

Title IX and Sexual Harassment

What is Sexual Harassment? Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence, is a form of sexual harassment prohibited by Title IX. *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 also may be unable to give consent due to an intellectual or other disability. Sexual violence, includes rape, sexual assault, sexual battery, sexual coercion, domestic violence, dating violence and stalking.*

What District Activities Are Covered? Title IX protects students from sexual harassment in all District education programs and activities. Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program sponsored by the school at another location, or elsewhere. The District also may have an obligation to respond to student-on-student sexual harassment that initially occurred off school grounds. If a student files a complaint, regardless of where the conduct occurred, the District must process the complaint in accordance with its established procedures.

What Must the District Do?

A. Once the District knows or reasonably should know of possible sexual harassment, including sexual violence, the District must take immediate and appropriate action to investigate or otherwise determine what occurred. [See, Policy and Procedures for Handling of Unlawful Discrimination and Harassment Under Title 5, Sections 59300 et seq., and Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., [www.ccsf.edu/Title 5/EEO/ADA Compliance](http://www.ccsf.edu/Title%205/EEO/ADA%20Compliance), or [www.ccsf.edu/Title IX Compliance](http://www.ccsf.edu/Title%20IX%20Compliance).]

B. If sexual violence/sexual harassment has occurred, the District must take prompt and effective steps to:

- a. End the sexual violence/sexual harassment,
- b. Prevent its recurrence, and
- c. Address its effects, whether or not the sexual violence/sexual harassment is the subject of a criminal investigation.

C. The District must take steps to protect the complainant as necessary, including interim steps taken prior to the final outcome of the investigation.

D. The District must provide a complaint procedure for students to file complaints of sex discrimination, including complaints of sexual violence. These procedures must include an equal opportunity for both parties to present witnesses and other evidence and the same appeal rights. [See, Policy and Procedures for Handling of Unlawful Discrimination and Harassment Under Title 5, Sections 59300 et seq., and Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., [www.ccsf.edu/Title 5/EEO/ADA Compliance](http://www.ccsf.edu/Title%205/EEO/ADA%20Compliance), or [www.ccsf.edu/Title IX Compliance](http://www.ccsf.edu/Title%20IX%20Compliance).] The complaint procedures use the preponderance of the evidence standard to resolve complaints of sex discrimination.

E. The District will notify both parties of the outcome of the complaint.

What if Law Enforcement Is Involved? The District's Title IX obligations are separate from any law enforcement obligation. While law enforcement may determine that a crime did not occur, the Title IX Coordinator must independently investigate the allegations. Police reports may be used. Where law enforcement determines a crime occurred, it is likely sexual harassment has occurred as well.

What if the victim requests confidentiality? If the complainant requests confidentiality or asks that a complaint not be pursued, the District shall take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. At the same time, the District shall evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students. The District shall weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the alleged harasser's rights to receive information about the allegations if the information is maintained by the institution.