



## BOARD OF EDUCATION ADMINISTRATIVE REPORTS

Student Affairs – September 2018

**1. *Continue to develop and/or modify existing policies and practices so that they represent intentional actions to build a culture that exhibits our Goals and Values.***

During the last academic year, the board, the Free Expression Team, Academic Affairs Council, and Dean of Students guided development of policies around free expression, academic freedom, and the revising of our Students' Rights, Responsibilities & Student Conduct Code. These documents inform and guide our actions in creating a vibrant learning community.

To affirm that these efforts are well crafted to support free expression, we asked the Foundation for Individual Rights in Education (FIRE) to complete a formal review of all our policies and rules that involves free expression. [FIRE's mission](#) is "... to defend and sustain the individual rights of students and faculty members at America's colleges and universities." Their review service is free, and they welcome the opportunity to assist colleges develop sound policies and procedures. Though FIRE works to protect all voices on campus, they have been very active in ensuring that politically conservative perspectives are protected.

You can be proud that our review (text of the e-mail with the review included at the end of this report) was returned a few weeks ago and we were given positive feedback that our policies and rules are very supportive of free expression. The review provided a few specific recommendations for our Administrative Rules, but no changes were designated as required. The staff and working groups will consider the suggestions and adjust as necessary to strengthen our support of free expression.

Mark Urista, Communications faculty and member of the Free Expression team, has been instrumental in forging our relationship with FIRE. They typically do not work with community colleges but made an exception for us because of Mark's persistence. He is attending their faculty conference, attendees must apply and be accepted to attend, for the second straight year. He is virtually the only faculty member from a community college at these conferences.

**2. *Establish an educational experience that is increasingly designed around the student and for the student's success by fully implementing Guided Pathways.***

**3. *Establish facilities that support and enhance the teaching-learning experience by implementing and/or completing Bond Funded Projects.***

**4. Continue to improve our responsiveness to the changing needs of regional industries and other community employers.**

**5. Establish greater Affordability for all students.**

Single Stop Update:

I have mentioned how LBCC is using a Student Success grant for 18-19 from CCWD to fund the implementation of the Single Stop program. This program was recently featured by ACCT. [ACCT Single Stop podcast \(25 minutes\)](#)

We are one of 35 community colleges using the program to connect students to public benefits, so students can complete degrees. The designated staff have worked with Single Stop to complete the software develop for the state of Oregon. Students will begin using the software very shortly. Our participation in the Pathways To Opportunity initiative, a program led by PCC in response to recent state legislation, has already brought attention to potential statewide adoption of Single Stop.

Single Stop is being used as students start at LBCC so they begin with all the resources needed to supporting themselves and family while being a college students. A question was added to the exit survey competed in the New Student Center. This effort has nearly 300 new students being connected to Single Stop to learn about more resources.

Meetings with local public benefit programs are being planned to establish relationships that provide clear connections between student, college staff, and benefit providers.

Pathway To Opportunity:

A subgroup of our Affordability Task Force has become our Pathway To Opportunity (PTO) team. This group is connected to our grant funded program (SNAP 50/50) to recruit and enroll community members who are in the Supplemental Nutrition Assistance Program (SNAP). The PTO team is determining how our financial aid office, SNAP 50/50 program, and advising can implement new SNAP eligibility rules that would allow more students in CTE programs to receive food assistance while in college. The effort will enhance our relationship with local SNAP program staff and add to our grant program to support young parents earning a degree and become integrated into the Single Stop. We have the potential to eliminate food scarcity for students in CTE programs. We received the new Dept. of Human Services (DHS) form for this program and have a meeting planned with DHS to establish the process for students.

**6. Establish technology resources that support and compliment the classroom, creating new points of access and new levels of adaptation to student needs.**

**7. Establish a campus of true Equity and Inclusion.**

E-MAIL TEXT OF REVIEW BY FOUNDATION FOR INDIVIDUAL RIGHTS IN EDUCATION

August 21, 2018

Laura Beltz, Foundation for Individual Rights in Education

Bruce,

Thanks for your patience as I prepared this review. I'm happy to report that the existing student policies I've reviewed are, for the most part, in great shape from a First Amendment perspective. I do have a few suggested revisions regarding two of the policies, which I have detailed below. I've also attached a version of the draft Student Rights & Responsibilities and Conduct Code with a few minor suggestions as comments in the margins. If you have any questions about this analysis or if further review of any policy drafts would be helpful, please let me know. I'd also be happy to send along examples of policies at other institutions that I consider model policies for your consideration.

[Administrative Rule No: 1055-01, Time, Place and Manner of Free Expression](#)

Under the heading "Lawful Exceptions to Free Expression," I recommend revising a few of the definitions of unprotected speech to better meet their legal definitions. I've copied that section below, with my edits bolded:

2. True Threats -- **Defined as those statements where the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.**

3. Speech which **is directed to inciting imminent lawless action and is likely to produce such action** is unprotected. [Example: Inciting to riot.]

4. Speech which is a false statement of fact (**meeting the legal standard for** defamation, slander, libel, fraud, forgery, or the like) is unprotected.

Additionally, the policy requires individuals to identify themselves on written materials for distribution or posting on campus, yet the Supreme Court has held that bans on anonymous publications violate the First Amendment. In *Talley v. California*, 362 U.S. 60, 64 (1960), the Court invalidated a Los Angeles municipal ordinance prohibiting the distribution of anonymous handbills. As the Court wrote, "Anonymous pamphlets, leaflets, brochures and even books have played an important role in the progress of mankind. Persecuted groups and sects from time to time throughout history have been able to criticize oppressive practices and laws either anonymously or not at all." I recommend the policy be revised to allow for anonymous posting and distribution, at least in some areas on campus. For example, some colleges have designated certain bulletin boards on campus for temporary anonymous posting, while requiring identification in other areas. This could be a useful solution for controlling the aesthetics of certain areas and minimizing disruptions while also allowing for anonymous expression in other areas.

## [Administrative Rule No: 1015-01, Nondiscrimination, Nonharassment Statements & Procedures](#)

The listed definitions under the heading "Unlawful Harassment" do not sufficiently meet the Supreme Court's standard for student-on-student (or peer) harassment. According to the Court's standard, alleged harassment must be conduct that is "so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims' educational experience, that the victim-students are effectively denied equal access to an institution's resources and opportunities." *Davis v. Monroe County Board of Education*, 526 U.S. 629, 651 (1999).

First, as a general suggestion, I'd recommend you maintain separate harassment policies for employees and students, as the standard for workplace harassment differs from the peer harassment standard. However, I've excerpted the policy as currently formulated below with my changes bolded.

### B. Unlawful Harassment

1. Verbal, visual or physical behavior **that is based on characteristics of any of the groups listed in policy statement (Board Policy 1015) above; and is so severe, pervasive, and objectively offensive that the individual is effectively denied equal access to LBCC resources and opportunities.**

Examples of harassment may include, but are not limited to the following items, **when a part of a pattern of conduct that meets the standard set forth above**: comments, slurs, jokes, symbols, innuendos, cartoons, pranks, physical harassment, etc., which are derogatory on the basis of characteristics listed in the policy statement.

2. The most common types of unlawful harassment are:

#### a. Sexual Harassment or Violence

Severe and/or pervasive conduct that is sexual in nature, is unwelcome, and that either (1) **is so objectively offensive that it effectively denies the individual equal access to LBCC resources and opportunities;** or (2) submission to or rejection of such conduct is used as a basis for employment, salary, or other benefit changes affecting an employee, or academic decisions affecting a student.

Examples of sexual harassment include, but are not limited to **the following items, when a part of a pattern of conduct that meets the standard set forth above**:

Making sexual propositions or pressuring students/employees for sexual favors;  
Unwanted touching of a sexual nature. This definition would include, for example, sexual violence, dating violence, sexual assault, intimate partner violence, stalking or rape;  
Writing graffiti or otherwise displaying / distributing visual or written items of a sexually explicit nature;  
Performing sexual gestures or other sexually explicit verbal or physical behavior in front of others;

Telling jokes of a sexually explicit nature;  
Spreading sexual rumors or rating students / staff related to sexually explicit criteria, activity or performance;  
Generating, circulating, or displaying e-mails or web sites of a sexual nature.

b. Sex-Based Harassment

A behavior that degrades, denigrates, ridicules, and/or is physically abusive of an employee/student because of his or her perceived gender or sexual orientation **and that is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to institutional resources and opportunities.**

c. Racial Harassment

A behavior that denigrates, ridicules, and/or is verbally or physically abusive of an employee/student because of his or her perceived race **and that is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to institutional resources and opportunities.**

d. Harassment Based on National Origin

A behavior that denigrates, ridicules, and/or is physically abusive of an employee/student because of his or her perceived ancestry, heritage or background identification **and that is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to institutional resources and opportunities.**

Harassment can occur based on any protected status and all such harassment is prohibited by this policy.

As you can see, I adjusted the policy to make clear that any specific form of harassment must meet the Court's standard from *Davis*. I also adjusted the lists of examples to clarify that any individual example (such as "[t]elling jokes of a sexually explicit nature") must meet the standard for harassment in order to be punishable, as the examples lists as currently written seem to imply that each item could be punishable when standing alone.

As I mentioned above, please let me know if you have any questions about these recommendations, or if there are any other policies or drafts that would be helpful to review prior to your vote in early September.

Sincerely,

Laura Beltz