



AP 3433 Prohibition of Sexual Harassment - Discrimination under Title IX

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

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Last Reviewed:

The District is committed to providing an academic and work environment free of unlawful sexual harassment - discrimination, including sex-based harassment under Title IX. This procedure defines sexual discrimination and sex-based harassment.

This procedure and the related policy protect students, employees, applicants for admission or employment, and other individuals s-participating or attempting to participate in the District's education program or activity.

Definitions

Sex Discrimination: Any discrimination based on sex, including, but not limited to, sex-based harassment. Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Sexual-Based Harassment under Title IX: Conduct that satisfies one or more of A form of sex discrimination that includes sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity. Sex-based harassment includes the following:

- Quid pro quo harassment. A District employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditionsn the provision of such an aid, benefit, or service on an individual person's participation in unwelcome sexual conduct;
Hostile environment harassment. Unwelcome sex-based conduct determines by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or that, based on a totality of the circumstances, is subjectively and objectively offensive and is so severe, or pervasive that it limited or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
The degree to which the conduct affected the Complainant's ability to access the District's education program or activity;
The type, frequency, and duration of the conduct;

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- ~~The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;~~
- ~~The location of the conduct and the context in which the conduct occurred; and~~
- ~~Other sex-based harassment in the District's education program or activity.~~
- **Sexual assault**, including, Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent or unlawful sexual intercourse. Sexual assault includes sexual exploitation and the following:
 - ~~**Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.~~
 - **Rape (except Statutory Rape).** Sexual intercourse between two people, and may include oral or anal intercourse, without the consent of the victim. The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent. ~~There is no force or coercion used in Statutory Rape; the act is not an attack.~~
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, ~~including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.~~
 - **Sexual Contact/Fondling.** The intentional touching of the clothed or unclothed private body parts without consent of the victim of another person for the purpose of sexual degradation, sexual gratification, or sexual humiliation or the forced touching of the victim by the actor's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
 - **Incest.** ~~Non-Forcible~~ sexual intercourse between persons who are related to each other within the degrees ~~wherein marriage is~~ prohibited by law.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;
 - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or

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- By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.