

Coast Community College District
BOARD POLICY
Chapter 3
General Institution

AP 3436 Preventing and Responding to Hazing – Interim Administrative Procedure

References:

20 U.S. Code Section 1092;
Education Code Section 66305 et seq.;
Penal Code Section 245.6

This Procedure is intended to prohibit hazing in all forms, ensure compliance with the Stop Campus Hazing Act (“SCHA”) Amendments to the Clery Act and the California Stop Campus Hazing Act, and promote a safe and respectful campus environment. Hazing undermines the integrity of student life, endangers individuals, and is inconsistent with the mission, vision, and values of the District and its Colleges.

DEFINITION OF TERMS FOR PURPOSES OF AP 3426

- a) *Affiliated*: any student organization or group that is formally recognized by a College.
- b) *Advisor*: a person, not serving as legal counsel, who at a Party’s request, accompanies the Party and provides the Party with emotional or other support at an Administrative Review or Appeal Hearing. The Advisor will be expected to maintain confidentiality and be trained on this Procedure.
- c) *Administrative Review*: the initial investigatory process which can include, but is not limited to, fact-findings, interviews with various individuals, meeting with a College Disciplinary Officer, mediation, and alternative resolutions.
- d) *Appeal Committee*: A committee formed by the College for the purpose of hearing appeals filed by Parties following Findings of being responsible.
- e) *Attorney*: any person who is admitted to practice law in the State of California.
- f) *Board*: the Board of Trustees for the Coast Community College District.
- g) *Chancellor*: the Chancellor of the District, or Designee.
- h) *Charge*: An alleged violation of this Procedure. A Charge does not assume that a Party is responsible for violations, and responsibility will not be determined until the investigation is finished.
- i) *College Disciplinary Officer*: the College Official designated by the College President, or Designee. The College Disciplinary Officer shall be trained annually.
- j) *Day*: calendar day unless otherwise stated in this Procedure. “Business Day” means a day that the District Office or the Colleges are open for business to the public, and excludes holidays.
- k) *Designee*: an appointed District Official, or third-party affiliated with the District, in order to fulfill responsibilities relating to this Procedure. For housing-related hazing issues, the staff of the housing management may serve as “Designee” and may handle and adjudicate conduct cases as delegated by the College.

- l) *District*: means the Coast Community College District and each of its Colleges, campuses, and sites.
- m) *District Community*: any employee, contractor, student, member of the public, or invitee present on District property, or on property being used by the District. A person does not have to be physically located on District Property for their behavior to be governed by this Procedure.
- n) *District Official*: any District employee.
- o) *District Property*: all real, personal, and intellectual property owned, controlled, used, or occupied by the District, including property physically removed from any College, the District Office, or any place that is the site of a District-approved function.
- p) *Finding*: an outcome determined by the College Disciplinary Officer or Designee after completion of an Investigation and a review of the facts collected during the Investigation. Findings are either “Responsible” or “Not Responsible.”
- q) *Guest*: a guest or visitor of a District Community member residing at The Harbour. As host, Students residing at The Harbour are responsible for the actions of their guests while on District property.
- r) *Instructor*: any faculty member employed by the District.
- s) *Interim Measures*: Interim measures are temporary administrative directives that are intended to ensure the safety of the District and prevent a situation from escalating while the allegations are being investigated. When the alleged actions of a Person or Organization threaten the good order or safety of the District, interim measures may be put into place.
- t) *Interpreter*: means a sign language Interpreter or translator present to assist the Party in understanding and communicating information at any Administrative Review or Appeal Hearing.
- u) *Investigation*: the process following a report of a violation of this Procedure. The Investigation includes a review of facts presented by the person reporting the violation, the person accused of the violation, and any other applicable evidence presented to help the College Disciplinary Officer, or Designee, make a determination of “Responsible” or “Not Responsible.”
- v) *Mental Health Professional*: a California licensed clinical psychologist or California board-certified psychiatrist.
- w) *Not Responsible*: based on the Preponderance of Evidence standard, that the Respondent did not commit a violation of the Procedure.
- x) *Party*: or *Parties*: either the Reporting Party or the Respondent, involved in the Investigation process or the alleged violation of this Procedure.
- y) *Preponderance of the Evidence*: the weight of the evidence presented by the District at the Administrative Review or Appeal Hearing that has established that it is more likely than not that the Respondent is Responsible for the alleged violation of a provision within this Procedure.
- z) *Report*: information provided about possible misconduct or violations of this Procedure.
- aa) *Reporting Party*: the person(s) reporting alleged violations of this Procedure.
- bb) *Request to Stay*: a request, in writing, from a Party, seeking to have any Interim Action reconsidered or amended by the College Vice President of Student Services, or Designee.
- cc) *Respondent*: the person(s) who is/are alleged to have violated the Procedure.
- dd) *Responsible*: based on the Preponderance of Evidence standards, that the Respondent committed one or more violation(s) of the Procedure.
- ee) *Retention Letter*: a letter from an Attorney stating they have been retained by a Party or Organization facing disciplinary proceedings pursuant to the Procedure.

- ff) *Student*: any person who has applied for admission, who is or has been enrolled, or who has expressed their intent to enroll in any College program within the District for the period in which the alleged violation of the Procedure occurred.
- gg) *Student Organization*: an organization at a College (such as a club, athletic team, or student government) in which two or more of the members are Students enrolled at the College, whether or not the organization is established or recognized by the District or College.
 - 1) Established: a group created by a College, which is in existence but does not have to register as a student organization (including, but not limited to, athletic teams and musical or theatrical ensembles)
 - 2) Recognized: an organization that consists of a number of persons who are associated with each other (two or more of whom are enrolled students) and have registered with a College as a student organization (such as clubs)
 - 3) Unrecognized: a club or organization that consists of a number of persons who are associated with each other (two or more of whom are enrolled students) and have not registered, have not had their registration approved, or have had their registration or recognition removed.

THE USE OF “WILL” AND “SHALL”

In this Procedure, the terms “will” and “shall” are used in the mandatory sense.

STATEMENT PROHIBITING HAZING

Hazing as defined in federal and California State law is prohibited. Hazing represents a danger to students, employees, and District community members, and findings of responsibility for hazing in violation of this Procedure will be addressed with disciplinary sanctions that may include expulsion or separation from the Colleges. Further, victims of hazing will have access to reasonable and available resources to help address the harms that they have experienced.

OVERSIGHT OF HAZING PROCESS

The Office of the Dean of Students or the Title IX Coordinator at each College has the oversight of investigating and adjudicating hazing violations.

All personnel involved with investigating and adjudicating hazing act with independence and authority free from bias and conflicts of interest. Such personnel are trained annually to ensure they are not biased and also to ensure that they have the skills to investigate and adjudicate disclosures of hazing.

To raise any concerns involving bias or conflict of interest by any such personnel or to report misconduct or discrimination committed by such personnel, an individual may follow Board Policy 3435 and Administrative Procedure 3435.

PROHIBITED CONDUCT

Hazing is any intentional, knowing, or reckless act, activity, or method committed by a person (whether individually or in concert with other persons) whether through active or passive participation against another person or persons, including current, former, or prospective students regardless of the willingness of such other person or persons to participate or their actual or apparent consent that is committed in the course of a pre-initiation, an initiation into, an affiliation with, or the maintenance of membership in an official (whether affiliated/recognized or established by the District) or unofficial

student organization that causes or creates a risk of physical or psychological injury, above the reasonable risk encountered in the course of participation (e.g., the physical preparation necessary for participation in an athletic team).

Hazing includes, but is not limited to, the following:

- Behaviors that emphasize a power imbalance between new members and veterans of the group or team that involve ridicule, embarrassment and humiliation.
- Behaviors that cause emotional anguish or physical discomfort that puts unnecessary stress upon the victims (e.g., verbal abuse, threats, sleep deprivation, confinement in spaces, exposure to elements).
- Behaviors that have the potential to cause physical or emotional harm (e.g., beating, branding, excessive exercise, forced alcohol/food/drug consumption, extreme physical acts, sexual acts)
- Behaviors that require someone to perform a task that violates any criminal law.

Retaliation: The District strictly prohibits retaliation against any individuals for the purpose of interfering with any right or privilege secured by federal or California law.

Retaliatory acts may include but not limited to: (1) intimidation, (2) threats, (3) coercion, (4) discrimination, or (5) charging an individual with code of conduct violations that do not involve Prohibited Conduct, as defined below in the Federal and State Hazing Definitions, but arise out of the same facts or circumstances as a report or formal complaint of Prohibited Conduct.

A complaint of retaliation may be filed according to Board Policy 3435 and Administrative Procedure 3435.

JURISDICTION

This Procedure applies to District students, employees, trustees, recognized organizations/groups and established groups, and third parties on or off-campus (including online), including visitors, alumni, guests, and the representatives and employees of vendors doing business with the District. Any employee alleged to be engaged in a hazing process against students will be referred to appropriate policies and procedures for investigation and adjudication.

The District's prohibition on hazing extends to all aspects of its educational programs and activities, including, but not limited to, admissions, employment, academics, athletics, and student services.

This Procedure is written to follow the requirements of applicable federal and state laws. If this Procedure is inconsistent with those laws, or the laws change before it has been updated, federal and state laws supersede this Procedure.

If any provision of this Procedure is found to be invalid, illegal, unconstitutional, or unenforceable, that finding shall not affect or undermine the validity of any other provision.

STANDARD OF PROOF

The Preponderance of the Evidence is the standard for demonstrating facts and reaching conclusions in the District's investigation. Preponderance of the Evidence means the greater weight of the evidence

(i.e., the evidence on one side outweighs, preponderates over, or is more than the evidence on the other side).

The Respondent will be found either Responsible or Not Responsible for violating this Procedure based on the Preponderance of the Evidence.

DISCLOSURES/REPORTING

Any person may disclose hazing to the District in the following ways:

- a. Mail: Coast Community College District, Attention Vice Chancellor of Human Resources, 1370 Adams Avenue, Costa Mesa, CA 92626
- b. Telephone: 714-438-4707
- c. Electronic mail: AskHR@cccd.edu
- d. In person: Coast Community College District, Office of the Vice Chancellor of Human Resources, 1370 Adams Avenue, Costa Mesa, CA 92626

The disclosing person does not need to be the harmed or be a Reporting Party.

All disclosures will be reviewed by the District to identify if the conduct falls within this Procedure or other related Board Policies and Administrative Procedures.

An individual may pursue a District response procedure independently of any off-campus processes, such as reporting to law enforcement. The District reserves the right to initiate this process even if law enforcement has declined to do so.

There is no time limitation on disclosing a hazing violation. However, reports should be brought forward as soon as possible after the conduct occurs to better enable the District to investigate and respond.

AMNESTY

The District recognizes that it can be difficult and concerning to bring forth a disclosure of hazing, especially if the person who experienced the hazing or an active bystander to the hazing was consuming drugs or alcohol at the time. The District believes that it is important to address the Hazing and the threat of future Hazing, and so an individual who participates as a Reporting Party or witness in an investigation of Hazing will not be subject to disciplinary sanctions for a violation of the Board Policy 5500 and Administrative Procedure 5500 Student Code of Conduct or Board Policy 3550 and Administrative Procedure 3550 Drug Free Environment and Drug Prevention Program for a drug or alcohol violation at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Confidential Disclosure Options

Anonymous Reporting

The District is committed to reviewing all reports of Hazing. Anonymous reports are accepted; however, the District's ability to obtain additional information may be compromised and the ability to investigate anonymous reports may be limited.

EMPLOYEE REPORTING OBLIGATIONS

Employee Obligations - Duty to Report

The District will provide prompt response to any report of Hazing made to the District or College Office of Human Resources, College Public Safety Department, or any District employee with authority to institute corrective measures. Employees are expected to report actual or suspected Hazing to the District or College Office of Human Resources immediately, though there are some limited exceptions outlined below.

Employee Obligations - Confidential Reporting

Some employees are required by law to maintain near or complete confidentiality with limited exceptions discussed below. This means these Employees can offer options and advice without any obligation to inform the District or College Office of Human Resources, unless the Reporting Party requests their information to be disclosed. If the Reporting Party would like the details of an incident to be kept confidential, they should speak with Employees designated below.

The Employees who do not have a duty to report are listed here:

- Health service providers and staff in the Student Health Center at Golden West College or Orange Coast College whose primary assignment is to render medical treatment;
- Licensed professional counselors and staff in the Student Health Center at Golden West College or Orange Coast College whose primary assignment is to render mental health treatment or counseling;
- Sexual assault and domestic violence counselors and advocates who work or volunteer on-campus;
- Off-campus (non-employees):
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - An ordained person in a religion

Reporting individuals should clarify whether a person has confidentiality *before* disclosing information.

Exceptions

Under California law, health practitioners are required to make a report to local law enforcement if medical services are provided for a physical condition to a patient whom the practitioner knows or

reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm, or (2) any wound or physical injury the result of assaultive or abusive conduct.¹

Employees may have additional reporting requirements as mandatory child abuse and neglect reporters.²

Some of these Employees may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger,³ or (2) to the court, if compelled by court order or subpoena in a criminal proceeding related to the incident.

PARALLEL PROCEEDINGS WITH LAW ENFORCEMENT AND EXTERNAL ENTITIES

Hazing investigations and adjudications are administrative in nature and are independent from court or other administrative proceedings. Discipline may be instituted against a Party or an Organization who is also charged in civil or criminal courts based on the same facts that constitute the alleged violation of this Procedure. The District may elect to proceed before, concurrently with, or after any judicial or other administrative proceedings. Further, the same incident or set of incidents may result in investigations and charges under other Board Policies and Administrative Procedures, including, but not limited to, BP/AP 5500 and BP/AP 5910.

California law makes some instances of hazing a misdemeanor or a felony. Such incidents, if crimes, can also be investigated by state or local law enforcement who may take action separate from and in addition to any action by the District. Further, hazing can lead to a civil court action by those harmed which can be brought against individuals and organizations. Specifically, Section 254.6 of the Penal Code states:

“(a) It shall be unlawful to engage in hazing, as defined in this section.

(b) “Hazing” means any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or school-sanctioned events.

(c) A violation of this section that does not result in serious bodily injury is a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both.

(d) Any person who personally engages in hazing that results in death or serious bodily injury as defined in paragraph (4) of subdivision (f) of Section 243 of the Penal Code, is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(e) The person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

(f) Prosecution under this section shall not prohibit prosecution under any other provision of law.”

¹ See California Penal Code §§ 11160-11163.6.

² See California Penal Code §§ 11164-11174.3; see also Board Policy 3518 and Administrative Procedure 3518.

³ See California Evidence Code § 1024.

STUDENT ORGANIZATIONS WITH A PARALLEL PROCESS

The District recognizes that some organizations have parallel accountability processes within their organization. Student organizations that become aware of a behavior that may also require District responses must act in collaboration with the District to address the behavior.

Student organizations may not investigate complaints without support and guidance from their sponsoring “headquarters” and District staff when an incident requires investigations to be conducted by staff that are trained to manage complaints of a sensitive nature (e.g., discrimination, academic misconduct, behavior grounded in mental health issues, illegal drug use, minor violations of the law).

Student organizations can and should address minor incidents within chapter processes (e.g., not meeting membership obligations (meetings, dues/fees, participation, attitude, grades, etc.), conflicts between members, irresponsible or unbecoming behavior, integrity issues).

Organizations may not impede District investigations, including by withholding information.

PRIVACY

The District will not disclose the identity of any individual involved in a disclosure, report, or resolution process under this Procedure, consistent with and except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

FALSE REPORTS AND STATEMENTS

The District may charge an individual with a Student Code of Conduct violation or employee policy violation for making a materially false statement in bad faith in the course of the grievance process including an intentional false report. A determination regarding responsibility or dismissal of a case, alone, does not mean that the individual made a materially false statement.

INTERIM MEASURES AND ACTIVITY RESTRICTIONS

If the Dean of Students or Title IX Coordinator, or designee, determines that the operations of the Organization or the presence of the Respondent(s) create(s) a clear and substantial risk to persons or property at the District, they may issue an interim suspension or activity restriction at any point of the process from when a complaint is filed to when the case is resolved. Ordinarily, a case involving an interim suspension will be expedited to resolution as quickly as possible.

The Dean of Students or Title IX Coordinator, or designee, may also restrict or modify the activities (e.g., access to buildings, participation in activities) of the Respondent(s) at any point from when a report is received to when the matter is resolved. Activity restrictions also may be kept in place after a finding is determined.

Interim suspensions and activity restrictions are operative immediately upon receipt of the notice by the Respondent.

A Reporting Party always has the right to seek a restraining order or similar no-contact or protective order from the police. A Reporting Party can contact the College Public Safety Department for assistance in obtaining protective orders from the police or contact the police directly. The District will enforce all protective and restraining orders issued by a California court or by any other state or

federally recognized Tribe. Enforcement of these orders will begin upon notification and receipt of documentation of their existence. Should any Party wish to cooperate with local law enforcement in a criminal investigation, they may do so under the guidance of the appropriate legal authority(ies) without fear of penalty by the District for violating the no contact directive issued by the District.

INCIDENTS THAT MAY VIOLATE ADDITIONAL BOARD POLICIES OR ADMINISTRATIVE PROCEDURES

In certain cases, conduct by an individual or group respondent may violate other Board Policies or Administrative Procedures. In those cases, the Dean of Students or Title IX Coordinator, or the appropriate team, such as the Behavioral Assessment Team, will select which office or individual has primary responsibility over a matter and how that individual will engage with other responsible offices. Examples include a hazing incident that also includes sexual and interpersonal violence or harassment, which may involve Title IX, residential life policies, and violations of BP/AP 3720 Computer and Network Use. Matters may be consolidated and investigated/adjudicated together at the discretion of the District.

PROCEDURES

The District will apply the AP 5500 Student Code of Conduct to investigate, adjudicate, and determine student hazing violations. In cases of any employees involved, the District will utilize its applicable policies, procedures, and collective bargaining agreement provisions to address employee investigations and determination of violation and potential discipline.

FEDERAL AND STATE HAZING DEFINITIONS

Hazing (per Federal law, 20 U.S.C. Section 1092(f))

The term 'hazing', for purposes of reporting statistics on hazing incidents is defined as any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that

1. is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
2. causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
3. whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
4. causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
5. causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
6. causing, coercing, or otherwise inducing another person to perform sexual acts;

7. any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
8. any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
9. any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law.

Hazing [per Education Code 66306(c)]: “Hazing” means any method of initiation or preinitiation into an affiliated student organization or student body, which the initiator knows or should have known is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university, or other educational institution in this state. The term “hazing” does not include customary athletic events or school-sanctioned events.

FEDERAL/STATE REPORTING REQUIREMENTS

Campus Hazing Transparency Report (“CHTR”)

Beginning July 1, 2025, the District will publish in a prominent location on the public website information with respect to hazing incidents where there has been a finding of responsibility against registered or established groups/organizations. This report will be updated at least twice per year if there are additional findings of responsibility to document.

The CHTR will be publicly available on the District website.

It will include, at a minimum:

- the period from when the Report was last published and ending on the date it is being republished;
- each incident involving a student organization for which a finding of responsibility is issued relating to a hazing violation, including;
- Name of the organization;
- Dates of incidents
- Information and description of the violation

The CHTR may include any additional information determined by the District as necessary or reported as required by state law. The CHTR will not include personally identifiable information.

TRAINING AND PREVENTION

In alignment with the prevention and awareness program requirements of the Stop Campus Hazing Act, the District maintains a commitment to not only address incidents of hazing that occur, but also to educate the District community about hazing and healthy alternatives to prevent this type of harm. The District will provide annual training to appropriate employees and departments.

All students and employees must complete anti-hazing training upon joining the District and annually thereafter. The District will provide education campaigns, including workshops, speaker events, and social media campaigns throughout the academic year to reinforce anti-hazing and encourage a culture of safety.

Ratified June 18, 2025