INTRODUCTION AND SCOPE

Riverside Community College District is committed to assuring a safe and accessible environment for all students and employees. This procedure addresses the reporting and handling of complaints of bullying and/or hostile environment that are not within the scope of unlawful discrimination, harassment and/or retaliation as identified in AP3435 Handling Complaints of Unlawful Discrimination, Harassment and/or Retaliation.

Copies of the District’s written policies addressing discrimination, harassment and retaliation (including bullying and hostile environment) are posted on the District web site: http://www.rccd.edu/administration/board/Pages/BoardPolicies.aspx and are displayed in prominent locations in the administrative buildings at each College campus and in other areas where notices regarding the institution’s rules, regulations, procedures, and standards of conduct are posted.

RESPONSIBLE DISTRICT OFFICER

The Director of Diversity, Equity and Compliance is the individual designated by the District to address written complaints of bullying and/or hostile environment, and to coordinate their resolution and investigation. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the individual designated to receive complaints is named in the
complaint or is implicated by the allegations in the complaint.

Complaints of bullying and/or hostile environment are to be directed to the Director of Diversity, Equity and Compliance:

Ms. Chani Beeman  
Diversity and Human Resources Department  
450 E. Alessandro Blvd.  
Riverside, CA 92508  
Voice: 951/222-8039 | FAX: 951/222-8037

DEFINITIONS

Applicable definitions for this procedure are as follows:

“Bullying” means physical, verbal or visual behavior, that is both objectively and subjectively offensive and that is either so severe or so pervasive that it unreasonably interferes with an employee’s ability to work or a student’s ability to learn. The behavior may be carried out by an individual, or can also be an aspect of group behavior or “mobbing”.

Forms of Bullying:

• Verbal communication: abusive and offensive language; insults; teasing; spreading rumor and innuendo; unreasonable criticism; trivializing of work and achievements.
• Manipulating the work environment: isolating people from normal work interaction; excessive demands; setting impossible deadlines.
• Psychological manipulation: Unfairly blaming for mistakes; setting people up for failure; deliberate exclusion; excessive supervision; practical jokes; belittling or disregarding opinions or suggestions; criticizing in public.
• Physical: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
• Gesture: non-verbal threatening gestures; glances which can convey threatening messages.
• Mobbing: behavior carried out by a group; bullying or social isolation of a person through collective unjustified accusations, humiliation, general harassment or emotional abuse.

“Complaint” means a written statement of allegations signed by the complainant.

“Days” means calendar days.

“Hostile Environment” means a pattern of unwelcome and offensive conduct that creates an intimidating and antagonistic environment that unreasonably interferes with an individual’s ability to work or learn. A single or isolated incident of harassment may be sufficient to create a hostile environment if it
is severe. “Unlawful discrimination, harassment and/or retaliation” means conduct based on a category protected under Title 5, section 59300 and the other regulations.

FREEDOM OF EXPRESSION

The District reaffirms its commitment to freedom of expression, but recognizes that individual rights of expression cannot disrupt the learning or work environment, or violate the law. Therefore, complaints of bullying and/or hostile environment will be assessed based on degree of unreasonable disruption to the learning or work environment. Complaints that allege conduct based on a legally protected category (e.g. race, ethnicity, disability, gender, sexual orientation, religion, age) will be handled by AP 3435.

FILING A COMPLAINT

Prior to filing a complaint of bullying and/or hostile environment the complainant is expected to take reasonable steps to resolve the conflict. Steps for resolution may include discussing the conflict directly with the involved individual(s) or reporting the problem to their supervisor, instructor or an appropriate administrator and participating in reasonable attempts to resolve the conflict.

Any person who believes they have been subjected to bullying and/or a hostile environment as defined in this procedure may file a complaint by submitting a written account of the alleged violation(s), the names of the individuals involved, the date(s) of the event(s) at issue, a detailed description of the actions constituting the alleged violation and a description of the steps taken by the complainant to resolve the conflict. The complaint must be signed and dated by the complainant.

Complaints of bullying and/or hostile environment must be filed within 60-days of the most recent occurrence of the alleged conduct.

PROCESSING A COMPLAINT

Upon receiving a written complaint the Director of Diversity, Equity and Compliance will:

1) Determine whether the complaint involves unlawful discrimination and/or harassment and if necessary direct the complaint into AP 3435;
2) Attempt informal resolution of the conflict by working with the appropriate administrator(s) and involved individuals;
3) Coordinate investigation of the complaint.

If attempts of informal resolution of the complaint are unsuccessful the Director of Diversity, Equity and Compliance will notify the appropriate Vice Chancellor or
College of the complaint and seek their approval for an investigation into the matter.

Upon receiving approval for an investigation the Director of Diversity, Equity and Compliance will immediately provide written notification of the investigation to the named involved parties and assure them they will have the opportunity to be interviewed and tell their side of the story.

At the conclusion of the investigation, the Director of Diversity, Equity and Compliance will prepare a written investigation report and submit it to the appropriate Vice Chancellor or College President. The appropriate Vice Chancellor or College President will approve an Administrative Determination that will be communicated to the involved parties via written notification from the Director of Diversity, Equity and Compliance.

In most cases the processing and investigation of a complaint will be completed within 90-days of submission to the Director of Diversity, Equity and Compliance. However, attempts of informal resolution and availability of the named individual(s) may require longer processing time. If processing the complaint extends beyond 90-days the Director of Diversity, Equity and Compliance will provide the complainant and involved individual(s) with a written explanation for the delay and an estimated timeframe for conclusion.

APPEAL OF ADMINISTRATIVE DETERMINATION

The complainant or individual(s) named in a complaint will have 15-days to appeal the Administrative Determination for the complaint. The appeal must be submitted in writing to the Director of Diversity, Equity and Compliance.

Written appeals will first be reviewed by the appropriate Vice Chancellor or College President who may wish to discuss the appeal with the involved parties. If the Vice Chancellor or College President takes no action within 10-days, the written appeal will be submitted to the Chancellor.

The Chancellor will have 15-days to make the district’s final decision on the matter. If the Chancellor takes no action within 15-days the Administrative Determination becomes the district's final decision. The district’s final decision will be communicated to involved parties in written notification by the Director of Diversity, Equity and Compliance.

CONFIDENTIALITY OF THE PROCESS

Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to assure proper administration of the complaint process.
Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the Director of Diversity, Equity and Compliance should take all reasonable steps to investigate and respond to the complaint consistent with the complainant’s request as long as doing so does not jeopardize the rights of other students or employees.

It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District’s process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges.

When an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information.

**RECORD RETENTION**

Complaint records will be retained with the Director of Diversity, Equity and Compliance for a period of three years. Complaint records that result in disciplinary action for an employee will become part of an employee’s personnel file.

Complaint records that result in disciplinary action for a student that are deemed worthy of preservation but not classified as Class-1 Permanent may be classified as Class-2 Optional records or as Class-3 Disposable records, to be retained for a period of three years.
Office of Primary Responsibility:  Director, Diversity, Equity and Compliance

Administrative Approval:

*This is a new administrative procedure for the District.*