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## **AP 3433 PROHIBITION OF SEXUAL HARASSMENT UNDER TITLE IX: DEFINITIONS**

### **References:**

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

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

This procedure and the related policy protects students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in the District's education program or activity 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:

- **Quid pro quo harassment.** 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);
- **Hostile environment 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.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent or unlawful sexual intercourse. Sexual assault includes sexual exploitation and the following:

- **Rape.** Sexual intercourse between two people, and may include oral or anal intercourse, without the consent of the victim.
- **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent.
- **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.



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- **Sexual Contact/Fondling.** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
  - **Incest.** Sexual intercourse between persons who are related to each other within the degrees prohibited by law.
  - **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; orBy 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.

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