

SEXUAL & OTHER UNLAWFUL HARASSMENT (TITLE IX)

Legal Authority: 34 CFR Part 106.45; 1C SBCCC 200.95

Approval: February 16, 2021

Previous Editions:

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The Board will not tolerate the sexual harassment of students including harassment of an individual because of their sex, sexual orientation, and/or gender identity. Any College employee (*see BP 2.7, Sexual & Other Unlawful Harassment*), or student who engages in any form of sexual harassment towards another person on campus will be disciplined. Discipline may include, but is not limited to, suspension or expulsion. The College also forbids retaliation of any type against a student for reporting any type of sexual harassment.

Sexual harassment is also prohibited by Title IX of the Education Amendments Act of 1972 (and the Civil Rights Restoration Act of 1987 as applicable), which states in part: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." No member of the campus community, guest, or visitor may act to deny, deprive, or limit the educational, employment, residential, or social access, opportunities and/or benefits of any member of the College community on the basis of sex.

Reports of misconduct or questions regarding Title IX or sexual and unlawful harassment, including concerns about noncompliance, should be directed to the College's Title IX Coordinator.

Prohibited Conduct

The College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment include those committed by any person upon any other person, irrespective of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as conduct on the basis of sex or that is sexual that satisfies one or more of the following:

- *Quid Pro Quo*: A student or an employee of the College conditions the provision of an aid, benefit, or service of the College, on an individual's participation in unwelcome sexual conduct

- Sexual Harassment: Unwelcome conduct, as determined by a “reasonable person,” to be so severe, pervasive, and objectively offensive, that it effectively denies a person equal access to the College’s education program or activity
- Sexual Assault: Any sexual act directed against another person, without the consent of that person, including instances in which that person is incapable of giving consent
- Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship
- Domestic Violence: Includes felony or misdemeanor crimes of 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 the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of jurisdiction.
- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Neither the definitions nor any other provisions in this policy are intended to operate as speech codes, promote content and viewpoint discrimination or suppress minority viewpoints in the academic setting. That a student's speech or expression is deemed offensive by others does not by that fact alone mean it constitutes discrimination or harassment.

In applying these definitions, the speech or expression shall be considered in its context and totality consistent with the following standard: the alleged victim subjectively views the conduct as illegal harassment and the conduct is objectively severe and pervasive enough that a reasonable person would agree that the conduct is harassing.

The College prohibits any form of sexual or other unlawful harassment involving any of its employees in the employment relationship or involving any of its students in the educational relationship. Harassment, retaliation, coercion, interference, or intimidation of an employee or student due to his or her race, color, religion, gender, sexual orientation, age, national origin, disability, or other legally protected status is strictly forbidden. Occasional compliments of a socially acceptable nature do not constitute harassment absent other compelling factors. Similarly, circumstances such as the nature of course materials, educational programs, or other educational activity will be considered before a determination is made that behavior in such a context is prohibited conduct. Furthermore, this Policy does not limit employees and students from reasonably and legally speaking to, discussing, presenting, teaching, assigning, and/or testing upon any material and subject that could be considered controversial.

Complaints by Students

Students, without any fear of reprisal, are encouraged to bring any form of sexual or other unlawful harassment (whether by another student, a staff member, or someone else encountered during the course of their education at the College) to the attention of the College's Title IX Coordinator, Confidential Advocate, or Clery Compliance Officer, so that an appropriate investigation may be initiated to look into the circumstances of the incident and the alleged harassment.

The President shall promulgate and implement appropriate procedures that will provide students with information as well as the means of obtaining assistance and remedy in the event of a report of sexual and/or other unlawful harassment prohibited by this Policy.