Sexual Harassment or Assault

Title IX (Sex Discrimination)

Title IX of the Educational Amendments of 1972 and subsequent amendments bans sex discrimination in schools, whether it be in academics or athletics. Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

The underlying intent of Title IX is to eliminate any form of discrimination based on gender that may interfere with a student's physical well-being, emotional well-being, and academic performance. Colleges and universities receiving federal funds bear an affirmative duty to ensure that no student (male or female) is deprived of an educational opportunity or benefit due to such discrimination.

Gender Harassment

Sex discrimination in the form of gender harassment consists primarily of repeated comments, jokes, and innuendoes directed at persons because of their gender or sexual orientation. This behavior typically is not aimed at eliciting sexual cooperation, but, like racial harassment, it contaminates the learning and work environment and has no place at Cosumnes River College.

Examples of gender harassment include the following:

- Disparaging women's intellectual abilities and potential
- Using sexist statements in classroom discussions
- Disparaging the lifestyles or behaviors of gays or lesbians

Sexual Harassment Policy

It is the desire of the Los Rios Community College District Board of Trustees to provide for all students and employees an educational environment and workplace free from sexual harassment. Sexual harassment in any situation is unacceptable and is in violation of state and federal laws and regulations. Where evidence of harassment is found, appropriate corrective action shall be taken.

Definition of Sexual Harassment

Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or an academic decision affecting the individual
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual harassment includes, but is not limited to:

- Making unsolicited written, verbal, visual, or physical contact with sexual overtones. Some examples are:
  - Epithets
  - Derogatory comments or slurs of a sexual nature
  - Impeding or blocking movements or any physical interference with normal work
  - Derogatory posters or cartoons

- Continuing to express sexual interest after being informed that the interest is unwelcome (reciprocal attraction is not considered sexual harassment)
- Within the work environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the career, salary, and/or work environment, or any other term or condition of employment
- Within the educational environment, engaging in explicit or implicit coercive sexual behavior which controls, influences, or affects the educational opportunities, grades, and/or learning environment of the student
- Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response to a sexual advance. For example, within the work environment, either suggesting or actually withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed. Within the educational environment, either suggesting or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
• Offering favors of educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, and so on, in exchange for sexual favors.

Sexual Assault

Sexual assault includes, but is not limited to:

- Rape
- Forced sodomy
- Forced oral copulation
- Rape by a foreign object
- Sexual battery
- Domestic violence
- Dating violence
- Stalking
- Threat of sexual assault

Sexual assault is a form of sexual harassment and should be reported under the district's Discrimination and Harassment Procedures Policy P-2423 (shared/doc/board/policies/P-2423.pdf) and Regulation R-2423 (shared/doc/board/regulations/R-2423.pdf).

Sexual Violence

Sexual violence means 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. An individual may also be unable to give consent due to an intellectual or other disability. Sexual violence includes, but is not limited to, rape, sexual assault, sexual battery, and sexual coercion.

Consent

Consent is the informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent must be voluntary, and given without coercion, force, threats, or intimidation. Consent requires positive cooperation in a particular sexual act, or expression of intent to engage in that sexual act through the exercise of free will.

Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts).

Consent to sexual activity given on one occasion does not constitute consent to sexual activity on another occasion. The fact that two people are, or were in, a dating or sexual relationship does not constitute consent to engage in sexual activity. There must always be mutual and affirmative consent to engage in sexual activity. Consent to a sexual act may be withdrawn or revoked at any time, including after penetration. The victim's request for the perpetrator to use a condom or birth control does not, in and of itself, constitute consent. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

Consent cannot be given by a person who is incapacitated. For example, a person cannot give consent if she/he is unconscious or coming in and out of consciousness. A person is incapacitated if she/he lacks the physical and/or mental ability to make informed, rational judgments. Examples of incapacitation include unconsciousness, sleep, and blackouts. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. A person with a medical or mental disability may also lack the capacity to give consent.

Being intoxicated by drugs or alcohol does not diminish a person's responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered include whether the person knew, or whether a reasonable person in the accused's position should have known, that the victim did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent.

Sexual intercourse with a minor is never consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

Domestic Violence

Domestic violence is a form of sexual violence and is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law.

Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

1. Sexual relations between the parties while sharing the same living quarters
2. Sharing of income or expenses
3. Joint use or ownership of property
4. Whether the parties hold themselves out as husband and wife
5. The continuity of the relationship
6. The length of the relationship

Dating Violence

Dating violence is a form of sexual violence and is abuse committed by a person who is, or has been, in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; for example, a person they met at a party, were introduced to through a friend, or met on a social networking website.

Stalking
Stalking means a repeated course of conduct directed at a specific person (when based on gender or sex) that places that person in reasonable fear for his/her or others' safety, or to suffer substantial emotional distress.

Resources

For issues regarding sexual harassment and assault, the following resources are available:

- Los Rios Police, (916) 558-2221
- WEAVE Confidential Advocate, (916) 568-3011 or WEAVE@losrios.edu
- Claire Oliveros (Title IX Coordinator), (916) 691-7487 or oliverc@crc.losrios.edu