



Definitions of Commonly Used Terms for Purposes of Title IX Sexual Harassment Investigations

Complainant: A person bringing forth an allegation of sexual misconduct. An individual who reports a Title IX violation or someone who is the target of a reported incident.

Respondent : A person responding to an allegation of sexual misconduct. An individual alleged to have violated the Title IX Sexual Harassment Policy 6.0341 and who has been identified as such in a formal complaint.

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual'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 recipient's education program or activity; **or**

"Sexual Assault," "Dating Violence," "Domestic Violence" or "Stalking" as defined in the Clery Act.

Jurisdiction: Education program or activity

Locations, events, or circumstances (operations) over which the school district exercised substantial control over both the respondent AND the context in sexual harassment occurs

Includes online sexual harassment but it must be analyzed to see if it occurred within educational program or activity

Does not create or apply a geographic test, does not draw a line between "off campus/property" and "on campus/property," and does not create a distinction between sexual harassment occurring in person versus online.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Consent: A clear and unambiguous voluntary agreement, expressed outwardly through mutually understandable words or actions, to engage in agreed upon sexual activity. An individual who is asleep, unconscious, mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reasons, or who is under duress, threat, coercion, or force cannot give consent. Past consent does not imply future consent. Consent can be withdrawn at any time.

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 incapacity.

Private body part: A person's buttock, breast, groin or genitalia

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Sexual Assault: An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Crime Reporting system.

A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- 1) fear for the person's safety or the safety of others; or
- 2) Suffer substantial emotional distress

Stalking must be based on sex to meet the definition of stalking under Title IX

Stalking:Course of Conduct Two or more acts, included 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 a person, or interferes with a person's property.

Stalking: Substantial Emotional Distress: Significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking: Reasonable Person: A reasonable person under similar circumstances and with similar identities to the victim. Generally, a reasonable person is one of average caution, care and consideration.

Dating Violence: Violence committed by a person who has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be based upon the reporting parties statement with consideration of the following factors:

- (i) The length of the relationship
- (ii) The type of relationship
- (iii) The frequency of the interaction between the persons involved in the relationship

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence: A felony or misdemeanor crime 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 in which the crime of violence occurred; 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 in which the crime of violence occurred.

Supportive Measures: (Defined term and intentional deviation for "interim measures")

Individualized services provided to a complainant or respondent that are non-punitive, non-disciplinary, and do not unreasonably burden the other party yet are designed to restore or preserve a person's equal access to education.

Conflict of Interest: A conflict between the private interests and the official or professional responsibilities of a person in a position of trust or a conflict between competing duties (as in an attorney's representation of clients with adverse interests)

Explicit Bias: Refers to the attitudes and beliefs we have about a person or group on a conscious level

Expressed directly

Aware of bias
Operates consciously

Implicit Bias: Refers to the attitudes and stereotypes that affect our understanding, actions, and decisions in an unconscious manner.

Expressed Indirectly
Unaware of Bias
Operates subconsciously

Officials with Authority: People who have to do something about an issue if and when they hear about it. In Pre-K-12 it is all employees.

Formal Complaint: A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.