

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 Title 5 Sections 59320 et seq.

6 The District is committed to providing an academic and work environment free of unlawful

7 sexual harassment (including, but not limited to, gender identity and/or sexuality) under

8 Title IX. This procedure defines sexual harassment.

9 This procedure and the related policy protect students and employees in connection with

10 all the academic, educational, extracurricular, athletic, and other programs of the District,

11 whether those programs take place in the District's facilities, a District bus, or at a class

12 or training program sponsored by the District at another location.

13 **Definitions**

14 **Sexual Harassment under Title IX**

15 Conduct that satisfies one or more of the following:

- 16 • **Quid pro quo harassment.** A District employee conditions the provision of an aid,
- 17 benefit, or service of the District on an individual's participation in unwelcome sexual
- 18 conduct.
- 19 • **Hostile environment harassment.** Unwelcome conduct determined by a reasonable
- 20 person to be so severe, pervasive, and objectively offensive that it effectively denies
- 21 a person equal access to the District's education program or activity; **or**
- 22 • **Sexual assault:** Any sexual act directed against another person, without the consent
- 23 of the victim, including instances where the victim is incapable of giving consent or
- 24 unlawful sexual intercourse. Sexual assault includes sexual exploitation and the
- 25 following:
- 26 ○ **Rape.** Sexual intercourse between two or more people, and may include oral or
- 27 anal intercourse, without the consent of the victim, including instances where the
- 28 victim is incapable of giving consent because of his/her/their temporary or
- 29 permanent mental or physical incapacity.
- 30 ○ **Statutory Rape.** Sexual intercourse with a person who is under the statutory age
- 31 of consent.
- 32 ○ **Sexual Assault with an Object.** To use an object or instrument to unlawfully
- 33 penetrate, however slightly, the genital or anal opening of the body of another
- 34 person, without the consent of the victim, including instances where the victim is
- 35 incapable of giving consent because of his/her/their age or because of his/her/their
- 36 temporary or permanent mental or physical incapacity.

- 37 ○ **Fondling.** The touching of the private body parts of another person for the purpose
38 of sexual gratification, without the consent of the victim, including instances where
39 the victim is incapable of giving consent because of his/her/their age or because
40 of his/her/their temporary or permanent mental or physical incapacity.
- 41 ○ **Incest.** Sexual intercourse between persons who are related to each other within
42 the degrees wherein marriage is prohibited by law.
- 43 ○ **Dating violence.** Violence committed by a person who is or has been in a social
44 relationship of a romantic or intimate nature with the victim. The existence of a
45 relationship will be determined based on a consideration of the following factors:
46 the length of the relationship, the type of relationship, and the frequency of
47 interaction between the persons involved in the relationship.
- 48 ○ **Domestic Violence.** Violence committed:
- 49 ▪ By a current or former spouse or intimate partner of the victim;
 - 50 ▪ By a person with whom the victim shares a child in common;
 - 51 ▪ By a person who is cohabitating with, or has cohabitated with, the victim as a
52 spouse or intimate partner;
 - 53 ▪ By a person similarly situated to a spouse of the victim under the domestic or
54 family violence laws of California; or
 - 55 ▪ By any other person against an adult or youth victim protected from that
56 person's acts under the domestic or family violence laws of California.
- 57 ○ **Stalking.** Engaging in a course of conduct directed at a specific person that would
58 cause a reasonable person to fear for his/her/their safety or the safety of others or
59 suffer substantial emotional distress.

60 Office of Primary Responsibility: Vice President, Human Resources

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