



SUPPORTIVE MEASURES

x What are supportive measures?

- o Supportive measures are non-disciplinary, non-punitive individualized services offered to the complainant or respondent.
- o Supportive measures must be offered at no cost and should be designed to restore or preserve equal access to the institution's educational program or activity without unreasonably burdening the other party. This may include measures designed to protect the safety of all parties or the institution's education environment, or to deter sexual harassment.
 - f Supportive measures may impose a burden, but the burden cannot be unreasonable.
 - x When considering whether a burden is unreasonable, an institution should consider the scope and impact of proposed supportive measures in relation to the ability of a complainant or respondent to access all educational opportunities and benefits included as part of an educational program or activity which the complainant or respondent participates.
- o Examples of supportive measures may include, but are not limited to:
 - f Counseling
 - f Extension of deadlines
 - f

imposed as a supportive measure without the grievance process first being followed.

- **Who should receive supportive measures?**
 - Institutions must promptly contact complainants to discuss supportive measures. If an institution does not provide supportive measures to a complainant, it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.
 - Institutions may, but are not required to, offer supportive measures to respondents. However, failure to offer supportive measures to a respondent cannot result in inequitable treatment and/or constitute an act of deliberate indifference on the part of the institution.
- **Who implements supportive measures?**
 - The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
 - The Title IX Coordinator may involve other campus personnel (such as instructional, coaching, or residential staff) to implement supportive measures where necessary.
- **When must supportive measures be offered?**
 - Institutions must respond to a report providing actual knowledge of sexual harassment or a formal complaint by offering supportive measures. The Title IX Coordinator must promptly contact a complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant about the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
 - The process regarding supportive measures is designed to be interactive and take the complainant's wishes into account.
- **Confidentiality of supportive measures**
 - Institutions must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the supportive measures.
 - In conversations with a complainant or respondent about their wishes on supportive measures, institutions should include a discussion of whether a proposed supportive measure may require disclosure of the supportive

- If appropriate, supportive measures can continue to be implemented after a finding of non-responsibility.
- **How should supportive measures be documented?**
 - Whether or not a formal complaint is filed, supportive measures provided in response to a report of sexual harassment must be documented.
 - If supportive measures are offered in response to a report or formal complaint of sexual harassment, an institution must document the basis for its conclusion that its response was not deliberately indifferent, and that the measures taken were designed to restore or preserve equal access to the institution's education program or activity.
 - If an institution does not provide supportive measures, the institution must document the reasons why that decision was not clearly unreasonable in light of the known circumstances.
 -