

Sexual Harassment Complaint Intake and Title IX Assessment



I, _____, as a District administrator performed a preliminary assessment of the attached/below complaint. In doing so, I ascertained the following information:

Name of Complaining Party and Victim (if different): _____

Complainant/Victim is a: Student Employee

Date of Complaint: _____ Date of Incident: _____

Name of Respondent(s): _____

Respondent is a: Student Employee Other (specify): _____

I offered Complainant the following supportive measures¹: _____

The following supportive measures were implemented: _____

Step 1: Definition of Sexual Harassment under Title IX

- The alleged conduct **may** meet the definition of sexual harassment under Title IX. If this box is checked, move to **Step 2: Jurisdiction**.
- Only one box below needs to be checked, but check all that apply.
 - A District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct.
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity.
 - Sexual assault**: Any sexual act including Rape², Sodomy³, Sexual Assault with an Object⁴, or Fondling⁵ directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse. *20 U.S.C. § 1092(f)(6)(A)(v)*

¹ Schedule change, no contact order, counseling, academic support, voluntary home instruction, voluntary transfer, campus safety escort, increased security, and monitoring of certain areas on campus.

² Rape is the carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

³ Sodomy is oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

⁴ Sexual Assault with an Object is to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

⁵ Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- Dating violence:** Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the victim. *34 U.S.C. § 12291(a)(10)*
- Domestic violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by an individual with whom the victim shares a child in common, by an individual who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by an individual 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 individual against an adult or youth victim who is protected from that individual's acts under the domestic or family violence laws. *34 U.S.C. § 12291(a)(8)*
- Stalking:** Engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. *34 U.S.C. § 12291(a)(30)*
- The alleged conduct does not meet any of the above definitions of sexual harassment under Title IX. (If this box is checked move to **Step 3b**, proceed under appropriate BP/AR and you may proceed with discipline.)

Step 2: Jurisdiction under Title IX

Check all that apply.

- If all boxes are checked, move to **Step 3a**.
- If not all boxes are checked, move to **Step 3b**.
- The District had substantial control over the respondent at the time of the alleged harassment.
- The District had substantial control over the context in which the alleged harassment occurred.
- The conduct occurred against a person in the United States.
- The complainant was participating/attempting to participate in the educational program at the time the complaint was filed.

Step 3a: Moving Forward under Title IX

If the accused is a student, do NOT suspend the student until you have spoken to the Title IX Coordinator or designee.

Call and e-mail the District's Title IX Coordinator, Melinda Iremonger and let them know you have a potential Title IX matter.

Complete this form, and attach all notes, statements and evidence you have gathered regarding the incident. Provide a copy of this form and all attachments to the District's Title IX Coordinator, Melinda Iremonger.

Step 3b: Non-Title IX Sexual Harassment

If the alleged conduct does not meet the definition of sexual harassment or the jurisdictional requirements, the school site can move forward with discipline, and an investigation under the appropriate BP/AR.

Disclaimer: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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