

Title IX Final Rule & Higher Education

Association for Student Conduct Administration

Supportive Measures

Interim Measures
Informal Resolution

Supportive Measures Definition

“Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient’s education program or activity without unreasonably burdening the other partying, including measures designed to protect the safety of all parties or the recipient’s educational environment, or deter sexual harassment”
(34 CFR §106.30(a)).

Supportive & Interim Measures

- Supportive measures state
 - Must be available even if complaint not formalized
 - Nothing disciplinary until after grievance processes finished
 - Measures have to be specific to situation
 - Must be offered to both parties and not burden one or other
- Interim measures
 - Still available as an option
 - Require “individualized safety and risk analysis”
 - Respondent poses immediate threat to health/safety
 - Threat related to the allegations of sexual harassment
 - Respondent must receive notice and be permitted to immediately challenge the decision

Informal Resolution

- Institutions not required to use informal resolution, but it is permitted
- Informal resolution available prior to responsibility decision
- All parties must agree and are permitted to withdraw and opt for formal process at any time
 - Informal resolution cannot be condition of enrollment
- Parties must be notified that records of informal process will be kept

Additional Resources

ASCA Webinar- [Overview of Title IX Regulations](#)

ASCA White Paper- [Title IX of the Amendments of 1972: 2020 Regulation](#)

Dept. of Education Regulations, Federal Register- [34 CFR Part 106, ID 1870-AA14](#)

About ASCA

The Association for Student Conduct Administration is the only non-profit, professional membership organization devoted to the advancement of the higher education student conduct profession

Membership in ASCA shall generally be open to any person who has a legitimate interest in the mission, vision, core values and activities of the Association and who agrees to abide by the provisions contained in the Associations Bylaws and Statement of Ethical Principles and Standards of Conduct.

ASCA Core Values: Advocacy; Community; Equity & Inclusion; Education; Integrity; Leadership



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