



## Administrative Procedure

### Chapter 5 - Student Services

#### AP 3434 – RESPONDING TO HARASSMENT BASED ON SEX UNDER TITLE IX

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#### APPENDIX A – CALIFORNIA SEXUAL HARASSMENT DEFINITION

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##### 1. Sexual Harassment is defined as:

- a. Unwelcome sexual advances;
- b. Requests for sexual favors; or
- c. Other verbal, visual, or physical conduct of a sexual nature; and
- d. Made by someone from or in the work or educational setting, under any of the following conditions:
  - 1) Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress;
  - 2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;
  - 3) 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; or
  - 4) 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.

##### 2. Sexual Violence is defined as:

- a. Physical sexual acts perpetrated against a person without the person's affirmative consent, as defined in Education Code §67386. Physical sexual acts include both of the following:
  - 1) Rape – penetration, no matter how slight, of the vagina or anus with any part or object, or oral copulation of a sex organ by another person, without the consent of the victim.
  - 2) Sexual battery – The intentional touching of another person's intimate parts without consent, or intentionally causing a person to touch the intimate parts of another without consent, or using a person's own intimate part to intentionally touch another person's body without consent.

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

References: California Education Code Section 212.5;  
Education Code Section 66262.5