



## AP 3433 Prohibition of Sexual Harassment Under Title IX

### References:

- Title IX Education Amendments of 1972;
- Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

Rogue Community College ("RCC") is committed to providing an academic and work environment free of unlawful sex harassment under Title IX. This procedure defines sexual harassment on campus.

This procedure and the related policy protect students, employees, in connection with all the academic, educational, extracurricular, athletic, and other programs of RCC, whether those programs take place in RCC's facilities, an RCC controlled vehicle, or at a class or training program sponsored by RCC at another location.

### Definitions

**Sexual Harassment under Title IX:** Conduct that satisfies one or more of the following:

- An RCC employee conditions the provision of an aid, benefit, or service of RCC on an individual's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to RCC's education program or activity;
- Sexual assault, including the following:
  - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape** (except Statutory Rape). The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Sodomy.** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. An "object" or

- "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.
- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
  - **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**
    - **Incest.** Sexual intercourse between persons who are related to each other within degrees wherein marriage is prohibited by law.
    - **Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent.
  - **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - **Domestic Violence.** 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 Oregon or
    - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of Oregon.
  - **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety, the safety of others or suffer substantial emotional distress.

**Rescinds Procedure Number: None**

**Approved: September 19, 2020**