

TITLE IX PRELIMINARY SCREENING QUESTIONS AND DEFINITIONS CHEAT SHEET

1. Does the allegation involve an employee offering a benefit in exchange for a sexual favor?
If yes→Call Title IX Coordinator.
If no→Go to next question.
2. Does the allegation, if true, involve conduct that is severe? (Err on the side of severity at this stage of the process)
If yes→Go to next question.
If no→Skip to question 6
3. Does the allegation, if true, involve conduct that is pervasive? (Could be more than once or impacting multiple students).
If yes→Go to next question.
If no→Skip to question 6.
4. Does the allegation, if true, involve conduct that is objectively offensive? (Err on the side of offensive at this stage of the process.)
If yes→Go to next question.
If no→ Skip to question 6.
5. Is the complainant being denied access to educational benefits as a result of the conduct?
If yes→STOP HERE and Call Title IX Coordinator.
If no→Go on.
6. Is the alleged conduct sexual assault?
If yes→Call Title IX Coordinator.
If no→Go to next question.
7. Is the alleged conduct dating violence?
If yes→Call Title IX Coordinator.
If no→Go to next question.
8. Is the alleged conduct stalking?
If yes→Call Title IX Coordinator.
If no→Go to next question.
9. Is the alleged conduct domestic violence?
If yes→Call Title IX Coordinator.
If no→HANDLE CONDUCT UNDER STUDENT MISCONDUCT POLICY

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1. **Quid pro quo:** When an *employee* of the district conditions an aid, benefit, or service on an individual's participation in *unwelcome* sexual conduct.
2. **Severe, pervasive, and objective offensive ("SPOO"):** unwelcome conduct that effectively denies a person equal access to the school's education program or activity.
 - **Severe:** Consider the age, the impact on the Complainant, and the school community at large
 - **Pervasive:** Could mean it happened multiple times, could mean something was disseminated to multiple people, or it could mean the impact was widespread
 - **Objectively Offensive:** If 9 out of 10 people in a room find it offensive, it probably is.
 - SPOO + deprives the Complainant equal access to educational opportunities. = Title IX route.
 - NOTE: This is typically behavior that is really bad ("shocks the conscience") and would generally result in long-term removal from school.
 - **HOWEVER, at this stage, err on the side of over-reporting conduct to the Title IX Coordinator and let the Title IX Coordinator determine if the conduct constitutes "SPOO".**
3. **Sexual assault:** Any sexual act directed against another person, without the consent of the person, including instances where the person is incapable of giving consent; forcible rape; forcible sodomy; sexual assault with an object; forcible fondling.
 - **Rape**—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - **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 his/her age or because of his/her 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 his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - **Forcible 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 his/her age or because of his/her temporary or permanent mental or physical incapacity.
4. **Domestic Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. *For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Importantly, sexual harassment under the dating violence prong does not have to be sexual in nature.
5. **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress." Must be two or more acts (on district property or during school sponsored activities), including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
6. **Domestic Violence:** includes felony or misdemeanor crimes of 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 the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.