



The ATIXA Rubric for Determining Jurisdiction

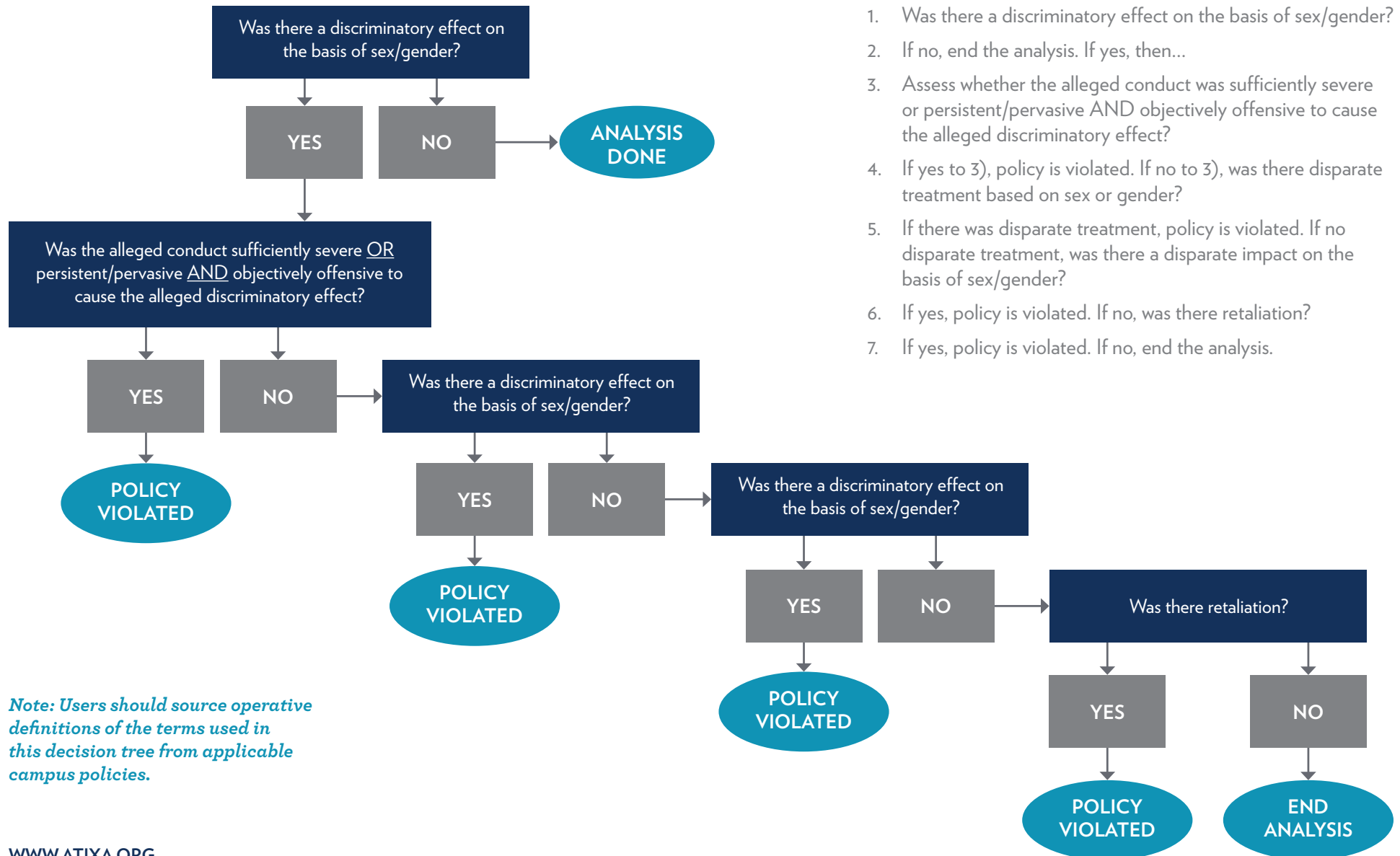
This rubric assumes that the “What” is always discriminatory conduct that is sexual or sex/gender-based. This is true for sexual violence, stalking, intimate-partner violence, sexual harassment, etc. To be discriminatory, it has to have the effect of limiting, depriving, or denying educational or employment access, benefits, or opportunities.

REPORTING PARTY	RESPONDING PARTY	WHERE	JURISDICTION
Student/Employee	Student/Employee	On Campus	Yes. Title IX and VAWA apply. Remedies owed.
Student/Employee	Student/Employee	Off-campus, private party	Discretionary. Not Title IX. Remedy on-campus effects. VAWA rights attach.
Student/Employee	Student/Employee	Off-campus, university-sponsored or controlled event	Yes. Title IX and VAWA apply. Remedies owed.
Student/Employee	Unaffiliated with University	On Campus	Yes. Title IX and VAWA apply, but no basis to discipline responding party. Remedies owed; Trespass or PNG possible.
Student/Employee	Unaffiliated with University	Off-campus, private party	No jurisdiction. Not Title IX. Remedy on-campus effects. VAWA rights attach.
Student/Employee	Unaffiliated with University	Off-campus, university-sponsored or controlled event	No jurisdiction. Not Title IX. Remedy on-campus effects. VAWA rights attach.
Unaffiliated with University	Student/Employee	On Campus	Yes. Title IX and VAWA apply. Limited remedies owed. Basis to discipline responding party.
Unaffiliated with University	Student/Employee	Off-campus, private party	Discretionary. Not Title IX. Limited remedies owed. VAWA rights attach.
Unaffiliated with University	Student/Employee	Off-campus, university-sponsored or controlled event	Yes. Title IX and VAWA apply. Limited remedies owed. Basis to discipline responding party.

- In any case where a party is under the control of another institution, the Title IX coordinator may liaison with the Title IX coordinator from the controlling institution to address discipline/remedies.
- Where two Title IX-covered institutions share control, as in dual-enrolled high school students, the Title IX coordinators from each should collaborate as much as possible, resulting in a joint, coordinated or separate resolution (joint is preferred, if possible).
- Unaffiliated means the individual is not a student, faculty member, staff member, administrator, or otherwise employed by the institution.
- VAWA applies only when the “Big Four” are in play: sexual violence, dating violence, domestic violence, or stalking.

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Below is a decision-tree for determining if Title IX is in play:



1. Was there a discriminatory effect on the basis of sex/gender?
2. If no, end the analysis. If yes, then...
3. Assess whether the alleged conduct was sufficiently severe or persistent/pervasive AND objectively offensive to cause the alleged discriminatory effect?
4. If yes to 3), policy is violated. If no to 3), was there disparate treatment based on sex or gender?
5. If there was disparate treatment, policy is violated. If no disparate treatment, was there a disparate impact on the basis of sex/gender?
6. If yes, policy is violated. If no, was there retaliation?
7. If yes, policy is violated. If no, end the analysis.

Note: Users should source operative definitions of the terms used in this decision tree from applicable campus policies.