

## STUDENT BEHAVIOR, DISCIPLINE AND ACADEMIC HONESTY

Faculty play a key role in working with students on issues related to behavior, student standards for conduct or issues related to academic integrity and academic honesty. The college has established very clear guidelines, procedures, rights, and sanctions for each of these important student issues. You can find detailed information regarding these procedures in the college catalog, on the college website, and in the Gavilan College Catalog. It is your responsibility as a faculty member to become familiar with these various policies and procedures. More information on Section F

Each vice president has responsibility for a part of the collective processes and policies related to these topics and are happy to assist you with questions and guidance. Please see the appropriate vice president for:

**Vice President of Instructional Services** – Academic Honesty and Academic Integrity including what to include in the syllabus, cheating, plagiarism, providing false information to an instructor, grading policies, classroom management issues, etc. This vice president also guides the college's policies related to issues of academic freedom.

**Vice President of Student Services** – Standards of Student Conduct including threats or injury to others, possession of weapons, controlled substances, damage to district property, theft, smoking, willful misconduct, disruptive behavior, abuse of college personnel, forgery/honesty on college documents, unauthorized use of facilities, lewd/obscene conduct, etc.

**Director of Human Resources** – Civil rights complaints, gender equity, sex discrimination/harassment, or disability discrimination complaints (ADA).

### **Student Problem Resolution Process**

In an educational environment, there are times when a student and a college employee (faculty, support staff, manager, or administrator) may have a problem or issue which needs some clarification or resolution. The college has a procedure to help students address problems and work on solutions that hopefully benefit all the people involved.

The Student Problem Resolution Process provides a prompt and equitable means to address complaints as applied to and regarding academic, administrative, and instructional matters relating to students. It is the responsibility of both students and employees to be familiar with this policy. It can be found in the college catalog, on the college website, and in the Student Rights and Responsibilities Handbook. This process will involve the appropriate vice president and area dean depending on the nature of the conflict and the employees involved.

This procedure is not appropriate for situations regarding alleged discrimination or harassment around race, ethnicity, sexual harassment, disability, religion, gender, color, national origin, and/or age. There are separate policies administered by the Vice President of Administrative Services for these situations.

Student may also obtain a [Student Rights, Responsibilities and Academic Standards Handbook](#) for more information.

## **What is Disruptive Behavior?**

Disruptive behavior includes behavior which interferes with the legitimate instructional, administrative or service functions of the college. However, should any behavior threaten the personal safety of any student, faculty, or staff, or be displayed with such emotional intensity that it causes fear or concern in others, at that point such behavior is classified as a CRISIS and will necessitate a call to campus security.

First: Dial '911' for fire, medical, police. (On campus, dial '8' first.)

Second: Dial '10' for campus emergency support.

From a campus pay phone: dial 710-7490.

Identify the disruptive behavior. Do not be confused with the student's right to express his/her differing opinions, a right fundamental to his/her academic freedom.

Addressing disruptive behavior can be a highly subjective process. Each person will have his/her own level of tolerance and special strategies for handling these disruptions. Take into consideration the severity of an occurrence/disruption as well as the number of times that a student has been disciplined for the same or similar behavior.

In identifying disruptive behavior, staff must take into consideration the impact the disruption(s) has/had on students as well as on him/herself. A staff member's tolerance level may be greater than that of his/her students. A staff member has to be sensitive to both non-verbal and verbal cues exhibited by a student(s) in identifying a behavior that is disruptive to others.

## **Prevention (Classroom)**

It is recommended that the syllabus define the standards of conduct in the classroom. Thoroughly review with your students your behavioral expectations for the class. Examples of unacceptable classroom behavior may include:

1. Cheating, plagiarism
2. Tardiness
3. Profanity
4. Children or pets in class (exception: licensed service/assistance animals)
5. Private conversations or displays of affection
6. Uncooperativeness
7. Continually leaving seat
8. Eating and drinking
9. Reading other than class materials
10. Personal electronic equipment (Ipods, MP3 players, cell phones/text messaging)

Staff must familiarize themselves with location and phone numbers (extensions) of the closest source of help prior to the start of each semester, in order to prepare themselves on how to respond if needed.

<b>CONTACT</b>	<b>LOCATION</b>	<b>PHONE</b>
<i>Closest Phone</i>		
<i>Dept Chair/Supervisor</i>		
<i>Dean</i>		
<i>Evening Office</i>	SC112 <i>Admissions and Records Lobby</i>	848-4276
<i>Campus Security</i>	<i>Security/Maintenance Bldg.</i>	<i>From campus extension, dial 10; other emergencies, dial 8-911; From ANY campus pay phone: Dial 710-7490.</i>

### **Recommended Actions**

Ask the student to discontinue the disruptive behavior. (Cases involving academic dishonesty should be directed to the attention of the area Dean.)

1. If the behavior continues, issue a verbal warning to the student. Example: "If this behavior continues, you will not be allowed to remain in class/lab on the day of the offense and for the following class period".
2. In the event the behavior continues, remove the student from the class/lab period and for the following class period.
  - Immediately after class/lab, consult Department Chair/Supervisor and/or area Dean to notify them of the situation by completing a "Removal from Class" form. Forms are available in the Dean's area.
  - Submit a written description of the incident and reasons for removal of the student from class/lab to the Department Chair/Supervisor and area Dean.
  - To determine the next action, contact the Department Chair/Supervisor and/or area Dean.

#### **Campus Security is available for consultation and support.**

3. If the student returns and repeats the unacceptable behavior, the student is again removed on the day of the offense and for the following class/lab period. The student is required to meet with the Dean prior to returning to class/lab.
4. Please refer to the "Students Rights and Responsibilities Handbook" for complete information on student discipline, academic honesty, and grading policies. Copies of the handbook are available in the Office of the Vice President of Student Services and online under Student Services. Additional student policy information can be found in the college catalog.

**If, at any time, the student becomes abusive or refuses to leave the class/lab, send someone to the Campus Security Office, or to the nearest campus office and contact Campus Security. If further action is required, notify the area Dean of the action and follow-up with documentation. Document the event. Have the Security Office file a report. The area Dean will contact either the Vice President of Instructional Services or**

## **BP 3430 Prohibition of Harassment**

### **References:**

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

***Government Code Section 12950.1;***

***Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e***

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the Superintendent/President shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish procedures that define harassment 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 and discrimination, and procedures for

students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.  
Approved by the Board of Trustees: December 11, 2001

This policy and related written procedures (including the procedure for making complaints) 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.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

**See Administrative Procedures #3430 and #3435**

Amended by the Board of Trustees: October 9, 2012  
Amended by the Board of Trustees Oct. 10, 2006  
Amended by the Board of Trustees Nov. 11, 2003  
Approved by the Board of Trustees December 11, 2001

## **AP 3430 Prohibition of Harassment**

### **References:**

***Education Code Sections 212.5; 44100; 66281.5;***  
***Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.;***  
***Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e***

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

### **Definitions**

**General Harassment:** Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

**Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to,

inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.

**Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

**Visual or Written:** The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

**Environmental:** A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**Sexual Harassment:** In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or

- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

**"Quid pro quo"** sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

**"Hostile environment"** sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

**Examples:** Harassment includes, but is not limited to the following misconduct:

- **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
- **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.
- **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the

conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

**Consensual Relationships:** Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

**Academic Freedom**

To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

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