

A circular inset image showing the back of a young girl with blonde hair styled in two braids, wearing a blue and yellow backpack.

K-12 Checklist

Title IX-Compliant Sexual Harassment Grievance Procedures

The Department of Education (ED) implemented final regulations under Title IX of the Education Amendments of 1972, which forbids sex discrimination, including sexual harassment, by educational institutions that receive federal financial assistance.

The regulations represent a major shift from prior guidance on administrative enforcement; while they narrow the definition of “sexual harassment” to which a school must respond under Title IX, they also impose highly prescriptive requirements for investigating and adjudicating matters that fall under Title IX’s jurisdiction.

United Educators (UE) created this checklist and a companion publication, **Checklist for Title IX-Compliant Policies Against Sexual Harassment in K-12 Schools**.

Schools should use the checklists together to help ensure compliance with numerous mandates in the regulations.

Compliance with Other Laws

These checklists specifically address the obligation to prevent and respond to sexual harassment of students and employees under Title IX only, but schools also must comply with other requirements governing sex discrimination and sexual harassment under federal law (such as Title VII of the Civil Rights Act for employees) and state laws (including state mandatory reporting laws and criminal laws regarding sexual abuse of minors).

Although ED takes the position that the final Title IX regulations don't impair institutions' ability to comply with other federal laws, it explicitly states that the final regulations pre-empt any conflicting state laws. Nevertheless, Title IX complaints are likely to trigger overlapping and different requirements under state laws, such as state-specific anti-bullying laws or expulsion hearing laws. Schools with collective bargaining agreements or binding employee handbook provisions may face additional competing legal or contractual requirements.

UE strongly recommends that K-12 schools consult experienced counsel for advice about their compliance obligations under all applicable laws and agreements and how to coordinate the school's response to sexual harassment, particularly if other requirements may be inconsistent with the Title IX regulations.

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" means the complainant and the respondent. The terms "complainant," "respondent," and "parties" include the parents or guardians of elementary and secondary school students bringing a complaint on behalf of their student. Similarly, the checklist follows the final regulations in referring to the official who makes the determination regarding responsibility as the "decision-maker" (singular, but depending on the school, this could mean one or more people).

Sexual Harassment Outside Title IX Parameters

While the regulations redefine sexual harassment and limit the conduct that can (and must) be addressed under Title IX, they also make clear that schools are free to address sexual harassment that falls outside Title IX — such as alleged harassment off campus, including in study abroad programs — under other policies or codes of conduct.

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.

General Principles

Equitable Process and Treatment of Parties

Does your school's Title IX grievance procedure state that:

- All relevant evidence, both inculpatory and exculpatory, will be evaluated objectively? Yes
 No
 N/A
- Credibility determinations won't be based on a person's status as a complainant, respondent, or witness? Yes
 No
 N/A

Does your school's grievance procedure explain that:

- The burden of proof and burden of gathering evidence sufficient to reach a determination are always on the school, not the parties? Yes
 No
 N/A
- The school won't restrict the ability of either party to discuss the allegations under investigation or (if they wish) to gather and present relevant evidence? Yes
 No
 N/A
- For each formal complaint, the decision-maker won't be the Title IX Coordinator or the investigator? Yes
 No
 N/A

Actions Needed

Does your school treat complainants and respondents equitably in the grievance process, including by:

- Providing remedies to a complainant when a respondent is determined responsible for sexual harassment, which:
 - Are designed to restore or preserve equal access to an education program or activity? Yes
 No
 N/A

- May include supportive measures, as described **below**? Yes
 No
 N/A

- May be disciplinary or punitive and may impose a burden on the respondent? Yes
 No
 N/A

- Following a grievance procedure that complies with the regulations' requirements before imposing any disciplinary sanctions or taking other actions that do not constitute supportive measures on a respondent? Yes
 No
 N/A

- Ensuring that if the school adopts grievance process rules or practices beyond those mandated by the final regulations (such as restrictions on advisors' participation or rules of decorum if a hearing is held), they apply equally to both parties? Yes
 No
 N/A

Confidentiality

Except as permitted by the Family Educational Rights and Privacy Act (FERPA), as required by law, or to carry out the purposes of the regulations (including conducting an investigation, hearing, or judicial proceeding), does your school keep confidential the identity of:

- Any person who makes a report or complaint of sex discrimination, including a report or formal complaint of sexual harassment? Yes
 No
 N/A

- Any complainant? Yes
 No
 N/A

- Any individual who is reported to be the perpetrator of sex discrimination? Yes
 No
 N/A

- Any respondent? Yes
 No
 N/A

- Any witness? Yes
 No
 N/A

- Does your school keep confidential the supportive measures it provides to the parties, except as necessary to facilitate the measure provided (such as informing the other party of the imposition of a no-contact order)?** Yes
 No
 N/A

Conflict of Interest and Bias

Actions Needed

Does your school ensure that any person who serves in the following roles for a Title IX matter has no conflict of interest or bias for or against complainants or respondents either generally or in the particular matter:

• Title IX Coordinator?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Investigator?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Decision-maker?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Facilitator for any informal resolution process offered?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Appeal Officer?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
Does your school provide a mechanism at appropriate points during the grievance process for the parties to raise claims that individuals serving in these roles have an impermissible conflict of interest or bias?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

Response to Initial Report/Allegations of Sexual Harassment

Title IX Coordinator's Obligation

Does your school 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?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Consider the complainant's wishes regarding supportive measures?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Explain the option of and process for filing a formal complaint?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Document the complainant's decisions regarding supportive measures and filing a formal complaint?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• If the complainant doesn't wish to file a formal complaint, evaluate whether the Title IX Coordinator must sign a formal complaint based on the known information because failing to do so would be clearly unreasonable under the circumstances?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

Supportive Measures

Actions Needed

Regardless of whether a formal complaint is filed, does your school offer the parties supportive measures, which may include:

• Counseling?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Deadline extensions or other course-related adjustments?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Modifications to work or class schedules?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Campus escort services?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Changes in work or housing locations?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Leaves of absence?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• Increased security and monitoring of certain campus locations?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• No-contact directives?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

Does your school offer supportive measures to both the complainant and respondent:

• As non-disciplinary, non-punitive services available to each party, without unreasonably burdening the other?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• As appropriate and as reasonably available?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• At no cost to the parties?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

General Procedural Requirements

Time Frames

Has your school established and stated in its Title IX grievance procedure:

• A “reasonably prompt” typical time frame to complete the investigation and grievance process from the filing of a formal complaint through issuing a written determination on responsibility?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
• The time period for filing an appeal?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

• The time period from filing to concluding an appeal by issuing a written appellate determination? Yes
 No
 N/A

• The applicable time period for an informal resolution process (if the process is available)? Yes
 No
 N/A

Does your school:

• Have an established and published mechanism to provide a limited extension of time to its typical time frames in specified circumstances where good cause (such as the absence of a party, advisor, or witness; the need for language interpreters or disability accommodations; or concurrent law enforcement activity) exists? Yes
 No
 N/A

• Give both parties written notice of the reasons for any such delays? Yes
 No
 N/A

Advisors: Roles and Limitations

Does your school's grievance procedure:

• Explain that each party has the right to name an advisor of their choice (in addition to a parent or guardian if the student is a minor) who:

• May be, but not need be, an attorney? Yes
 No
 N/A

• May be a friend or family member? Yes
 No
 N/A

• May accompany the party to any meeting or proceeding related to the matter? Yes
 No
 N/A

• If your school chooses or is required by state expulsion hearing law to provide a hearing, state that:

• The advisor will conduct cross-examination on the party's behalf at the hearing? Yes
 No
 N/A

• If a party doesn't name its own advisor, the school will provide an advisor of its choice, at no cost to the party, for the limited purpose of conducting cross-examination at the hearing? Yes
 No
 N/A

Has your school:

• Determined whether it will restrict the participation of advisors in meetings or proceedings (other than for the purpose of conducting cross-examination in a hearing), such as by limiting their ability to speak? Yes
 No
 N/A

• If it has made this determination, spelled out any such restrictions in the grievance procedure and ensured they apply equally to the parties' advisors? Yes
 No
 N/A

• Established and included in the procedures the general rules of decorum for advisors taking part in meetings, proceedings, or hearings, and potential consequences for violating the rules? Yes
 No
 N/A

Formal Complaints

Actions Needed

Filing a Complaint

For Title IX purposes, does your school define a formal complaint as a document filed by a complainant (including a parent or guardian) or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegations?

- Yes
- No
- N/A

If a complainant doesn't wish your school to investigate particular allegations, does the school 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" (or clearly unreasonable in light of the known circumstances)?

- Yes
- No
- N/A

Does your school require that, at the time a complainant files a formal complaint, the complainant must be participating in, or attempting to participate in, an education program or activity of the school?

- Yes
- No
- N/A

Does your school require the filing of a formal complaint to begin:

- The Title IX-compliant investigation and hearing process that the regulations specify?

- Yes
- No
- N/A

- Any informal resolution process the school offers?

- Yes
- No
- N/A

Notice of Allegations

After receiving a formal complaint — and with sufficient time before any interviews — does your school provide the parties with a written notice of the allegations containing sufficient details known at the time including:

- The parties' identities, if known?

- Yes
- No
- N/A

- The conduct allegedly constituting sexual harassment?

- Yes
- No
- N/A

- The date and location of the alleged harassment, if known?

- Yes
- No
- N/A

If your school learns additional details about the alleged harassment after sending the notice of allegations to the parties, does it send them an updated notice?

- Yes
- No
- N/A

Does your school also require the written notice of allegations to:

- State that the respondent is presumed not responsible for the alleged conduct, and that a determination regarding responsibility will be made when the grievance process concludes?

- Yes
- No
- N/A

- Inform the parties that they are entitled to an advisor of their choice, who may or may not be an attorney?

- Yes
- No
- N/A

- Inform the parties that they are entitled to inspect and review evidence that is directly related to the allegations?

- Yes
- No
- N/A

- Advise the parties of any provision in your school’s code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process? Yes No N/A

Consolidation of Complaints

Does your school’s grievance procedure give it discretion to consolidate multiple matters into a single investigatory and adjudicatory process if:

- The same incident involves multiple complainants, multiple respondents, or both? Yes No N/A

- The respondent files a cross-claim against the complainant? Yes No N/A

Dismissal of Complaints (Mandatory and Discretionary)

Does your school provide that a Title IX complaint will be dismissed if:

- The alleged conduct, even if proved, wouldn’t constitute sexual harassment under Title IX? Yes No N/A

- The alleged conduct didn’t occur against a person in the United States? Yes No N/A

- The alleged conduct didn’t occur within an education program or activity of your school? Yes No N/A

- The complainant wasn’t participating or attempting to participate in an education program or activity when the complaint was made? Yes No N/A

Does your school provide that a Title IX complaint may be dismissed if:

- The complainant requests in writing to withdraw the complaint? Yes No N/A

- The respondent is no longer enrolled at or employed by your school? Yes No N/A

- Specific circumstances prevent gathering evidence sufficient to reach a conclusion? Yes No N/A

For both mandatory and discretionary dismissals, does your school give the parties:

- Written notice of the dismissal and the reasons for it? Yes No N/A

- The opportunity to appeal the decision to a separate decision-maker? Yes No N/A

If your school dismisses a Title IX complaint on mandatory or discretionary grounds, does it evaluate whether the alleged conduct may violate another code of conduct provision? Yes No N/A

Respondent Removals From School

Actions Needed

Emergency Removals

Does your school provide that a respondent — whether a student or employee — may be removed from campus on an emergency basis at any point in the Title IX process:

- Following an individualized safety and risk analysis?
 Yes
 No
 N/A
- If your school determines the respondent poses an immediate threat to the health or safety of students or employees that justifies removal?
 Yes
 No
 N/A
- Regardless of whether a formal complaint exists?
 Yes
 No
 N/A
- If the threat arises from alleged conduct that could constitute sexual harassment, including the respondent's reported post-incident action or behavior?
 Yes
 No
 N/A
- If the respondent is given notice and an opportunity to challenge the removal immediately thereafter?
 Yes
 No
 N/A

Employee Administrative Leaves

Independent of emergency removals, does your school provide that an employee respondent may be placed on administrative leave during an investigation:

- Only after a formal complaint is filed?
 Yes
 No
 N/A
- Consistent with the respondent's rights under Title VII and other applicable employment laws?
 Yes
 No
 N/A

Investigations and Sharing Evidence

Does your school's grievance procedure provide that:

- The parties will receive written notice of any investigative interviews or meetings that:
 - Includes their date, time, location, participants, and purpose?
 Yes
 No
 N/A
 - Allows the parties sufficient time to prepare for the interviews or meetings?
 Yes
 No
 N/A
- Both parties may inspect and review any evidence obtained during the investigation that is directly related to allegations of sexual harassment in the formal complaint (except evidence subject to a legal privilege or the "rape shield" protection as discussed **below**), including:
 - Evidence on which the school doesn't intend to rely in making a determination on responsibility?
 Yes
 No
 N/A

<ul style="list-style-type: none"> Inculpatory or exculpatory evidence, regardless of whether it is obtained from a party or any other source? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<ul style="list-style-type: none"> The investigator will create an investigative report that fairly summarizes the relevant evidence (but doesn't make a determination regarding responsibility)? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<ul style="list-style-type: none"> Before an investigator completes the report: <ul style="list-style-type: none"> The parties will have at least 10 days to review any relevant evidence the investigator gathered? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<ul style="list-style-type: none"> The parties have the right to respond in writing to the evidence, and the investigator will consider their responses before completing the report? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<ul style="list-style-type: none"> The school will keep records of decisions regarding any evidence that isn't shared with the parties, such as evidence protected by a legal privilege? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<ul style="list-style-type: none"> At least 10 days before any hearing (if one is provided), the investigative report will be sent to both parties and their advisors for review and written comment? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

Determinations Regarding Responsibility

Note: The regulations make live hearings with cross examination in sexual harassment complaints subject to Title IX mandatory for higher education institutions but optional for K-12 schools. If your K-12 school chooses to provide hearings (or may be required by state law to do so), please refer to the section titled "Hearings and Determinations Regarding Responsibility" here for the specific requirements governing hearings under Title IX.

Standard of Evidence

Does your school use one of the following standards of evidence for adjudicating all Title IX sexual harassment complaints, regardless of whether the respondent is a student or employee (including teachers):

<ul style="list-style-type: none"> Preponderance of the evidence? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
<ul style="list-style-type: none"> Clear and convincing? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

<p>Does your school use the same standard of evidence for all formal complaints of sexual harassment, regardless of whether they are addressed under the Title IX policy or another policy or code of conduct?</p>	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
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Submission of Written Questions

Regardless of whether your school provides for hearings in matters subject to Title IX, does it require that, after the parties receive the investigative report and before reaching a determination regarding responsibility, the decision-maker will:

<ul style="list-style-type: none"> Give each party an opportunity to submit written, relevant questions the party wants asked of any other party or witness? 	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
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- Allow additional, limited follow-up questions from each party? Yes
 No
 N/A

- Provide the answers to each party? Yes
 No
 N/A

- Does your school's procedure require the decision-maker to explain in writing to the party proposing them any decision to exclude questions as irrelevant? Yes
 No
 N/A

Relevance of Evidence

Does your school's grievance procedure state that questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

- Questions or evidence about prior sexual behavior are offered to prove that someone other than the respondent committed the conduct the complainant alleged? Yes
 No
 N/A

- They concern specific incidents of the complainant's prior sexual behavior with the respondent and are offered to prove consent? Yes
 No
 N/A

Does your school make clear the following types of evidence aren't relevant or otherwise not subject to use in the grievance process:

- Any information protected by a legally recognized privilege, unless the privilege is waived? Yes
 No
 N/A

- A party's medical, psychological, and similar records, without the party's voluntary, written consent? Yes
 No
 N/A

- Any question that the decision-maker deems repetitive or duplicative? Yes
 No
 N/A

Written Determination Requirement

Regardless of whether your school provides for hearings, does it require the decision-maker to issue a written determination, applying the applicable standard of evidence, regarding responsibility that includes:

- The allegations potentially constituting sexual harassment? Yes
 No
 N/A

- A description of the procedural steps taken from receipt of the complaint through the determination? Yes
 No
 N/A

- If the respondent is determined to be responsible, identification of the specific code of conduct provisions that were violated? Yes
 No
 N/A

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

- A conclusion regarding the application of the code of conduct to the facts? Yes
 No
 N/A

- A statement of rationale for the result as to each allegation in the complaint, including any findings of responsibility and sanctions? Yes
 No
 N/A

- Remedies provided to the complainant, which may include disciplinary or punitive sanctions against the respondent? Yes
 No
 N/A

- An explanation of the school's appeal procedures, including permissible bases for either party to appeal? Yes
 No
 N/A

- Does your school's policy require that the written determination be provided simultaneously to both parties?** Yes
 No
 N/A

Appeals

Does your school permit either party to appeal a final determination on responsibility or the dismissal of a formal complaint on the basis of:

- A procedural irregularity that affected the outcome? Yes
 No
 N/A

- New evidence, not reasonably available at the time the determination was made, that could have affected the outcome? Yes
 No
 N/A

- A Title IX Coordinator, investigator, or decision-maker who had a bias or conflict of interest, for or against complainant or respondents generally or in the particular matter, that affected the outcome? Yes
 No
 N/A

If your school permits appeals on any additional grounds (such as severity or proportionality of sanctions imposed on a respondent), are those grounds:

- Available equally to both parties? Yes
 No
 N/A

- Explained in the written grievance procedures? Yes
 No
 N/A

For all appeals, does your school require that:

- When one party appeals, the other is notified in writing? Yes
 No
 N/A

- The decision-maker(s) for an appeal:
 - Is different from anyone involved in making the determination regarding responsibility or complaint dismissal? Yes
 No
 N/A

 - Is not the investigator or the Title IX Coordinator? Yes
 No
 N/A

 - Is free from conflict of interest or bias? Yes
 No
 N/A

- Both parties receive a reasonable, equal opportunity to submit a written statement in support of, or challenging, the responsibility determination or dismissal? Yes
 No
 N/A

- The outcome of the appeal:
 - Is in writing?
 - Yes
 - No
 - N/A

- Includes the rationale for the appellate decision?
 - Yes
 - No
 - N/A

- Is provided simultaneously to both parties?
 - Yes
 - No
 - N/A

Informal Resolution Process

After a formal complaint is filed, and at any time before a final determination on responsibility, does your school elect to offer parties the opportunity to participate in an informal resolution process (such as mediation or restorative justice) that:

- Doesn't involve a full investigation and hearing?
 - Yes
 - No
 - N/A

- Isn't mandatory and requires both parties' written, voluntary consent?
 - Yes
 - No
 - N/A

- Gives the parties written notice of:
 - The allegations?
 - Yes
 - No
 - N/A

- All requirements of the informal resolution process, including circumstances under which the process would preclude them from resuming a formal process arising from the same allegations?
 - Yes
 - No
 - N/A

- Any consequences of participating in the process, including records that will be maintained or could be shared?
 - Yes
 - No
 - N/A

- Allows either party to withdraw from the informal resolution process at any time before a final agreement and resume the formal process to resolve the complaint?
 - Yes
 - No
 - N/A

- Is never used in matters involving an employee's alleged sexual harassment of a student?
 - Yes
 - No
 - N/A

Training Content and Publication

Does your school train everyone involved in administering Title IX (including the Title IX Coordinator and other officials who have the authority to take corrective action under the law, investigators, decision-makers, and facilitators of any informal resolution process) on:

- The definition of sexual harassment under the regulations?
 - Yes
 - No
 - N/A

Actions Needed

<ul style="list-style-type: none">• The scope of your school’s educational programs or activities?	<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">• How to serve impartially, including avoiding pre-judgment of the matter and avoiding conflict of interest or bias?	<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">• As appropriate and necessary for their roles, how to:<ul style="list-style-type: none">• Conduct investigations?	<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">• Conduct hearings and appeals, including the use of any technology required for a proceeding?	<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">• Conduct informal resolution processes?	<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">• Protect confidentiality during the process?	<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">• Determine the relevance of evidence, including evidence that would improperly introduce a complainant’s sexual history or breach a legally recognized privilege?	<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">• Apply your school’s definition of “consent” to sexual activity, including that the burden of proving consent or its absence is on the school, not the parties?	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
Does your school train all its employees on their obligation to notify the Title IX Coordinator about incidents or allegations of sexual harassment about which they become aware?	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A
If your school provides training on “trauma-informed” approaches or practices, does it ensure that such training is consistent with the regulations’ general requirements (such as the importance of avoiding gender stereotypes, conflicts of interest, or bias for or against either party)?	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A

Recordkeeping Requirements

For Title IX matters, does your school create and retain for seven years records of:

<ul style="list-style-type: none">• Each sexual harassment investigation?	<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">• Supportive measures, including reasons why:<ul style="list-style-type: none">• No supportive measures were provided to a complainant (such as that the complainant was offered such measures but ignored or refused the offer)?	<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">• A supportive measure requested by a complainant was not provided?	<ul style="list-style-type: none"><input type="radio"/> Yes<input type="radio"/> No<input type="radio"/> N/A

Actions Needed

- Any other actions taken in response to a report or formal complaint of sexual harassment?
 Yes
 No
 N/A
 - Any informal resolution process and its result?
 Yes
 No
 N/A
 - Any appeal and its result?
 Yes
 No
 N/A
- Does your school maintain for seven years and post on its public website all current materials used to train Title IX Coordinators, investigators, decision-makers (including for appeals) and facilitators of any informal resolution processes, as described above.**
- Yes
 No
 N/A

More From UE

ED Releases Final Title IX Regulations Governing Sexual Misconduct: Guidance for K-12 Schools

Webinar: Unpacking the Final Title IX Regulations With an Expert, Part 1: Q&A With an Expert

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

Additional Resources

[Final regulations], 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, Senior Risk Management Counsel

UE wishes to thank **Kai McGintee**, Chair of the Labor and Employment and Education Practice Groups at Bernstein Shur in Portland, Maine, for reviewing this publication.



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