

# SEX OR GENDER BASED MISCONDUCT

## Overview

Mt. San Jacinto Community College District is committed to providing an academic and work environment free of unlawful sexual harassment, discrimination, and other sex or gender-based misconduct under federal law, state law, and District policy. The District's policies aim to promote respect, dignity, and equity while addressing any misconduct that interferes with the District's ability to provide a safe, welcoming, and inclusive environment for all members of the MSJC community.

## References

20 U.S.C. section 1681, Education Amendments of 1972, 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.

34 C.F.R. sections 106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX. This provision requires designation of Student Judicial Affairs Coordinator, grievance procedure, and public notice of Title IX policies and procedures.

## District Policies and Procedures

The District's Administrative Procedure 3434 provides policies and procedures related to reporting and responding to incidents of sex or gender-based misconduct that occur on or off-campus. Examples of specific conduct that is prohibited by federal law, state law, and District policy are included in these Administrative Procedures.

## Contacting the Title IX Office

The District is required to respond to all reports of sex or gender-based misconduct, including, but not limited to: sexual harassment, sexual assault, dating violence, domestic violence, stalking, sexual violence, and sexual exploitation.

Individuals who have experienced, witnessed, or heard about an incident may make a report via the Title IX Reporting Form ([https://msjc-advocate.symplicity.com/titleix\\_report/index.php/pid165405/](https://msjc-advocate.symplicity.com/titleix_report/index.php/pid165405/)) or by contacting the Vice President of Human Resources/Title IX Coordinator directly.

A report to the Vice President of Human Resources/Title IX Coordinator may not necessarily lead to a full investigation under Title IX, but may be handled under another District policy. Information received by the Title IX Coordinator is handled with the utmost discretion and will be shared only on a need-to-know basis.

Additional information about support, information, and resources available to students who experience sex or gender-based misconduct can be found at Title IX (<https://msjc.edu/titleix/>).

## Reporting Requirements

All faculty and most staff are identified as non-confidential resources required to promptly report to the Vice President of Human Resources/Title IX Coordinator any sexual harassment or other sex or gender-based misconduct they witness or learn about.

District employees with reporting requirements must include in their report all relevant information they reasonably know about an incident of sex or gender-based misconduct. When a District employee receives information from a student, the employee must inform the student of the student's ability to make a report to the District and direct the student to the Human Resources/Title IX Office.

A complete list of District employees with reporting requirements is included in Administrative Procedure 3434. (<https://go.boarddocs.com/ca/msjc/Board.nsf/goto/?open&id=CUGTQ9782579>)

## Confidential Reporting

The District's Mental Health Counselors are confidential resources exempt from having to report sexual harassment or other sex or gender-based misconduct to the Human Resources/Title IX Office unless otherwise required by law.

## Additional Reporting Options

A complaint of sexual harassment or discrimination may be filed with the Office for Civil Rights (OCR) of the U.S. Department of Education (<https://www.ed.gov/laws-and-policy/civil-rights-laws/title-ix-and-sex-discrimination/>) by using the Discrimination Complaint Form (<https://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>).

## Prohibition Against Retaliation

District policy and applicable law prohibit retaliation for filing a complaint of unlawful discrimination or harassment and/or for participating in any manner in an investigation thereof.

## Monitoring Responsibility

The Vice President of Human Resources and the Title IX Coordinator as designated by the Board of Trustees, will be responsible for ensuring compliance with this policy. The Vice President of Human Resources will yearly evaluate, among other things: The frequency and nature of complaints under this policy; employee and student compliance with the policy; employee and student perceptions of the policy's effectiveness. Results of the evaluation will be used to modify or update the policy as appropriate, with an emphasis on remedying deficiencies.