

A circular inset image on the left side of the page shows a woman with dark hair and glasses, wearing a grey blazer over a light-colored shirt. She is sitting at a desk and talking on a mobile phone, with her hand near her ear. The background is slightly blurred, showing what appears to be an office setting with a window.

Checklist

# Title IX Supportive Measures, Remedies, and Sanctions — After the Regulations

---

*Higher education institutions and K-12 schools that receive federal funding and are subject to Title IX, upon receiving a report of sexual harassment, are obligated to equally support the complainant and the respondent throughout the investigative and adjudicatory processes. This checklist covers how schools and institutions can protect students during and after the investigation process by issuing appropriate supportive measures, remedies, and sanctions.*

Under the **2020 Title IX regulations**, institutions must describe in their grievance procedures the range of all potential supportive measures and sanctions. The procedures and available supportive measures, remedies, and sanctions may vary by institution; examples described in this publication aren't intended to be all-inclusive. Institutions that don't act to prevent further sexual harassment may incur litigation and Department of Education (ED) investigations. Use this checklist to ensure your institution provides appropriate support, and sanctions (when necessary), to those involved in the Title IX grievance process.

*Title IX regulations requirements in the checklist are italicized.*

For each item in the checklist, check the appropriate box (“Yes,” “No,” or “N/A (Not Applicable)”) and note any additional needed actions in the space to the right.

## Supportive Measures

Supportive measures — often referred to as “interim measures” in prior Title IX guidance — are individualized services offered without fee to ensure the

complainant and respondent continue to receive equal access to an institution’s education programs or activities without unreasonably burdening the other party. For example, the respondent may ask to extend a project deadline that overlaps with a hearing or the complainant may request a different residence to avoid contact with the respondent. From receipt of a complaint to the final outcome, and even thereafter — at any point in the process — institutions can use these measures. A formal complaint isn’t necessary. Even if the process determines no sexual harassment occurred, your institution still may wish to provide supportive measures. Failure to offer reasonable supportive measures can be a Title IX violation and form the basis of legal action against your institution.

## Terminology

**Complainant** — The person alleged to be the victim or survivor of conduct that could be sexual harassment, sexual assault, dating violence, domestic violence, stalking, or other prohibited conduct

**Parties** — The complainant and the respondent, including parents or guardians of elementary and secondary school students bringing complaints on behalf of those minor students

**Respondent** — The alleged perpetrator of prohibited conduct

**School and Institution** — These terms are used interchangeably to refer to K-12 schools and higher education institutions. If a requirement applies only to one or the other, it is noted in the checklist.

### Upon notice of a sexual harassment allegation, does your institution:

### Actions Needed

- *Provide written notice to the complainant and respondent of the available supportive measures and the procedure for requesting them?*  
 Yes  
 No  
 N/A

---

- Provide written notice to the complainant of:
  - *The complainant’s right to file a formal complaint with the institution at that time or a later date?*  
 Yes  
 No  
 N/A

---

  - *The complainant’s right to report the crime to campus or local law enforcement (as required by the Campus SaVE Act for higher education institutions)?*  
 Yes  
 No  
 N/A

---

- Review the following factors in deciding what supportive measures are most appropriate:
  - *Specific need the parties expressed?*  
 Yes  
 No  
 N/A

## Actions Needed

• The allegations' severity or pervasiveness?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Continuing effects on the parties?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Whether the parties share a residence hall, dining hall, class, transportation, or job location?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Whether other judicial measures were taken to protect the parties (such as civil protection orders by local police)?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• <i>Whether the burden any specific measure may place on one or more parties is unreasonable under the circumstances?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Consider offering parties these supportive measures as appropriate, without fee:	
• The option to avoid contact with the other party by changing their:	
• Academic schedules?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Extracurricular activities?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Transportation options?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Dining options?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Work situations?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Residence options?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Campus support services such as physical and mental health, disability, legal assistance, and advocacy services?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• If your campus doesn't offer such services, does it have an agreement with a local organization or individual to provide them?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Campus safety escort services between classes or activities?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Mutual protective measures such as no-contact orders?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Increased monitoring, supervision, or security in locations or activities where the alleged misconduct occurred?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Course-related adjustments such as deadline extensions?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

• Academic support such as tutoring?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Withdrawal from classes or permission to retake classes without penalty?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• <i>Keep supportive measures provided to the parties confidential unless disclosure is necessary for the supportive measure's effectiveness?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<b><i>Does your institution continue to offer supportive measures before, during, and after an investigation and related findings?</i></b>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

## Remedies

Remedies are individualized services offered to restore or preserve access to an institution's education programs. Many remedies may be similar or the same as supportive measures offered before or during the grievance process. Where a finding of responsibility for sexual harassment has been made against the respondent, an equitable resolution must include remedies for the complainant. Unlike supportive measures, the Title IX regulations don't require institutions to offer respondents remedies.

**Does your institution consider the following remedies for the complainant, without fee:**

• An escort between classes and activities?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Removal from classes and extracurricular activities shared with the respondent?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Removal from a shared residence hall?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• For K-12 students, transfer to a separate school?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Academic support services such as tutoring?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Comprehensive, holistic services, including medical and counseling services?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Providing extra time to complete, retake, or withdraw from a class without an academic or financial penalty?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

If other violations of the code of conduct are brought against the complainant around the same time of the sexual harassment complaint, does your institution consider whether the violations are related to the sexual harassment complaint?

Yes  
 No  
 N/A

If a sexual harassment complainant's code of conduct violations are related to the sexual harassment complaint, does your institution halt the proceeding or expunge the sanction?

Yes  
 No  
 N/A

## Written Determination

At the end of the grievance process, a written determination issued to all parties documents the decision-makers' conclusions and reasoning. A school district in Wisconsin created this [sample Title IX Written Determination](#).

*Does the decision-maker issue simultaneously to the parties a written determination regarding responsibility that includes:*

- Identification of the section(s) of the institution's code of conduct alleged to have been violated?*

Yes  
 No  
 N/A
- A description of procedural steps the institution took from the receipt of the complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held?*

Yes  
 No  
 N/A
- Findings of fact supporting the determination?*

Yes  
 No  
 N/A
- Conclusions regarding the application of the institution's code of conduct to the facts?*

Yes  
 No  
 N/A
- A statement of, and rationale for, the result of each allegation, including a determination regarding the responsibility and any sanctions the institution imposes on the respondent?*

Yes  
 No  
 N/A
- Any remedies provided to the complainant designed to restore or preserve access to the institution's education program?*

Yes  
 No  
 N/A
- Permissible bases for the parties to appeal (if appeal is available)?*

Yes  
 No  
 N/A
- The institution's appellate procedures (if appeal is available)?*

Yes  
 No  
 N/A

# Sanctions

## Actions Needed

If a respondent is found responsible for policy violations, the final outcome should include sanctions. Disciplinary sanctions vary depending on an institution's policies and the magnitude of the violations. Not all violations of the sexual harassment policy should result in expulsion. Any sanctions should be commensurate with the severity of the rule violation, and your institution's policy should explicitly describe the range of potential sanctions. Importantly, no sanction may be imposed until after the time for an appeal has passed or an appeal has been decided.

### Does your institution consider the following sanctions for the respondent:

<ul style="list-style-type: none"><li>• Provide a letter of censure?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Require the person to stay away from the complainant until both parties graduate?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Require completion of a probationary period without additional infractions?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Require participation in appropriate training, counseling, or an alcohol use assessment?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Require meetings with an administrator?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Prohibit participation in the graduation ceremony?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Transfer the person to another residence hall or other classes?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Prohibit residence in university housing?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Terminate campus employment?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Suspend the respondent?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Expel the respondent?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>
<ul style="list-style-type: none"><li>• Revoke the respondent's degree?</li></ul>	<ul style="list-style-type: none"><li><input type="radio"/> Yes</li><li><input type="radio"/> No</li><li><input type="radio"/> N/A</li></ul>

# Recordkeeping

## Actions Needed

Although prior guidance only recommended keeping records for at least three years, the final regulations require institutions to keep Title IX grievance procedure records for at least seven.

*Does your institution keep the following records for at least seven years:*

<i>• Supportive measures provided to either party?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<i>• Reasons the institution didn't provide supportive measures to the complainant and an explanation for why such a response was not clearly unreasonable?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<i>• Remedies provided to the complainant?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<i>• Remedies provided to the greater campus community?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<i>• Disciplinary sanctions imposed on the respondent?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<i>• All materials used to train coordinators, investigators, and decision-makers about sexual harassment?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<i>• Reasons the institution's response to the report or complaint of sexual harassment wasn't deliberately indifferent?</i>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

By **Melanie Bennett, Esq., ARM-E, Senior Risk Management Counsel**. In her role on UE's Risk Research team, Melanie dives into timely topics affecting education. Her areas of expertise include pandemic response, protecting minors, enterprise risk management (ERM), and technology accessibility. Prior to joining UE, she interned at the U.S. Department of Education's Office for Civil Rights.

UE wishes to thank **Josh Richards**, a partner with Saul Ewing Arnstein & Lehr LLP in Philadelphia, for reviewing this publication.



To learn more, please visit [www.ue.org](http://www.ue.org).

United Educators (UE) is education's answer to the distinct risks and opportunities faced by schools, colleges, and universities. As a member-owned company, UE is committed to providing the coverage and tools needed to confidently operate your campus while managing education-specific risks. We've devoted ourselves to education alone since our founding in 1987 and continue to find new ways to meet your insurance coverage needs, manage risk, and efficiently resolve claims.

The material appearing in this publication is presented for informational purposes. It shouldn't be considered legal or coverage advice or used as such. For legal advice, contact your legal counsel. For coverage-related questions, contact your broker. Copyright © 2021 by United Educators Insurance, a Reciprocal Risk Retention Group. All rights reserved. Permission to share or use this document beyond UE membership must be obtained from United Educators. UE-113370 1/21