

BP 3433 Prohibition of Sexual Harassment Discrimination under Title IX

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any portion of the 2020 title IX regulations (4 C. F. R. Part 106), or should an administration order them suspended or withdrawn, Grossmont-Cuyamaca Community College District reserves the right to withdraw these interim policies and procedures and immediately reinstate previous policies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 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.