

## AP 3433

## Prohibition of Sex Discrimination under Title IX ~~–Interim Policy~~

Reference: Title IX of the Education Amendments Act of 1972;  
34 Code of Federal Regulations Part 106

Interim July 2020  
Adoption Date:

Updated: TBD 2024

---

~~These policies and procedures are implemented on an interim basis for renewable six-month intervals. Should a court strike down, either temporarily or permanently, any terms or provisions of these policies and procedures, Grossmont-Cuyamaca Community College District reserves the right to make immediate modifications to the policies and procedures that take effect upon publication on our website. Further, should any court strike any portion of the 2020 title IX regulations (34 C.F.R. Part 106), or should an administration order them suspended or withdrawn, Grossmont-Cuyamaca Community College District reserves the right to withdraw these interim policies and procedures and immediately reinstate previous policies and/or procedures or revise them accordingly.~~

~~The District is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. This procedure defines sexual harassment on campus.~~

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

### Definitions

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

- ~~• A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);~~
- ~~• Unwelcome conduct determined 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;~~
- ~~• Sexual assault, including 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). 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.~~

- ~~○ **Sodomy.** Oral or anal sexual intercourse with 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.~~
- ~~○ **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.~~

The District recognizes that sex discrimination, including sexual harassment and violence, harms all students, undermines students' physical safety, impedes students' ability to

learn, and can reinforce social inequality throughout a student's lifetime. The District will include on its website statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity. The District has a responsibility to make reasonable efforts to respond effectively when sexual harassment is reported to, or observed by, District employees.

All forms of sex discrimination including sex-based harassment are contrary to basic standards of conduct between individuals. State and federal law and this policy prohibit sex discrimination and the District will not tolerate sex discrimination including sex-based harassment. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sex discrimination.

The District seeks to foster an environment in which all employees, students, applicants for employment, and applicants for admission, and other individuals participating or attempting to participate in the District's education program or activity feel free to report incidents of sex discrimination in violation of this policy and Title IX, without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation, including peer retaliation, against any person for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported possible sex discrimination, made a sex-discrimination complaint, or participated or refused to participate in any way in the District's Title IX process. The District will investigate all allegations of Title IX retaliation pursuant to its Title IX procedures. If the District determines that someone has retaliated, it will take reasonable steps within its power to stop such conduct. Individuals who engage in Title IX retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any employee, student, applicant for employment, or applicant for admission and other individuals participating or attempting to participate in the District's education program or activity who believes he/she/they has been discriminated or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3434 Responding to Sex Discrimination under Title IX. The District requires supervisors to report all incidents of harassment and retaliation that come to their attention.

To this end, the Chancellor or designee shall ensure that the institution undertakes education and training activities to counter sex discrimination and to prevent, minimize, or eliminate any sex discrimination including sex-based harassment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Chancellor or designee shall establish procedures that define sex discrimination and sex-based harassment. The Chancellor or designee shall further establish procedures that provide for the investigation and resolution of complaints regarding sex discrimination in violation of this policy, and procedures to resolve complaints of sex discrimination in

violation of this policy. State and federal law and this policy prohibit retaliation against any person for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

The District will publish and publicize this policy and related written procedures (including the procedure for making complaints) to administrators, faculty, staff, students, applicants for employment, and applicants for admission, particularly when they are new to the institution. The District will make this policy and related written procedures (including the procedures for making complaints) available in all administrative offices and will post them on the District's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Volunteers or unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the volunteer assignment, internship, or other unpaid work experience program.