employee who believes that he or she has been harassed or bullied or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3437 & AP 3438. This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

See Administrative Procedures AP 3437 & AP 3438