

**Board Policy 5540 Title IX Policy: Sexual Misconduct and Gender-Based Discrimination**

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**BP 5540 Title IX Policy: Sexual Misconduct and Gender-Based Discrimination**

**Reference:** California Education Code Sections 67385 and 76200 et seq.; The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); 34 Code of Federal Regulations Section 668.46(b)(11); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. and implementing regulations, 34 C.F.R. § 106.1 et seq.; Violence Against Women Act, 42 U.S.C. § 13925 et seq.

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states that, “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.” The Board of Trustees of San Joaquin Delta Community College District is committed to creating and maintaining a community where all individuals who participate in District programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation.

This policy covers student-related concerns of sexual harassment, sexual assault and sexual misconduct, dating violence or domestic violence (“Relationship Violence”), and stalking (collectively Sexual Misconduct) involving students, without regard to whether the alleged sexual misconduct occurred on or off District property and if the accused is a student, faculty member, staff member, or third party. Sexual misconduct of any kind including, but not limited to, sexual violence, domestic violence, dating violence, stalking, sexual harassment, or retaliation for reporting such offenses, will not be tolerated.

The District fully supports and complies with all state and federal laws related to sexual misconduct and will report allegations of sexual misconduct to appropriate law enforcement agencies, as required by applicable law, and subject to federal and state confidentiality provisions.

The Superintendent/President shall establish procedures that implement the administrative and procedural requirements of Title IX and related federal and state law and regulations, including but not limited to, designating a Title IX Coordinator who will be responsible for implementation of and compliance with this policy. This policy is in coordination with District policies and procedures on discrimination, harassment, and discipline, as well as collective bargaining agreements that apply to District employees.

**See BP/AP 3430, Prohibition of Harassment; BP3435 & AP3435 Unlawful Discrimination and Harassment; BP/AP 5500 Standards of Student Conduct; and, BP/AP 5520 Student Discipline and Disciplinary Appeals; AP 5540, Title IX Policy: Sexual Misconduct and Gender-Based Discrimination.**