



SAN DIEGO COMMUNITY COLLEGE DISTRICT

Administrative Procedure

Chapter 3 – General Institution

AP 3433 – PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX

The San Diego Community College District (“District”) is committed to providing an academic and work environment free of unlawful sexual harassment under Title IX.

This procedure and the related policy protects students and 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, on 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:

1. 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);
2. 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;
3. Sexual assault, including the following:
 - a. **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.
 - b. **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.
 - c. **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.
 - d. **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.)
 - e. **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.

f. **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse**

- 1) **Incest** – Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- 2) **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.

g. **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.

h. **Domestic Violence** – Violence committed:

- 1) By a current or former spouse or intimate partner of the victim;
- 2) By a person with whom the victim shares a child in common;
- 3) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- 4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; and/or
- 5) 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.

i. **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.

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

Approved by
the Chancellor: April 18, 2022

Supersedes: New Procedure