
Note: This policy addresses student complaints of sexual misconduct, including sex/gender-based discrimination or harassment, sexual violence, and retaliation. For legally referenced material relating to this subject matter, see FA(LEGAL). For complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, or disability, targeting students, see FFDB. For sexual misconduct targeting College District employees, see DIAA.

STATEMENT OF
NONDISCRIMINATION

The College District prohibits discrimination, including harassment, against any student on the basis of race, color, religion, national origin, age, disability, sex, sexual orientation, gender, gender identity, gender expression, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy.

SCOPE

The College District prohibits sexual misconduct in all of its programs and activities, including in its dual credit, early college high school, and charter high school programs.

Accordingly, this policy applies to any instance in which a student is alleged to have engaged in sexual misconduct against any person (e.g., student, employee, or third party such as a visiting athlete or guest speaker), or believes he or she has been subjected to sexual misconduct, regardless of the complainant or respondent's sex, gender, sexual orientation, or gender identity.

The College District shall respond to any complaint of sexual misconduct, including conduct alleged to have occurred during breaks, leaves of absence, or periods of dismissal, whether on or off College District property or premises. The disciplinary process is available as an option so long as the respondent remains within the jurisdiction of the College District.

DEFINITIONS

Solely for purposes of this policy, definitions include the following:

1. "Student" includes former students and applicants for admission to the College District;
2. "Gender identity" means a person's internal or personal sense of being a man or a woman; and
3. "Gender expression" means external manifestations of a person's gender identity, usually expressed through masculine or feminine clothing, haircut, or voice or body characteristics. Typically, transgender people make their gender expression match their gender identity.

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DISCRIMINATION	For purposes of this policy, discrimination against a student is defined as conduct directed at a student on the basis of sex, sexual orientation, gender, gender identity, or gender expression that adversely affects the student.
SEXUAL MISCONDUCT	The College District prohibits sex/gender-based discrimination or harassment, sexual harassment, sexual violence, sexual exploitation, relationship violence, and sex/gender-based stalking. This conduct and any other conduct that threatens the health and safety of any person on the basis of actual, expressed, or perceived gender identity, are referred to collectively in College District policies and regulations as sexual misconduct.
SEXUAL HARASSMENT	<p>Sexual harassment is a form of discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature.</p> <p>Sexual harassment does not include conduct or comments that are legitimately related to the subject matter of an instructional course or discussions, inside or outside of the classroom, that include germane, but controversial or sensitive subject matters.</p>
BY AN EMPLOYEE	<p>Sexual harassment of a student by a College District employee occurs when:</p> <ol style="list-style-type: none">1. A College District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or2. The conduct is so severe, persistent, or pervasive that it limits or denies the student's ability to participate in or benefit from the College District's educational program or creates an intimidating, threatening, hostile, or offensive educational environment.
BY OTHERS	Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student's ability to participate in or benefit from the College District's educational program.
SEXUAL VIOLENCE	Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol or due to an intellectual or other disability.

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For more information about consent, see DIAA(REGULATION).

EXAMPLES

Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another (e.g., rape, sexual assault, sexual battery, sexual abuse, sexual coercion); jokes or conversations of a sexual nature; and other sexually motivated conduct, communication, or contact.

Physical contact not reasonably construed as sexual in nature is not sexual harassment.

SEX / GENDER-BASED
HARASSMENT

Sex/gender-based harassment includes physical, verbal, or non-verbal conduct based on a student's gender, a student's expression of characteristics perceived as stereotypical for the student's gender, or a student's failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, sex/gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student's ability to participate in or benefit from the College District's educational program, or creates an intimidating, threatening, hostile, or offensive educational environment.

Sex/gender-based harassment does not include conduct or comments that are legitimately related to the subject matter of an instructional course or discussions, inside or outside of the classroom, that include germane, but controversial or sensitive subject matters.

EXAMPLES

Examples of sex/gender-based harassment directed against a student, regardless of the student's or the harasser's actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

SEXUAL
EXPLOITATION

Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another for one's benefit or the benefit of another party.

EXAMPLES

Examples of sexual exploitation include, but are not limited to: prostitution, sexual voyeurism (such as watching a person undressing), taking pictures or video or audio recording of another in a sexual act or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as disseminating sexual pictures without the photographed person's consent).

RELATIONSHIP
VIOLENCE

Relationship violence, including domestic violence and dating violence, is any act of violence or pattern of abusive behavior that occurs within an intimate relationship and is used by one partner to

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gain or maintain power and control over the other partner. Relationship violence can be physical, sexual, emotional, economic, or psychological actions that are used to influence, intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound another person.

SEX / GENDER-BASED
STALKING

Sex/gender-based stalking is a course of conduct directed at a specific individual that would cause a reasonable person to fear for his or her or another's safety or to suffer substantial emotional distress.

RETALIATION

The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced sexual misconduct or another student who, in good faith, makes a report of sexual misconduct, serves as a witness, or otherwise participates in a College District investigation or proceeding or that of any state or federal agency.

EXAMPLES

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Retaliation does not include petty slights or annoyances.

FALSE CLAIMS

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding sexual misconduct shall be subject to appropriate disciplinary action.

PROHIBITED
CONDUCT

In this policy, the term "prohibited conduct" includes discrimination, sexual misconduct, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

REPORTING
PROCEDURES

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts in accordance with the procedures in DIAA(REGULATION).

All other complaints of discrimination, harassment, or retaliation shall be handled under FFDB(LOCAL) and FLD(LOCAL).

OFFICE OF
INSTITUTIONAL
EQUITY

Administrative responsibility for enforcement of this policy rests with the Office of Institutional Equity, acting by and through the College District Office of General Counsel.

COLLEGE DISTRICT
TITLE IX
COORDINATOR

The Chancellor or designee shall designate a College District Title IX Coordinator who shall be responsible for overall compliance with Title IX and related federal, state, or local laws and regulations, and who will serve as director of the Office of Institutional Equity.

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COLLEGE TITLE IX COORDINATOR	<p>Each college within the College District also has a designated College Title IX Coordinator who is responsible for administering responsibilities related to Title IX at the college location.</p> <p>Reports of sexual misconduct may be directed to the location College Title IX Coordinator or the College District Title IX Coordinator. Contact information for each can be found on the College District's website at: https://www.dcccd.edu/SS/OnCampus/HealthWell/titleix/Pages/coordinators.aspx.</p>
RESPONSIBLE EMPLOYEE	<p>For purposes of this policy, a "responsible employee" is an employee:</p> <ol style="list-style-type: none">1. Who has the authority to remedy prohibited conduct;2. Who has been given the duty of reporting incidents of prohibited conduct; or3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct. <p>Responsible employees may include, but are not limited to the following persons: faculty, the vice president of student services, and academic deans.</p> <p>Responsible employees must report allegations of sexual misconduct to the College Title IX Coordinator or the Office of Institutional Equity.</p>
OTHER ANTI- DISCRIMINATION LAWS	<p>The Chancellor or designee shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.</p>
ALTERNATIVE REPORTING PROCEDURES	<p>A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the College District Title IX coordinator, may be directed to the Chancellor or designee.</p> <p>A report against the Chancellor may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.</p>
ACCESS TO POLICY, PROCEDURES, AND RELATED MATERIALS	<p>Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the student</p>

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handbook and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District's website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District's administrative offices.