

**Student Services****AP 5505 BULLYING AND BULLYING INVESTIGATIONS****References:**

- Education Code Sections 66300, 66301 and 66302;
- Accreditation Standard II.A.7.b
- AB2053 Gonzalez. Employment discrimination or harassment: education and training: abusive conduct.
- WVMCCD AP4030 Academic Freedom
- WVMCCD AP5500, AP5520 "Student Conduct"
- WVMCCD AP5510, Workplace Violence Plan
- WVMCCD AP5515, Reporting of Crime

**OBJECTIVE:**

The West Valley-Mission Community College District (WVMCCD) is committed to providing a respectful and professional educational environment and workplace for students, faculty, staff and third parties. Respect for one another is fundamental to working together in a collegial, effective, and innovative manner. Disrespectful or unprofessional communications and behavior can disrupt the proper functioning of the academic environment. Therefore, it is the intent of the WVMCCD to:

- Establish a respectful educational environment and workplace free of disrespectful or unprofessional communications or behavior; and
- Provide effective and non-retaliatory problem-solving processes that address concerns regarding respectful or professional communications or behavior.

This Administrative Procedure establishes criteria under which conduct may be considered unprofessional or bullying, and describes the process by which unprofessional or bullying behavior may be reported and acted upon by District authorities.

**BULLYING**

Bullying is defined as unwelcome acts of an individual or group of individuals that are directed towards an individual or group of individuals and are intended to humiliate,

harass, mentally or physically injure, or intimidate others that is unrelated to the District's legitimate business and educational interests. Bullying is abusive conduct, with malice, that a reasonable person would find hostile and offensive. Also, the behavior is sufficiently severe or pervasive to have a material and negative impact on the ability of a member of the West Valley-Mission Community College District (WVMCCD) to participate in the learning or working environment of the College or District. A single act shall not constitute abusive conduct, unless especially severe and egregious.

These behaviors include, but are not limited to:

*Physical Bullying:* striking, pushing, shoving, kicking, poking, or tripping another; assaulting or threatening physical assault; damaging a person's work area or personal property; or damaging or destroying a person's work product.

*Verbal/Written Bullying:* ridiculing or name-calling, either verbally or in writing; addressing abusive or threatening remarks to a person; or attempting to exploit an individual's known intellectual or physical vulnerabilities or subordinate rank within a group, in ways that satisfy the definition of bullying described above.

*Nonverbal Bullying:* directing objectively threatening, humiliating, or intimidating gestures toward a person or invading personal space. Nonverbal bullying may also involve stalking, unconsented photography or recording of private acts, or the disclosure of private facts or images of a person as to which the person has a reasonable expectation of privacy.

*Cyber Bullying:* bullying an individual using any electronic modality including, but not limited to, the Internet, interactive and digital technologies, social media, messaging, blogs, or mobile phones and other personal electronic devices. Cyber bullying may include verbal, written, or non-written bullying.

Bullying fosters a climate of fear, disrespect, and low morale, which seriously impairs student and employee success. WVMCCD believes that all students and employees have a right to a safe and healthy learning and work environment. WVMCCD is committed to high standards of behavior where every District member demonstrates through their conduct proper regard for the rights and welfare of others and seeks to promote civility among the members of the District community.

### **ACADEMIC FREEDOM, FREE SPEECH, AND NORMAL SOCIAL INTERACTION**

Freedom of expression and thought are essential for a thriving academic community.

Differences of opinion are protected at WVMCCD, in and out of the classroom.

Discussion of an academic subject, even when the ideas are controversial, is protected. Disagreements and criticism, even when strongly asserted, are not bullying if they are aimed at ideas and actions, rather than at hurting or humiliating individuals. And while kindness and civility are virtues and aims of the WVMCCD, not every unkind or uncivil remark or act is punishable. Social interactions sometimes result in hurt feelings. This is always unfortunate, but a social slight, criticism, or rebuff is not bullying unless it satisfies the criteria above.

Bullying of any person, or of members of their family, is strictly prohibited on any District property, at any District function, event or activity on or off District property, or through the use of any electronic or digital technology connected with any District activity, whether such use occurs on or off District property.

This procedure shall apply to all WVMCCD Trustees, administration, faculty, staff, students, contractors, consultants, and vendors. In the event that a member of the district community is found to be in violation of this policy, he or she will be held accountable by District, local, and state authorities.

## **ADMINISTRATIVE REPORTING PROCEDURES**

WVMCCD expects both students and employees experiencing or witnessing bullying incidents to immediately report and initiate follow-up concerning such events. Students, when witnessing or facing incidents of bullying directed by or directed at students, should report through the college student disciplinary process. Employees should report through Human Resources.

If bullying is suspected to be of a criminal nature, the case shall be referred to the WVMCCD Police.

### *Reporting Bullying by Student*

Complaints of students bullying other students, employees, contractors, consultants, or vendors should be reported immediately to the Office of Vice President of Student Services for follow-up investigation. In the event that the bullying case involves employees, contractors, consultants, or vendors, Human Resources will also be involved.

Any incident should be formally documented by completing an Incident Report Form which is then forwarded to the Vice President of Student Services and Director of Student Development for investigation and disciplinary follow-up in accordance with the procedures set forth in the District Student Code of Conduct.

### *Reporting Bullying by Employees*

Complaints of District employees bullying other employees, students, contractors, consultants, or vendors should be reported immediately to the Associate Vice Chancellor of Human Resources. The Office of Human Resources will review the complaint, conduct an investigation, and recommend appropriate disciplinary action per faculty and non-faculty employment contracts and handbooks.

In the course of any investigation into an alleged act of bullying, WVMCCD will strive at all times to be sensitive to the fact that behavior that may be perceived as bullying may, in fact, be due to differences in perception on the part of those who may suffer from physical or mental disability.

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