

# TITLE IX, UNITED STATES EDUCATION AMENDMENT OF 1972

Title IX of the Education Amendments Act of 1972 is a federal civil rights law that prohibits sex discrimination in education. Southwestern Community College District is committed to support all regulations under Title IX, *“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”*.

Title IX investigations may be undertaken when the District is notified of a complaint of sexual misconduct made by any person (student, employee, faculty member, contractor, etc.).

In order for the District to investigate a Title IX complaint, the alleged incident must meet the following conditions:

1. The alleged incident occurred within the US;
2. The individuals involved in the alleged incident must be participating in any educational program or activity controlled by the College District (including buildings or property controlled by recognized student organizations);
3. If the alleged incident took place off-campus, it must have been at a College District sponsored event;
4. The alleged conduct meet the definitions of sexual harassment and/or gender-based harassment under Title IX Final Rule.

Under Title IX, sexual harassment is defined as unwelcome conduct that is based on sex, which must meet ONE of the following conditions:

1. Quid Pro Quo Harassment, a school employee conditions education or employment benefits on an individual's participation in the unwelcome sexual conduct;
2. Hostile Environment Harassment: the unwelcome conduct must be one where a reasonable person determine it is so severe, pervasive, and objectively offensive that it effectively denied a person equal access to the school's employment or education programs;
3. Sexual assault, Dating violence, Domestic violence, or Stalking behavior.

Some examples of behavior that MAY violate Title IX, if found to be **severe, pervasive, and objectively offensive**, include:

- Sexual comments, sexual jokes, or sexually explicit questions
- Spreading rumors about a person's sexuality or gender identity
- Sending or displaying sexually suggestive content over email, text, or social media
- Requests for sexual favors or pressuring someone for sexual activity
- Unwelcome touching, hugging, stroking, or other physical contact
- Stalking, both in person and online
- Dating or domestic violence

- Attempted or actual sexual violence

## Filing a Title IX Complaint

Students, employees, faculty, and concerned individuals can file a Title IX complaint with Meng Zhang, the Interim Director of Employee Relations and Title IX, in the Office of Employee Relations and Title IX, who could be reached at [mzhang@swccd.edu](mailto:mzhang@swccd.edu), Human Resources, Room 46B-151, or by phone at 619-421-6700 x5207

Southwestern College promptly and thoroughly investigates complaints alleging sex discrimination, sexual harassment, and sexual violence. Claims of other unlawful discrimination can be made to Meng Zhang, the Interim Director of Employee Relations and Title IX, in the Office of Employee Relations and Title IX, Human Resources Office, Room 46B-151, or through the California Community Colleges Chancellor's Office complaint process State Complaint Process.

## Confidential Resources

If a student is seeking strictly confidential support, Personal Wellness Services on the Chula Vista campus is designated as a confidential resource. See the Personal Wellness Services webpage for information on how to make an appointment and for other confidential resources.

The District's Board Policies and Administrative Procedures concerning the Title IX process are intended to afford a prompt response to charges of sexual assault, domestic violence or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of District policy and procedures.

As time passes, evidence may dissipate or become lost or unavailable; thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protective orders more difficult to obtain. If a victim chooses not to make a complaint regarding an incident, he or she or they nevertheless should consider speaking with College Police or other law enforcement to preserve evidence in the event that the victim changes his/her/their mind at a later date.