

# SEXUAL MISCONDUCT (TITLE IX)

Visit the Coastline Title IX webpage (<https://www.coastline.edu/title-ix.php>)

Review the Coast District Administrative Procedure 5910 ([https://documents.cccd.edu/Board%20of%20Trustees/Administrative%20Procedures/AP\\_5910\\_Sexual\\_Misconduct.pdf](https://documents.cccd.edu/Board%20of%20Trustees/Administrative%20Procedures/AP_5910_Sexual_Misconduct.pdf))

Members of the Coastline College (CCC) community, guests and visitors have the right to be free from sexual harassment. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. CCC has zero tolerance for sexual misconduct. When an allegation of misconduct is brought to an appropriate administration's attention and a respondent is found to have violated any sexual misconduct district policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. The following is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

## Sexual Violence-Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **Don't make assumptions** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you **do not** have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they

want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.

- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
  - Know that consent can be revoked at any point in time. Consent to one sexual act does not imply consent to the next.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
- In campus hearings, legal terms like "guilt," "innocence" and "burdens of proof" are not applicable, but the college never assumes a student is in violation of district policy. Campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.
- The college reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures include, but are not limited to, interim suspension from campus pending a hearing and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The college will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

## Sexual Harassment

Sexual Harassment is unwelcome, gender-based verbal or physical conduct that is, sufficiently severe, persistent or pervasive that it, unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

## Non-consensual Sexual Contact

- Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force.
- The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:
  - the frequency of the conduct;
  - the nature and severity of the conduct;
  - whether the conduct was physically threatening;
  - whether the conduct was humiliating;
  - the effect of the conduct on the alleged victim's mental or emotional state;
  - whether the conduct was directed at more than one person;

- whether the conduct arose in the context of other discriminatory conduct;
- whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
- whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness
- whether the speech or conduct deserves the protections of academic freedom or the 1st Amendment.

## Sexual Contact Includes

Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

## NON-CONSENSUAL SEXUAL INTERCOURSE

Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

## SEXUAL EXPLOITATION

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- prostituting another student;
- non-consensual video or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- engaging in voyeurism;
- knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

## Sanction Statement

Any student found responsible for violating the CCCD policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any student found responsible for violating the CCCD policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for violating the CCCD policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of

the incident, and taking into account any previous campus conduct code violations.

The Title IX investigative team reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

## Other Misconduct Offenses

(Will fall under TITLE IX when gender-based)

**Sexual misconduct offenses include, but are not limited to:**

- Sexual Harassment
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation
- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Student Code of Conduct);
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
- Dating/Relationship Violence between those in an intimate relationship to each other;
- Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

## Privacy and Reporting

The Title IX Officer is responsible for the purposes of initiating notice and/or investigation of sexual misconduct excluding cases involving personnel (not related to a student). The Title IX Officer will assign deputy investigators, who are members of the Investigative Team, to investigate allegations of gender-based discrimination and/or sexual misconduct. The deputy investigators will use discretion on how they act in response to notice of gender-based discrimination. Understanding that different people on campus have different reporting responsibilities and varied abilities to maintain confidentiality, the Title IX Officer may assign deputy investigators depending on the situation and the parties involved.

To Report Gender-Based Discrimination, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, or sexual exploitation, please contact:

Title IX Office

(Student Services Center at Fountain Valley)  
 (714) 241-6130  
 titleix@coastline.edu

## To Report Confidentially

If you want the details of the incident be kept confidential, you should speak with on-campus mental health counselors or off-campus rape crisis resources who can maintain confidentiality.

### Reporting to those who can maintain the privacy of what you share-

You can seek advice from certain individuals who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These are individuals who the college has not specifically designated as "responsible employees" for purposes of putting the institution on notice and for whom mandatory reporting is required, other than in the stated limited circumstances. If you are unsure of someone's duties and ability to maintain your privacy, ask them before you talk to them.

To Report Confidentially, please contact  
 Mental Health Counselor  
 (714) 241-6005

**Non-confidential reporting options**—You are encouraged to speak to officials of the institution to make formal reports of incidents (deans, vice presidents, or other administrators with supervisory responsibilities, campus security, and human resources). The college considers these people to be "responsible employees." Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be informed of the report, and information will be shared only as necessary with investigators, witnesses, and the accused individual.

**Federal Statistical Reporting Obligations**—Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include student/conduct affairs, campus law enforcement, coaches, athletic directors, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

**Federal Timely Warning Reporting Obligations**—Victims of sexual misconduct should also be aware that college administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community

members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed above.

## Pregnant and Parenting Students

Title IX specifically prohibits discrimination against or harassment of students who are pregnant, have just given birth, or have pregnancy related conditions such as false pregnancy, termination of pregnancy, or recovery from any of these conditions or those who take a leave of absence due to the birth or adoption of a child.

If you have any questions, contact the Office of Title IX at (714) 241-6130.