

**General Institution**

1 **AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX**

2 **References:**

- 3 Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.;
- 4 Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

5 The District is committed to providing an academic and work environment free of unlawful  
6 sexual harassment (including, but not limited to, gender identity and/or sexuality) under  
7 Title IX. This procedure defines sexual harassment on campus.

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

12 **Definitions**

13 **Sexual Harassment under Title IX**

14 Conduct that satisfies one or more of the following:

- 15 • A District employee conditions the provision of an aid, benefit, or service of the District  
16 on an individual's participation in unwelcome sexual conduct (*quid pro quo*  
17 harassment);
- 18 • Unwelcome conduct determined by a reasonable person to be so severe, pervasive,  
19 and objectively offensive that it effectively denies a person equal access to the  
20 District's education program or activity;
- 21 • Sexual assault, including the following:
  - 22 ○ **Sex Offenses.** Any sexual act directed against another person, without the  
23 consent of the victim, including instances where the victim is incapable of giving  
24 consent.
  - 25 ○ **Rape** (except Statutory Rape). The carnal knowledge of a person, without the  
26 consent of the victim, including instances where the victim is incapable of giving  
27 consent because of his/her/their age or because of his/her/their temporary or  
28 permanent mental or physical incapacity. There is carnal knowledge if there is the  
29 slightest penetration of the genital or anal opening of the body of another person.
  - 30 ○ **Sodomy.** Oral or anal sexual intercourse with another person, without the consent  
31 of the victim, including instances where the victim is incapable of giving consent  
32 because of his/her/their age or because of his/her/their temporary or permanent  
33 mental or physical incapacity.
  - 34 ○ **Sexual Assault with an Object.** To use an object or instrument to unlawfully  
35 penetrate, however slightly, the genital or anal opening of the body of another  
36 person, without the consent of the victim, including instances where the victim is

- 37 incapable of giving consent because of his/her/their age or because of his/her/their  
38 temporary or permanent mental or physical incapacity. An "object" or "instrument"  
39 is anything the offender uses other than the offender's genitalia, e.g., a finger,  
40 bottle, handgun, stick.
- 41 ○ **Fondling.** The touching of the private body parts of another person for the purpose  
42 of sexual gratification, without the consent of the victim, including instances where  
43 the victim is incapable of giving consent because of his/her/their age or because  
44 of his/her/their temporary or permanent mental or physical incapacity.
  - 45 ○ **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
    - 46 ■ **Incest.** Non-Forcible sexual intercourse between persons who are related to  
47 each other within the degrees wherein marriage is prohibited by law.
    - 48 ■ **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under  
49 the statutory age of consent. There is no force or coercion used in Statutory  
50 Rape; the act is not an attack.
  - 51 ○ **Dating violence.** Violence committed by a person who is or has been in a social  
52 relationship of a romantic or intimate nature with the victim. The existence of a  
53 relationship will be determined based on a consideration of the following factors:  
54 the length of the relationship, the type of relationship, and the frequency of  
55 interaction between the persons involved in the relationship.
  - 56 ○ **Domestic Violence.** Violence committed:
    - 57 ■ By a current or former spouse or intimate partner of the victim;
    - 58 ■ By a person with whom the victim shares a child in common;
    - 59 ■ By a person who is cohabitating with, or has cohabitated with, the victim as a  
60 spouse or intimate partner;
    - 61 ■ By a person similarly situated to a spouse of the victim under the domestic or  
62 family violence laws of California; or
    - 63 ■ By any other person against an adult or youth victim protected from that  
64 person's acts under the domestic or family violence laws of California.
  - 65 ○ **Stalking.** Engaging in a course of conduct directed at a specific person that would  
66 cause a reasonable person to fear for his/her/their safety or the safety of others or  
67 suffer substantial emotional distress.

68 Office of Primary Responsibility: Vice President, Human Resources

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**Date Adopted: April 26, 2021**