

A circular inset image on the left side of the page shows a woman with curly hair, wearing a green patterned top, holding a white folder or document. She is looking towards the camera with a slight smile.

Checklist

Title IX Coordinators — After the Regulations

Higher education institutions and K-12 schools that accept federal funding must comply with Title IX of the Education Amendments Act of 1972, which prohibits sex discrimination, including sexual harassment, by educational institutions. In 2020, the Department of Education (ED) published new Title IX regulations that require Title IX coordinators to follow specific rules relating to sexual harassment complaints that fall under Title IX’s jurisdiction.

United Educators (UE) designed this checklist to help our members comply with the letter and spirit of the regulations. *Italicized checklist items are requirements under the regulations.* The checklist also includes practices that the regulations don’t necessarily require but that UE nevertheless recommends based on our research and experience with claims brought against our members; these recommended practices aren’t italicized.

UE strongly recommends that institutions consult experienced legal counsel about their compliance obligations under the regulations; this should include a review of policies, procedures, job descriptions, and training protocols relating to the Title IX coordinator’s duties.

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.

Terminology

This checklist adopts the terms and definitions the final regulations use. Accordingly, “complainant” refers to an alleged victim of sexual harassment and “respondent” to an alleged perpetrator of sexual harassment, regardless of whether a formal complaint exists. “Parties” refers to the complainant and respondent. For K-12 schools, references to complainants, respondents, and parties includes the parents or guardians of minor students acting on their students’ behalf. The term “institution” generally refers to higher education institutions and K-12 schools; the checklist will specify if an item applies only to one or the other.

Role of Title IX Coordinators

Does your institution’s Title IX policy state that:

- | | |
|---|--|
| <ul style="list-style-type: none"> • <i>The Title IX coordinator is responsible for coordinating the institution’s response to allegations of Title IX violations and for overseeing Title IX investigations?</i> | <ul style="list-style-type: none"> <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A |
| <ul style="list-style-type: none"> • <i>Notice of sexual harassment or allegations of sexual harassment to the Title IX coordinator means the institution has actual knowledge of the alleged harassment and is required to respond?</i> | <ul style="list-style-type: none"> <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A |
| <ul style="list-style-type: none"> • <i>The Title IX coordinator is the primary institutional contact for receiving reports or complaints of sex discrimination, including sexual harassment, under Title IX?</i> | <ul style="list-style-type: none"> <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A |
| <ul style="list-style-type: none"> • <i>Any person may file a report or complaint with the Title IX coordinator at any time, including outside regular business hours, such as by email or completing an online form?</i> | <ul style="list-style-type: none"> <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A |
| <ul style="list-style-type: none"> • <i>The Title IX coordinator is responsible for the effective implementation of any remedies provided to a complainant after a respondent is found responsible for sexual harassment through a grievance procedure that complies with the regulations?</i> | <ul style="list-style-type: none"> <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A |

Actions Needed

Designating Title IX Coordinators

Has your institution designated at least one Title IX coordinator and authorized that person to coordinate fulfilling its responsibilities under Title IX and the regulations?

Yes
 No
 N/A

Does your institution identify the Title IX coordinator by including the relevant name or job title, office address, telephone number, and email address in a written notice to:

- *Current students and employees?*

Yes
 No
 N/A

- *Applicants for admission or employment?*

Yes
 No
 N/A

- *Parents or guardians of elementary and secondary school students (including those who attend a K-12 school or are enrolled in programs at a higher education institution)?*

Yes
 No
 N/A

- *Unions or professional organizations that have collective bargaining or professional agreements with the institution?*

Yes
 No
 N/A

Does your institution prominently display the Title IX coordinator’s name and contact information in handbooks or catalogs made available to people entitled to a written notice as described in the preceding item?

Yes
 No
 N/A

Does your institution prominently display the Title IX coordinator’s contact information on its website?

Yes
 No
 N/A

Is the Title IX coordinator position filled at all times and never left vacant?

Yes
 No
 N/A

When your institution evaluates whether it needs more than one Title IX coordinator, does it consider:

- *The time required to address all sexual harassment complaints and allegations throughout your institution?*

Yes
 No
 N/A

- *Your institution’s size and level of centralization?*

Yes
 No
 N/A

- *Barriers to effective campus communication, such as those frequently caused by decentralization?*

Yes
 No
 N/A

- *Assigning deputy coordinators for each academic unit (such as School of Law and School of Medicine)?*

Yes
 No
 N/A

- *Assigning deputy coordinators for different campus constituencies, such as students, faculty, and staff, and Athletics?*

Yes
 No
 N/A

If your institution designates multiple Title IX coordinators, do its notice of nondiscrimination, Title IX policies, Title IX grievance procedures, and each Title IX coordinator’s job title and description identify:

- Who serves as the senior coordinator with oversight responsibility for all coordinators? Yes
 No
 N/A

- Who serves as deputy coordinators in roles supporting the senior coordinator? Yes
 No
 N/A

Does your institution ensure that:

- *The Title IX coordinator has no bias for or against complainants or respondents either generally or in a particular matter?* Yes
 No
 N/A

- *The Title IX coordinator assigned to any particular matter won’t serve as an investigator or decision-maker (including on appeal) in the same matter?* Yes
 No
 N/A

To minimize the risk of a conflict of interest, is the role of Title IX coordinator a full-time position? Yes
 No
 N/A

If the Title IX coordinator isn’t a full-time position, does your institution avoid allowing certain employees to also serve as Title IX coordinator, such as:

- Superintendents or Principals of K-12 schools? Yes
 No
 N/A

- General Counsel, especially if your institution’s counsel also may represent the institution in legal claims alleging Title IX violations? Yes
 No
 N/A

- Directors of Athletics? Yes
 No
 N/A

- Deans of Students? Yes
 No
 N/A

To help ensure the Title IX coordinator’s independence, does the coordinator report directly to your institution’s senior leadership, such as the President of a higher education institution or the Superintendent of a K-12 school? Yes
 No
 N/A

Training Title IX Coordinators

Does your institution ensure its Title IX coordinator understands that under the regulations, the institution must respond in a manner that isn’t deliberately indifferent when it has actual knowledge of sexual harassment occurring in the institution’s education program or activity against a person in the United States? Yes
 No
 N/A

Does your institution train its Title IX coordinator on the definition of sexual harassment under the regulations, meaning conduct on the basis of sex that is any of the following:

- Quid pro quo harassment by an employee (an employee conditioning educational benefits on participation in unwelcome sexual conduct)? Yes
 No
 N/A

- Hostile environment sexual harassment (unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the institution's education program or activity)? Yes
 No
 N/A

- Sexual assault, dating violence, domestic violence, or stalking as defined by the Clery Act (as amended by the Violence Against Women Act of 2013 (VAWA))? Yes
 No
 N/A

Does your institution train its Title IX coordinator on:

- The scope of your institution's educational programs or activities? Yes
 No
 N/A

- The definition of deliberate indifference? Yes
 No
 N/A

- The definition of a formal complaint? Yes
 No
 N/A

- How to serve impartially, including avoiding pre-judgment of the matter and avoiding conflict of interest or bias? Yes
 No
 N/A

- Protecting confidentiality of people involved in the Title IX process and non-retaliation? Yes
 No
 N/A

- The applicable definition of "consent" to sexual activity? Yes
 No
 N/A

Does your institution ensure its Title IX coordinator and the other process participants they supervise receive training on:

- Working with and interviewing complainants and respondents in Title IX matters, regardless of whether they are students or employees? Yes
 No
 N/A

- Overseeing Title IX and other sexual harassment investigations? Yes
 No
 N/A

- Referring parties to appropriate external resources, such as off-campus rape crisis counselors or domestic violence shelters? Yes
 No
 N/A

Does your institution ensure the Title IX coordinator understands and complies with their role in meeting the institution's obligation to create and retain for seven years records of:

- Each sexual harassment investigation? Yes
 No
 N/A

- Supportive measures, including reasons why no supportive measures were provided to a complainant (such as that the complainant was offered such measures but ignored or refused the offer), and reasons why a supportive measure requested by a complainant wasn't provided? Yes
 No
 N/A

- Any other actions taken in response to a report or formal complaint of sexual harassment? Yes
 No
 N/A

- Does your institution train its Title IX coordinator on how to properly maintain files and comply with other applicable document preservation obligations imposed by institutional policy, state law, and other federal laws? Yes
 No
 N/A

Title IX Coordinator Response to Notice or Allegations of Sexual Harassment

Does your institution require that, when the Title IX coordinator receives or becomes aware of a report or allegation of sexual harassment from any source, the Title IX coordinator will:

- Promptly contact the complainant to explain the availability of supportive measures, including that they are available regardless of whether a formal complaint is filed? Yes
 No
 N/A

- Consider the complainant's wishes regarding supportive measures? Yes
 No
 N/A

- Explain the option of and process for filing a formal complaint? Yes
 No
 N/A

- Assess whether the allegations, if true, fall within the scope of Title IX? Yes
 No
 N/A

If a complainant doesn't wish your institution to investigate particular allegations, does the institution respect those wishes — unless the Title IX coordinator decides that failing to sign a formal complaint over the complainant's objections would be deliberately indifferent (clearly unreasonable in light of the known circumstances)? Yes
 No
 N/A

Has your institution created a checklist or other tool the Title IX coordinator may use to help determine whether the coordinator must sign a complaint because failing to do so would be deliberately indifferent (such as if a serial perpetrator appears to be involved)? Yes
 No
 N/A

- Regardless of whether a formal complaint is filed, does your institution require the Title IX coordinator to offer supportive measures, which may include:*
- Counseling? Yes
 No
 N/A

 - Deadline extensions or other course-related adjustments? Yes
 No
 N/A

Actions Needed

<ul style="list-style-type: none">• <i>Modifications to work or class schedules?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• <i>Campus escort services?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• <i>Changes in work or housing locations?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• <i>Leaves of absence?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• <i>Increased security and monitoring of certain campus locations?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• <i>No-contact directives?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<p><i>Does your institution require the Title IX coordinator to offer supportive measures to both the complainant and respondent:</i></p>	
<ul style="list-style-type: none">• <i>As non-disciplinary, non-punitive services available to each party, without unreasonably burdening the other?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• <i>As appropriate and as reasonably available?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• <i>At no cost to the parties?</i>	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A

Empowering Title IX Coordinators

Does your institution give its Title IX coordinator the necessary authority to carry out the responsibility for coordinating Title IX compliance, such as:

<ul style="list-style-type: none">• Participating in drafting or reviewing the institution's Title IX and other sexual harassment policies and procedures for employees and students?	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• Working with Human Resources or a comparable office as necessary to coordinate regarding application of sexual harassment policies and procedures to employees?	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
<ul style="list-style-type: none">• Working with Student Affairs or a comparable office as necessary to coordinate regarding application of sexual harassment policies and procedures to students?	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A

In addition to identifying its Title IX coordinator in the written notices described under “Designating Title IX Coordinators” above, does your institution promote the Title IX coordinator’s visibility on campus by posting information about the office and duties in prominent campus locations, such as:

- Residence halls? Yes
 No
 N/A

- Dining rooms, cafeterias, and similar areas (such as coffee or juice bars)? Yes
 No
 N/A

- Athletic facilities, including locker rooms? Yes
 No
 N/A

- Classrooms, libraries, lab facilities, and auditoriums? Yes
 No
 N/A

- Admissions and Human Resources offices? Yes
 No
 N/A

- Central office spaces, such as those used by Presidents, Superintendents, Principals, Provosts, Deans, department heads, and athletic coaches? Yes
 No
 N/A

- Offices of medical care providers (including mental health professionals and athletic training staff) and counselors? Yes
 No
 N/A

- Employee lounges? Yes
 No
 N/A

- Areas used for orientation events? Yes
 No
 N/A

Has your institution created a special Title IX landing page on its website that includes:

- Links to Title IX policies and grievance procedures? Yes
 No
 N/A

- Links to other institutional policies and procedures applicable to sexual harassment that may fall outside the scope of Title IX? Yes
 No
 N/A

- Other resources related to Title IX compliance and the prevention of sexual harassment generally? Yes
 No
 N/A

Does your institution protect its Title IX coordinator from discrimination, intimidation, threats, or coercion for the purpose of interfering with the performance of their job responsibilities? Yes
 No
 N/A

Additional Title IX Coordinator Knowledge and Responsibilities

Does your institution's Title IX coordinator job description include the following key knowledge and skills:

- In-depth knowledge of Title IX and the regulations? Yes
 No
 N/A

- In-depth knowledge of your institution's Title IX policy and Title IX grievance procedures, including any informal resolution process that your institution offers? Yes
 No
 N/A

- The ability to outline for parties how the Title IX policy and grievance procedures may generally apply to their circumstances? Yes
 No
 N/A

- In-depth knowledge of other institutional policies and procedures applicable to sexual misconduct that may fall outside the scope of Title IX, including how to report alleged violations? Yes
 No
 N/A

- The ability to outline for parties how these other relevant policies and procedures may generally apply to their circumstances? Yes
 No
 N/A

- In-depth knowledge of state or local laws applicable to sexual harassment and other forms of sexual misconduct (such as state-specific laws requiring certain procedures or training at higher education institutions, privacy laws, non-discrimination laws, and laws governing mandatory reporting of sexual abuse of minors)? Yes
 No
 N/A

- Knowledge of federal compliance obligations related to Title IX, such as the Clery Act (including relevant amendments by VAWA)? Yes
 No
 N/A

- Knowledge of your institution's personnel policies and practices, including the identity of the office(s) responsible for administering them? Yes
 No
 N/A

- Knowledge of your institution's policies and practices related to student conduct, including the identity of the office(s) responsible for administering them? Yes
 No
 N/A

- Ability to communicate effectively orally and in writing? Yes
 No
 N/A

Does your institution's Title IX coordinator:

- Participate in or oversee training of faculty or teachers, staff, and students on Title IX issues or sexual misconduct generally? Yes
 No
 N/A

- Participate in or oversee any training offered to parents or guardians of minor students on Title IX issues or sexual misconduct generally? Yes
 No
 N/A

- Assess the effects of sex discrimination and sexual harassment on campus? Yes
 No
 N/A

Actions Needed

- Lead or participate in the collection and analysis of information and data if your institution conducts periodic climate surveys? Yes
 No
 N/A
- Regularly meet and exchange information with any other officials responsible for related compliance functions, such as the Clery coordinator and the Office of General Counsel? Yes
 No
 N/A
- Ensure that appropriate policies, such as a Memorandum of Understanding (MOU), exist for working with local law enforcement? Yes
 No
 N/A

More From UE

Webinar: Unpacking the Final Title IX Regulations, Part 1

Webinar: Unpacking the Final Title IX Regulations, Part 2 – More Q&A With Josh Richards

Additional Resources

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

ED: Title IX Website

ED: Office for Civil Rights Blog

By Hillary Pettegrew, Esq., Senior Risk Management Counsel. Hillary's areas of expertise include employment law, Title IX, and study abroad issues. Before joining the Risk Research team, she practiced employment law and handled UE education liability claims.

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



To learn more, please visit 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 © 2020 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-1131873 11/20