

Notice of Nondiscrimination

Statement of Nondiscrimination¹

The Grossmont-Cuyamaca Community College District (District) is committed to providing learning and working environments that ensure and promote diversity, equity, and inclusion. People of diverse backgrounds, perspectives, socioeconomic levels, cultures, and abilities are valued, welcomed, and included in all aspects of our organization. The District strives to provide an educational environment that fosters cultural awareness, mutual understanding, and respect that ultimately also benefits the global community.

No person shall be unlawfully subjected to discrimination or denied full and equal access to District programs or activities on the basis of ethnic group identification, race or ethnicity, color, national origin, immigration status, religion, age, gender, gender identity, gender expression, physical or mental disability, medical condition, pregnancy, genetic information, ancestry, sexual orientation, marital status, or military and veteran status, or because they are perceived to have one or more of the foregoing characteristics, or based of association with a person or group with one or more of these actual or perceived characteristics. District programs and activities include but are not limited to any that are administered or funded directly by or that receive any financial assistance from the California Community Colleges Chancellor's Office.

Scope of Coverage

The nondiscrimination policy applies to:

- Students
- Employees
- Interns and Volunteers
- Applicants for employment
- Applicants for admission
- Participants in college-sponsored programs and activities
- Members of the public interacting with district programs and services

¹ BP 3410 Nondiscrimination.

Prohibited Conduct Under Title IX²

Title IX of the Education Amendments of 1972 prohibits discrimination and harassment on the basis of sex in education programs, activities, and employment.

Sexual Harassment under Title IX is further defined in Board Policy and Administrative Procedure 3433.

The District prohibits sexual harassment in all of the college's educational or otherwise federally funded programs and activities. This includes:

1. Quid Pro Quo harassment;
2. Unwelcome conduct which is persistent, severe and pervasive and objectively offensive;
3. Sexual assault, which includes any sexual offense, rape, sexual assault with an object, fondling, incest and statutory rape;
4. Sexual misconduct
5. Sexual exploitation;
6. Dating violence;
7. Domestic violence; and
8. Stalking.

Prohibited Conduct under Title 5³

The District prohibits all forms of unlawful discrimination, harassment, and retaliation in its educational programs, activities, services, and employment practices under Title 5. Prohibited conduct includes discrimination or harassment based on an individual's actual or perceived race, color, ancestry, national origin, immigration status, ethnic group identification, religion, creed, age, sex, gender, gender identity, gender expression, sexual orientation, physical or mental disability, medical condition, marital status, military or veteran status, or any other characteristic protected by federal or California law. Prohibited conduct may include verbal, written, visual, electronic, or physical behavior that denies an individual equal access to educational or employment opportunities, creates an intimidating, hostile, offensive, or abusive environment, or otherwise interferes with a person's ability to participate in or benefit from District programs and activities.

² Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688; and 34 C.F.R. Part 106

³ California Code of Regulations, Title 5, § 59300



Retaliation is Prohibited Under Both Title IX and Title 5

The District prohibits **retaliation** against any individual for the purpose of interfering with any right or privilege secured by the district's board policies, administrative procedures or law, or because the individual makes a good faith report or formal complaint, testifies, assists, participates, or refuses to participate in any manner in an investigation, proceeding, or hearing as required by Title IX of the Education Amendments of 1972 and California's Title 5. Incidents of retaliation should be immediately reported to the Title IX Coordinator.

Contact Information for Responsible Officials:

District Title IX Coordinator

Mardi Walters, Ed.D.
Director Compliance and Title IX
Grossmont-Cuyamaca Community College District
8800 Grossmont College Drive
El Cajon, CA 92020
Email: mardi.walters@gcccd.edu
Office: (619) 644-7035
File a Complaint: [GCCCD Title IX Incident Reporting Form](#)
Webpage: [Title IX](#)

Grossmont College Deputy Title IX

Dr. Stacey Shears
Vice President, Student Services
Grossmont College
8800 Grossmont College Drive
El Cajon, CA 92020
Email: stacey.shears@gcccd.edu
Office: (619) 644-7108

Cuyamaca College Deputy Title IX

Lauren Vaknin, Ed.D.
Dean, Student Engagement & Belonging
Cuyamaca College
900 Rancho San Diego Parkway
El Cajon, CA 92019
Email: Lauren.Vaknin@gcccd.edu
Office: (619) 660-4295



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How to file a complaint at Grossmont-Cuyamaca Community College District

Individuals may access the complaint form online at: [GCCCD Title IX Incident Reporting Form](#), or may contact the Title IX Coordinator by email at mardi.walters@gcccd.edu to schedule an appointment.

Contact Information for External Agencies

Individuals who believe they have been subjected to discrimination, harassment, or retaliation may file a complaint with the District and/or with external agencies, including the U.S. Department of Education Office for Civil Rights (OCR), the California Community Colleges Chancellor's Office, the California Civil Rights Department (CRD), or the U.S. Equal Employment Opportunity Commission (EEOC), as applicable to the nature of the complaint.

Office for Civil Rights – San Francisco Office
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Phone: (415) 486-5555
Website: <https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint>

California Community Colleges Chancellor's Office
1102 Q Street, Suite 4400
Sacramento, CA 95811
Website: <https://www.cccco.edu>

California Civil Rights Department
Website: <https://civildrights.ca.gov>

U.S. Equal Employment Opportunity Commission
Website: <https://www.eeoc.gov>

Disability Accommodations

The District is committed to providing equal access and opportunity to all students, employees, applicants, and members of the public with disabilities. Consistent with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and applicable California law, the District provides reasonable accommodations, academic adjustments, auxiliary aids and services, and other appropriate modifications



to qualified individuals with disabilities. Individuals seeking disability-related accommodations or services should contact the District's ADA/Section 504 Coordinator:

Katie Borts
Director of Human Resources
Email: katie.borts@gcccd.edu
Office: 619.644.7678 | fax: 619.644.7932

Important Definitions:

Quid pro quo sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

Hostile environment sexual harassment occurs when unwelcome conduct based on a person's sex or gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interferes with an individual's academic or work performance, or creates an intimidating, hostile, or abusive learning or work environment. The person must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same sex or gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e., a sexual assault.

Sexual Assault includes any sexual offense without the consent of the victim, including instances where the victim is incapable of giving consent and includes rape, sexual assault with an object, fondling, incest and statutory rape.

Rape (As defined by the Clery Act⁴):

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sexual Assault with an object (34 CFR PART 99):

The use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly or against that person's will, or *both; or not forcibly or against* the person's will where the victim is incapable of giving consent because of his or her youth or because of his or her temporary or permanent mental or physical incapacity.

⁴ Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. §1092 (f) (2018).

Fondling/Criminal Sexual Conduct (As defined by the Clery Act and also codified in California as Sexual Battery Penal Code 243.3):

The touching of the private body parts of another person for the purposes of sexual gratification, without the consent of the victim, including incidents where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest (As defined by the Clery Act):

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

Statutory Rape (As defined by the Clery Act):

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sexual Exploitation (California Penal Code Section 311.3):

Sexual exploitation means a person taking sexual advantage of another person for the benefit of anyone other than that person and without that person's consent, including, but not limited to, any of the following acts:

- a. The prostituting of another person.
- b. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor of services, through force, fraud, or coercion.
- c. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
- d. The distribution of images, including video or photographs, or audio of another person's sexual activity or private body parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. This includes the distribution of digitally altered or artificial intelligence-generated images, video, and audio.
- e. The viewing of another person's sexual activity or private body parts, in a place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

Dating Violence (As defined by the Clery Act):

Dating Violence means physical violence or threat of physical violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship; type of relationship; frequency of interaction between the individuals involved in the relationship.



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Domestic Violence (As defined by the Clery Act):

Domestic Violence means physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant.

Stalking (As defined by the Clery Act):

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1. fear for their safety or the safety of others; or 2. suffer substantial emotional distress.

Affirmative Consent⁵:

Affirmative Consent means an agreement to engage in sexual activity that is informed, affirmative, conscious, voluntary, and mutual. Affirmative Consent must be given freely and without coercion, force, threats, intimidation, or by taking advantage of another person's incapacitation. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) prior to engaging in the sexual activity.

- i. Affirmative consent is given by clear words or actions. Affirmative consent includes knowledge and agreement to engage in the specific sexual activity.
- ii. Affirmative Consent must be ongoing throughout a sexual activity and can be withdrawn or revoked at any time, including after sexual activity begins. Once consent is withdrawn or revoked and clearly communicated, the sexual activity must stop immediately.
- iii. Consent to one form of sexual activity or one sexual act does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion.
- iv. Affirmative Consent cannot be inferred from an existing or previous dating, social, or sexual relationship between the Parties.
- v. Silence does not mean there is Affirmative Consent.
- vi. Lack of protest or resistance does not mean there is Affirmative Consent.
- vii. A request for someone to use a condom or birth control does not, in and of itself, mean there is Affirmative Consent.
- viii. Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious, or incapacitated due to the influence of drugs, alcohol, or medication.

⁵ It is codified in **California Penal Code § 261.6** and reinforced in **Education Code § 67386**, which requires institutions receiving state funds to adopt and enforce this standard.



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Incapacitation:

A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions about whether or not to engage in sexual activity. A person with a medical or mental disability may also lack the capacity to give consent. Incapacitation exists when a person cannot understand the fact, nature, or extent of the sexual activity.

Duty to Report

Any employee who knows or has reason to know of incidents that may violate this Nondiscrimination Policy has a duty to promptly report to the Title IX Coordinator, who is the campus official designated to receive these reports.

These employees are known as Responsible Employees and are required to disclose all information available, including the names of the parties involved, even where the person has requested anonymity. Responsible Employees include, but are not limited to, employees who have responsibilities for administrative leadership, teaching, or advising in any education program or activity for Grossmont-Cuyamaca Community College District or who have the authority to take corrective actions in responding to complaints from students or employees.