

DEFINITIONS

The terms used in the College District sexual misconduct policy shall have the meanings as defined below, unless the policy or context in which such terms are used clearly indicates another meaning:

1. **Allegation:** An allegation is a statement made by an individual who believes a violation of College District policy has occurred.
2. **Appeal Decision Maker:** The College President or designee, also referred to as the "ADA".
3. **Business Days:** Refers to those days the administrative offices of the College District are open for business purposes, typically Monday through Friday from 8:00 a.m. to 5:00 p.m., excluding holidays.
4. **Bystander:** A person who is present at an event or incident but does not take part.
5. **Bystander Intervention:** If you see something, say something in a non-confrontational matter and ask if the person needs help.
6. **Complainant:** Complainant refers to the person making the allegation or complaint.
7. **Complaint or grievance:** Notification, either orally or in writing, of the belief that a violation has occurred.
8. **Consent:** Knowing, voluntary, and clear permission, by word or action, to engage in mutually agreed upon sexual activity:
 - a. For consent to be valid and considered voluntary, it must be free from threat, force, intimidation, extortion, and/or undue influence.
 - b. In order for consent to be given competently, both parties (people) must be able to consent. If one of the parties is unable to consent, due to, among other things, drug or alcohol use, then that person lacks the ability to consent.
9. **Days:** Refers to calendar days, unless otherwise indicated. College District holidays (i.e., days when the College District is officially closed) are excluded from the computation of time. If a duration of time ends on a Saturday or Sunday, the deadline is extended to the following College District business day.
10. **Decision-maker:** In the case of students, the Dean of Student Services or a designated representative. The human resources director for the college or a designated representative may serve as the decision-maker for employees and faculty.
11. **Deputy Title IX coordinator:** A College District employee designated to assist in the administration of the responsibilities related to Title IX matters and may also serve as an investigator.
12. **Designated Administrator:** An administrator responsible for student discipline or employee grievance in an administrative conference or hearing panel in the sexual misconduct resolution process.

13. **Discrimination:** The intentional or unintentional treatment of any member or visitor of the College District community less favorably than those similarly situated based on race, color, religion, age, disability, sex, ethnicity, national origin, sexual orientation, gender, gender identity, gender expression, genetic predisposition, veteran status, or on any other basis prohibited by federal, state or local law.
14. **False Claim:** An untrue statement or claim to gain a benefit or reward made knowingly by a person.
15. **Gender:** Complex relationship between physical traits and one's internal sense of self as male, female, both or neither as well as one's outward presentations and behaviors related to that perception. Biological sex and gender are different; gender is not inherently connected to one's physical anatomy.
16. **Gender Identity:** Inner self concept of self as male or female or both or neither. This identity can be the same or different than the gender assigned at birth.
17. **Gender Expression:** Refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, haircut, voice and other forms or presentation. It can also work the other way as people assign gender to others based on appearance, mannerisms, and other characteristics. A person may identify or behave in a manner that falls outside of stereotypical gender norms.
18. **Harassment:** Unwelcome conduct on the basis of actual or perceived membership in a protected class, including but not limited to: race, color, religion, age, disability, sex, national origin, sexual orientation, gender identity, gender expression, and/or veteran status. Harassment is further defined as behavior so severe that it limits or denies an individual's ability to participate in or benefit from his or her work or educational environment, creates a hostile environment, or allows for the abuse of authority.
19. **Inherent Authority:** College District reserves the right to take necessary and appropriate action to protect the safety and well-being of the College District community.
20. **Interpersonal violence:** Acts of dominance in which at least one individual imposes, or attempts to impose, his or her will on another individual or group in a way that threatens the other person's rights, safety, or welfare, or that of a group of people.
21. **Investigation:** The process the College District uses to resolve complaints/grievances. This includes the fact-finding investigation and any hearing and decision-making process used to determine:
 - a. Whether the conduct occurred; and
 - b. If the conduct occurred, what actions will be taken to end the offending conduct, eliminate the hostile environment, and prevent its recurrence.
22. **Investigator:** A trained person designated as an investigator by the Title IX coordinator or designated representative who conducts a fact-finding inquiry (investigation) and writes an investigative report.

23. Investigative report: The report created by the investigator, which includes: a summary of the complaint; description of the investigation, including names of people interviewed with dates, list of documents reviewed, and findings.
24. Privileged: Information that is protected by law and cannot be disclosed to (shared with) anyone else without permission. Individuals commonly, but not always, protected by statutory privilege (legal privilege) are religious leaders, therapists, and domestic violence/rape crisis advocates.
25. Reasonable Person: A person who exercises average care, skill, and judgement in conduct.
26. Relationship Violence: Also known as Intimate Partner Violence, includes domestic and dating violence, any act of violence or pattern of abusive behavior that occurs within an intimate relationship and is used by one partner to gain or maintain power/control over the other partner.
27. Respondent: The person against whom an allegation or complaint is made.
28. Responsible employee: Any employee who has been given the duty of reporting sexual misconduct to the Title IX coordinator or other appropriate party. This designation includes all employees within the College's Title IX structure. In addition, all employees, except confidential employees are responsible employees for purposes of compliance with Title IX and the College's sexual misconduct policy.
29. Retaliation: Any harmful or hostile action taken against a person participating in a protected activity because of his or her participation in that protected activity. This includes action taken against a student or employee for reporting or intervening to stop discrimination, harassment, or sexual misconduct. Retaliation includes intimidating, threatening, or in any way discriminating against an individual because of the individual's complaint or participation in the investigation or grievance process.
30. Sexual Exploitation: Taking non-consensual or sexual advantage of another for personal gain or profit.
31. Sexual Harassment: Unwelcomed sexual attention, interaction, or request for sexual favors based on gender that is so severe, persistent, and pervasive that it unreasonably interferes with the work or educational environment or creates a hostile environment.
32. Sexual Misconduct: Acts of sex/gender-based harassment, sexual/gender violence, sexual exploitation, relationship violence, and stalking. For definitions of these terms, please see DIAA and FFDA.
33. Sexual Orientation: Refers to being romantically or sexually attracted to people of a specific gender. Sexual orientation and gender identity are separate, distinct parts of a person's overall identity.
34. Sexual Violence: Physical sexual acts carried out against a person's will or where a person is unable to give consent.

FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

DIAA
(EXHIBIT)

35. Stalking: Conduct directed at a specific person that would cause a reasonable person to fear for his, her, or another's safety or to suffer substantial emotional distress.
36. Student/Employee Participation: Students and employees may be asked to assume positions of responsibility in the resolution of allegations of sexual misconduct.
37. Substantial interest: A substantial interest is:
 - a. Any action that is a criminal offense as defined by federal, state, or local law;
 - b. Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
 - c. Any situation that significantly affects the rights, property, or achievements of self or others or significantly disturbs the peace and/or causes social disorder; and/or
 - d. Any situation that is harmful to the educational interests of the College District.
38. Title IX coordinator: Each college within the College District has a Title IX coordinator who is responsible for administering responsibilities related to and compliance with Title IX.
39. Transgender: An individual whose gender identity does not match his or her assigned birth gender. A person whose identity or behavior falls outside of stereotypical gender norms.