

# Does it meet Sexual Harassment Criteria?

## *Sexual Harassment Checklist for Employees*

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 Assessment Form.

1. Is/was the Complainant (victim) an employee of McAllen ISD?
2. Did the alleged incident occur on school district property to include; a bus, district vehicle, or during a school related activity?
3. Is/was the Respondent (alleged perpetrator) a student or employee with McAllen ISD?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<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 DIA LEGAL/LOCAL Policy

Yes

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

Was the alleged incident as a result of:

1. Quid Pro Quo (something for something)?
2. Unwelcome conduct determined by a reasonable person to be so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, threatening, hostile, or offensive work environment?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

No

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

Yes

If **EITHER** are Yes proceed to the next box below.

Did the alleged incident involve?

- Physical Contact?
- Verbal Expression?
- Written Expression?
- Electronic Expression?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<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.

Does the complainant wish to file a formal sexual harassment complaint?

Yes No

<input type="checkbox"/>	<input type="checkbox"/>
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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 DIA LEGAL/LOCAL Policy

Yes

**Proceed with completing Title IX Assessment Form**

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