

Note: This policy addresses bullying targeting College District students. For provisions regarding discrimination and harassment targeting College District students, see FFDA and FFDB.

Bullying Prohibited

The College District prohibits bullying as defined by this policy. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

Definitions

Bullying

Bullying occurs when a student or group of students engages in written or verbal expression, expression through electronic means, or physical conduct that occurs on College District property, at a College District-sponsored or College District-related activity, or in a vehicle operated by the College District and that:

1. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or

4-2. Is sufficiently severe, persistent, or pervasive that the action or threat creates an intimidating, threatening, or abusive educational environment for a student; or

2-3. Is so sufficiently severe, persistent, and pervasive that the action or threat limits or denies a student's ability to participate in or benefit from the College District's educational program.

Commented [W1]: This has been added to the definition of bullying to include actions that may not be severe, persistent and pervasive (as required in the next part of this definition) but still create an unacceptable education environment.

Examples

Bullying of a student may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism, posting or sharing a student's private information without consent, impersonating a student online, coordinated harassment through social media or messaging platforms, or interfering with a student's academic work.

Commented [W2]: We have added additional examples of bullying behavior to provide a more complete list of such behaviors.

"Cyberbullying" means bullying that is done through the use of any electronic communication device (cyberbullying) includes expression, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an Internet website, or any other Internet-based communication tool.

Commented [W3]: We have added examples of the types of electronic communication that are included in the definition of bullying.

College District Officials

For the purposes of this policy, College District officials are the VP of Student Affairs, the Executive Director of Campus Engagement & Belonging, the Director of Student Conduct and Compliance, and the College President.

Commented [W4]: We need to define college officials because they are referenced throughout the policy.

Retaliation

The College District prohibits retaliation by a student or College District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

Amnesty

To encourage reporting of bullying and retaliation, the College District may grant immunity (also known as amnesty) from disciplinary action to a student or employee who acts in good faith in reporting an alleged violation, participating as a witness, or otherwise participating in an investigation under this policy. Amnesty may apply to violations of the Student Code of Conduct involving the personal use of alcohol or drugs that occurred at or near the time of the reported incident. Amnesty shall not be granted if the College District Official [C College District official] or designee determines that:

1. The person engaged in the bullying or retaliation being reported; or
2. The person's conduct placed the health or safety of another person at risk.

The College District may require a student granted amnesty to participate in educational or supportive measures, which shall not be considered disciplinary action. Amnesty under this policy does not limit the authority of law enforcement.

Commented [W5]: We believe an amnesty provision is appropriate for bullying.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding bullying or retaliation as defined by this policy shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying or retaliation shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District's ability to investigate and address the prohibited conduct.

STUDENT WELFARE
FREEDOM FROM BULLYING

FFE
(LOCAL)

**Reporting
Procedures**

Student Report

Any student who believes that the student has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a responsible employee.

Anonymous Report

An individual may anonymously report bullying to the College District by contacting a College District Official. Providing personally identifiable information is not required to make a report. Depending on the amount of information available about the incident and/or the individuals involved, the College District's ability to respond to an anonymous report may be limited, to include impairing the College District's ability to investigate and address the prohibited conduct.

Employee Report

Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced bullying shall immediately notify the appropriate College District Official listed in this policy and shall take any other steps required by this policy.

Exceptions

A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of bullying without the student's consent.

A person with a legal duty of confidentiality, such as a counselor or medical provider who holds a professional license and provides therapeutic services for the College District or who is supervised by such a person shall not be required to disclose a report of bullying without the student's consent.

A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of bullying that constitutes personally identifiable information about a student or other information that would indicate the student's identity without the student's consent, unless the person is disclosing information as required for inclusion in the College District's annual security report under the Clery Act. [See GCC]

To obtain assistance and intervention, any student who believes that the student has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to an instructor, counselor, administrator, or other College District employee.

Commented [W6]: Reporting procedures for FFE have been changed so that they are identical to reporting procedures for FFDB.

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Report Format	Any College District employee who suspects or receives notice that a student or group of students has or may have experienced bullying or retaliation shall immediately notify the [C College District official]. A report may be made orally or in writing. The [C College District official] <u>College District Official</u> or designee shall reduce any oral reports to written form.
Prohibited Conduct	The [C College District official] <u>College District Official</u> or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFDA or FFDB, including harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, disability, or age. If so, the College District shall proceed under policy FFDA or FFDB, as appropriate, instead. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFDA or FFDB, as appropriate, shall include a determination on each type of conduct.
Investigation of the Report	Alleged violations of this policy are also alleged violations of Board Policy FLB (LOCAL). Investigations of reports of alleged violations of this policy will be conducted by following the process for investigating reports of alleged violations of Board Policy FLB (LOCAL) (see Administrative Regulation FMA-R.) The [C College District official] or designee shall conduct an appropriate investigation based on the allegations in the report. The [C College District official] or designee shall promptly take interim action calculated to prevent bullying or retaliation, as defined by this policy, during the course of an investigation, if appropriate.
Evidentiary Standard	The determination of whether bullying or retaliation, as defined by this policy, occurred, shall be based on the preponderance of the evidence standard, meaning whether it is more likely than not that the conduct occurred.
Concluding the Investigation	Absent extenuating circumstances, the investigation should be completed within ten forty-five College District business days from the date the College District Official or designee receives the report of the initial report alleging bullying or retaliation, as defined by this policy; however, the [C College District official] <u>College District Official</u> or designee shall take additional time if necessary to complete a thorough investigation and shall provide written notice to the complainant and the respondent stating the reason for the extension and the anticipated date of completion. An extension shall not delay any interim action the College District has taken or may take under this policy.

Commented [W8]: It is important to identify the evidentiary standard. We believe the preponderance of evidence standard is appropriate for this policy.

Commented [W9]: The investigation should be given 45 days, not 10 days.

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The ~~{C College District official}~~ College District Official or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying or retaliation, as defined by this policy, occurred. A copy of the report shall be sent to the ~~{G head of district/college/ESC, initial upper case}~~ Vice President of Student Affairs or designee.

**College District
Action**

~~Alleged violations of this policy are also alleged violations of Board Policy FLB (LOCAL). If the results of an investigation indicate that bullying or retaliation as defined by this policy occurred, the College District shall take action in accordance with Board Policy FLB (LOCAL) (see Administrative Regulation FMA-R), promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.~~

Corrective Action

Examples of corrective action may include:

Implementing a training program for the individuals involved in the complaint;

Implementing a comprehensive education program for the College District community;

Conducting follow up inquiries to determine if any new incidents or any instances of retaliation have occurred;

Involving students in efforts to identify problems and improve the College District climate;

Increasing staff monitoring of areas where bullying or retaliation has occurred; and

Reaffirming the College District's policy against bullying and retaliation.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of bullying or retaliation as defined by this policy, the College District may take disciplinary or any other appropriate corrective action.

Confidentiality

To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation. The parents of students who are under eighteen years of age may be contacted by the Col-

Commented [W10]: We want consistency between this policy (FFA) and all student conduct issues under FLB, so reference FLB here instead of writing out a separate College District Action procedure.

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	<u>lege District, and if the student is a dual-credit student, then appropriate school district officials may be contacted by the College District.</u>
Appeal	A student who is dissatisfied with the outcome of the investigation may appeal through FLD(LOCAL), beginning at the appropriate level.
Records Retention	Retention of records shall be in accordance with the College District's records retention procedures. [See CIA]
Access to Policy and Procedures	Information regarding this policy and accompanying procedures shall annually be made available to College District employees and students and shall be published on the College District's website. Copies of the policy and procedures shall be readily available at the College District's administrative offices.

Commented [W11]: We believe that bullying may be more prevelant with minors, and we want to include the right of the college district to contact parents and school district officials.