

Administrative Procedure
Chapter 3 – General Institution

AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX

References:

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

The District is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. ~~DBB~~ ~~AP~~ Definitions

Sexual Harassment under Title IX: Conduct that satisfies one or more of the following:

or because of his/her/their temporary or permanent mental or physical incapacity.

- **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.
- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, 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.
- **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**

Incest. Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape – Non-Forcible. 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.

- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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

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.

Also see BP/AP 3410 Nondiscrimination, BP/AP 3420 Equal Employment Opportunity, BP/AP 3430 Prohibition of Harassment, BP 3433 Prohibition of Sexual Harassment Under Title IX, AP 3434 Responding to Harassment Based on Sex Under Title IX, BP/AP 3435 Discrimination and Harassment Complaints and Investigations, and BP/AP 3450 Sexual and Other Assaults on Campus.

Approved: October 18, 2016

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