

Does it meet Sexual Harassment Criteria?

Sexual Harassment Checklist for Students

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits discrimination based on the sex of students or employees in educational institutions that receive federal financial assistance. The McAllen Independent School District prohibits discrimination, including harassment, against any student/employee on the basis of race, color, religion, sex, gender, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of District Policy and is prohibited. Please utilize this checklist to determine if the elements of sexual harassment are present under Title IX (34 CFR 106), and, if so, please complete the Title IX Referral Form.

	Yes	No
1. Is/was the Complainant (victim) a student of McAllen ISD?	<input type="checkbox"/>	<input type="checkbox"/>
2. Did the alleged incident occur on school district property to include; a bus, district vehicle, or during a school related activity?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is/was the Respondent (alleged perpetrator) a student or employee with McAllen ISD?	<input type="checkbox"/>	<input type="checkbox"/>

No

*If any answer is NO, it does not meet the criteria of sexual harassment under 34 CFR 106 and FFH LEGAL/LOCAL Policy

Yes

If **ALL THREE** are Yes proceed to the next box below.

	Yes	No
1. Quid Pro Quo (something for something)?	<input type="checkbox"/>	<input type="checkbox"/>
2. 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?	<input type="checkbox"/>	<input type="checkbox"/>
3. Sexual Assault – Dating Violence, Domestic Violence, Stalking?	<input type="checkbox"/>	<input type="checkbox"/>

No

*If the answer is **NO** to all three questions, it does not meet the criteria of sexual harassment under 34 CFR 106 and FFH LEGAL/LOCAL Policy

Yes

If **ANY THREE** are Yes proceed to the next box below.

	Yes	No
- Physical Contact?	<input type="checkbox"/>	<input type="checkbox"/>
- Verbal Expression?	<input type="checkbox"/>	<input type="checkbox"/>
- Written Expression?	<input type="checkbox"/>	<input type="checkbox"/>
- Electronic Expression?	<input type="checkbox"/>	<input type="checkbox"/>

No

*If the answer is **NO** to all four questions, please have complainant explain the method of alleged sexual harassment.

Yes

If **ANY FOUR** are Yes proceed to the next box below.

	Yes	No
Does the complainant wish to file a formal sexual harassment complaint?	<input type="checkbox"/>	<input type="checkbox"/>

No

*If the complainant's explanation does not meet criteria or the complainant does not wish to file a formal complaint, the allegation is dismissed under 34 CFR 106 and FFH LEGAL/LOCAL Policy

Yes

Proceed with completing the Title IX Referral Form

*If the alleged incident/act does not meet criteria under 34 CFR 106 of Sexual Harassment, the behavior may meet a violation of the Student Code of Conduct or Employee Misconduct and the behavior/misconduct will be addressed accordingly.