

# 2024 Title IX Sexual Harassment Final Rule Overview

## INTRODUCTION

On April 19, 2024, the US Department of Education (ED) shared updated regulations of Title IX of the Education Amendments Act of 1972 in the form of a final Rule, which applies to institutions of higher education that receive federal funds, such as financial aid for students.<sup>1</sup> The update to Title IX regulations has been an ongoing project for the current White House Administration since the spring of 2021. However, due to ongoing regulatory reviews, the involved stakeholders extended the rule-publishing deadline several times since, with this final Rule originally expected in May 2023.

The Rule has yet to be officially published in the Federal Register meaning the official clock for 1) Congressional review, and 2) implementation has not started counting yet. The former is important because under the Congressional Review Act, the House and Senate have 60 legislative/session days to review the Rule, and should there be a change in Administration, the incoming Administration can withdraw the Rule without formal rulemaking should those 60 days not be concluded before the outgoing Administration leaves office. To count as a legislative/session day, the chamber must be gavelled in for business, something that tends to happen with less frequency during an election year.

When the ED published a proposed Rule back in 2022, our client proposed several recommendations to the ED through a public comment submittal. Many of the proposed recommendations were ultimately implemented in the ED's shared final Rule. Additionally, as originally requested by our client, the ED has published a resource guide on drafting discrimination sex-based prevention policies. Overall, the shared Rule provided by the ED replaces a wide variety of provisions and updates language to the former Rule, originally implemented in 2020 as part of the former Administration. According to the ED, the final Rule will be fully implemented on August 1, 2024, giving institutions of higher education an estimated three months to update policies and to fulfill compliance.

*Of particular note, the 2020 Rule will still apply to incidents occurring before the August 1 implementation date, and this new Rule will apply to those incidents occurring on or after August 1. This means that colleges may need to implement two sets of Rules depending on when incidents occur. Also, legal challenges to the Rule are expected such that a court may rule that, for those colleges within its jurisdiction, are not to follow the Rule until a court determination on the Rule is handed down.*

Per the ED's shared materials, the final regulations provide policies and requirements for the following three pillars:

- Sex-based harassment provisions updates
- Recipient accountability updates
- Student support updates

This document provides a broad overview of the final Rule, an analysis of the client-provided comments to the ED and its reflection on the final regulation, as well as references to ED-published guidance to

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<sup>1</sup> Throughout the document the term college is used referring to just those institutions of higher education that receive federal funds.

# 2024 Title IX Sexual Harassment Final Rule Overview

ensure proper compliance with the final Rule. The document also includes major coverage of Title IX as published by major publications.

## SUMMARY

The updated Final Rule does not widely differ from the previously shared proposed Rule that our clients provided comments and recommendations on in 2022, both of which differed in several ways from the current 2020 regulations. The Final Rule uses three areas of focus for the implementation of sex-based harassment prohibition requirements and policies.

### **Sex-based Harassment and Discrimination Provisions within the Final Rule**

Updated “Sex-Based Harassment” Definition (§ 106.2): The final Rule implements an updated definition of the term “sex-based harassment.”<sup>2</sup> The term “sex-based harassment” is defined as a form of sex discrimination and means “sexual harassment and other harassment based on sex, which may include sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation, and gender identity.” As updated, the definition includes sex-based harassment as a form of sex discrimination and prohibits discrimination actions from occurring in federally funded educational institutions. The definition also states that sex-based harassment can take the form of:

- Quid pro quo harassment
- Specific offenses, which may include sexual assault, dating violence, domestic violence, and/or hostile environment harassment

As an update to the language, “hostile environment harassment” is defined as an “unwelcomed sex-based conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit” from an institution’s education program or activity.

The updated definitions differ from the 2020 Rule in that they include expanded information on sex-based harassment and unwelcomed sex-based conduct. Additionally, the 2020 version of the definition stated that unwelcomed sex-based conduct constituted conduct that was “so severe, pervasive and objectively offensive,” that it denied access to participation in education.<sup>3</sup> The 2024 Rule removes the requirement for unwelcomed conduct to be pervasive and severe, thereby broadening the scope of what could constitute sex-based harassment. The definition of “sex-based harassment” is also expanded in the 2024 update through the inclusion of terminology related to gender identity and pregnancy along with pregnancy-related conditions.

Effect of other requirements and preservation of rights (§ 106.6): A college’s obligation under Title IX cannot be removed by any State or local law or any other existing requirement that may interfere with the compliance of Title IX. The Rule states that compliance with Title IX therefore cannot be interfered with or contradicted by Family Educational Rights and Privacy Act (FERPA) requirements.

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<sup>2</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/t9-unofficial-final-rule-2024.pdf#page=17&zoom=100,93,437>

<sup>3</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-overview.pdf>

# 2024 Title IX Sexual Harassment Final Rule Overview

Pregnancy or related condition accommodation and discrimination prohibition provisions (§§ 106.2, 106.21(c), 106.40, 106.51(b)(6), 106.57): Through its updated Rule, the ED establishes new definitions and requirements applicable to colleges for the treatment and management of pregnant individuals. The new Rule defines “pregnancy or related conditions” so that the term includes “pregnancy, childbirth, termination of pregnancy, and lactation,” as well as “all related medical conditions and recovery.”<sup>4</sup> The new regulations also state that colleges may not institute different treatment of parental status. Additionally, the term “parental status” is updated to include adoptive parents, stepparents, and legal guardians. The updated definitions and regulations differ from previous iterations of the Rule through the inclusion of terminology applicable to lactation and the applicability of a “termination of pregnancy” as a pregnancy-related condition.

The new final Rule maintains the requirement for institutions to equitably treat pregnant students, employees, or applicants. Therefore, colleges are still prohibited from implementing different policies to address individuals who may be pregnant. This Rule adds the prohibition of colleges from requiring documentation from students so that they can obtain reasonable accommodations for pregnancy or parental status conditions unless such documentation is necessary and reasonable.

Colleges, under this Rule, must inform students and staff of their rights relating to pregnancy and related conditions. When a student (or student’s legal representative) notifies a college employee of a pregnancy or pregnancy-related condition, the employee will be required to provide the student or student representative with the institution’s Title IX Coordinator contact information. Once the Title IX Coordinator is notified, the college will be required to:

- Inform the student of the college’s obligations to students who are pregnant or experiencing pregnancy-related conditions and restrictions on recipient disclosure of personal information.
- Provide the student with the option of individualized, reasonable modifications as needed to prevent discrimination and ensure equal access to the recipient’s education program or activity.
- Allow the student a voluntary leave of absence for, at minimum, the medically necessary period and reinstatement upon return.
- Provide pregnant employees with a clean and private space as well as reasonable break time for lactation purposes.

Through its Rule-release webinar, the ED also clarified that pregnancy accommodations will be required to meet the pre-birth and post-birth requirements for pregnant individuals. Post-birth requirements may include the designation or creation of lactation spaces.

As updated, the new version of the Rule now accounts for pregnancy termination as a pregnancy-related condition. In addition, the new Rule establishes a protocol for colleges to follow when it comes to the lactation needs of individuals within their educational program or activity.

Transgender Community and Gender Identity provisions (§§ 106.2, 106.10; §106.31(a)(2)): The new final Rule codifies provisions relating to discrimination prohibition for transgender individuals. The Rule adds “gender identity” to the list of protected classes from sex-based discrimination. The final Rule states that “the need to respond to a student’s allegation of gender identity discrimination” does not interfere with

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<sup>4</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/t9-unofficial-final-rule-2024.pdf>

# 2024 Title IX Sexual Harassment Final Rule Overview

another student’s right to freedom of expression.<sup>5</sup> Therefore, under the updated Rule, colleges are prohibited from separating or treating any individual differently in a manner that subjects the individual to more than de minimis harm.

The ED recognizes that preventing a person from participating in a recipient’s education program or activity consistent with their gender identity subjects that person to more than de minimis harm. De minimis harm is a risk assessment term and principle that refers to the highest level of risk that is still too small to be concerned with. Thus, institutional policies and practices that prevent a student from participating in a recipient’s education program or activity consistent with their gender identity impose more than de minimis harm and therefore violate Title IX.

*Of note, while gender identity is listed as a protected class under the new Rule, the ED has not finalized the Rule that would apply to transgender athlete participation in collegiate athletics. The ED continues to revise a specific Rule that would prohibit a blanket ban on transgender athletes from participating on teams aligned with their gender identity. According to the ED, that process is still ongoing. During a webinar conducted on the day the final regulation was published, Senior ED officials clarified that the de minimis standard is already applied by the ED’s Office for Civil Rights (OCR).*

## **Administrative Management of Title IX Provisions within the Final Rule**

Title IX Coordinator designation, nondiscrimination policy adoption (§ 106.8): Colleges are required to appoint at least one employee to act as a Title IX Coordinator, who will be responsible for coordinating efforts to comply with responsibilities under Title IX. In addition, colleges will now be required to adopt, publish, and implement a nondiscrimination policy that prohibits sex-based discrimination within their education programs and activities. Such policies will account for Title IX grievance procedures and provide for the “prompt and equitable” resolution of complaints made by students, employees, or other individuals who are participating in the recipient’s education program.

Recipient accountability and Title IX Coordinator notification procedure provisions (§ 106.44): Under the new Rule, colleges with knowledge of behavior that may constitute sex discrimination are required to take action to address the sex-based discrimination and remedy it. Upon learning of an instance of sex-based discrimination within its education program or activity, college employees are required to notify the institution’s Title IX Coordinator and take prompt action to address the situation causing sex-based harassment. These requirements would apply to any non-confidential employee at a college who either has authority to take corrective action on behalf of the recipient or has responsibility for administrative leadership, teaching, or advising in the recipient’s education program or activity. This means that an institution is assumed to have knowledge when such a person becomes aware.

Title IX Coordinators are required to monitor their institution’s education programming and activities to identify actions interfering with the implementation of Title IX under the final Rule.

The updated final Rule widely differs from the 2020 Rule in its implementation of recipient accountability provisions. In the previous iteration of the Rule, colleges were only required to initiate Title IX procedures and respond to complaints when these had “actual knowledge” of allegations of

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<sup>5</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/t9-unofficial-final-rule-2024.pdf#page=1048&zoom=100,93,610>

# 2024 Title IX Sexual Harassment Final Rule Overview

“sexual harassment,” and only in a manner that is not deliberately indifferent. The term, “actual knowledge” was measured for colleges by providing that “actual knowledge” constituted the Title IX Coordinator or employee with institutional corrective authority obtained notice of allegations of sexual harassment. The current version of the Rule eliminates this classificatory requirement for commencing Title IX investigations and protocols.

Complainant privacy and autonomy provisions (§§ 106.2, 106.8(d), 106.44(c), (d), (f), 106.45(a)(2)): The final Rule requires that colleges provide information and training to their employees on when they must notify the institution’s Title IX Coordinator about ongoing sex-based discrimination. Employees will also be required to receive training on how students impacted by sex-based discrimination may seek confidential assistance or formally start a complaint requiring the initiation of a Title IX grievance procedure. The training provided must also account for who would constitute confidential employees that students can address without immediately triggering Title IX grievance procedures. The Rule requires colleges to notify all participants in the college’s education program or activity of how to contact its confidential employees.

The Rule provides that confidential employees are not required to notify the Title IX Coordinator about conduct that may constitute sex-based discrimination. However, confidential employees are required to provide anyone who approaches them with information about their status as a confidential employee, information on how to contact the Title IX Coordinator, and information on how to make a formal Title IX complaint. Individuals who come forward with Title IX complaints are allowed to make their formal complaints relating to sex discrimination even if they have chosen to leave the recipient’s education program or activity.

If a formal Title IX complaint is not formally made, but a recipient still has knowledge of ongoing Title IX violations, the Title IX Coordinator is allowed to initiate a complaint only if the conduct presents an imminent and serious threat to someone’s health or safety or interferes with equity in an education program through the creation of a hostile environment.

The 2024 privacy and complainant autonomy provisions differ from the previous 2020 iteration of the Title IX Rule since the 2020 Rule does not permit former students or employees to file formal complaints, even if they have chosen to leave the education program or activity. Furthermore, the new provisions address the management and protocols for confidential employees that allow students to come forward with information without necessarily starting an official Title IX complaint grievance procedure. Nonconfidential employees were not included in the 2020 iteration of the final Rule.

Sex Discrimination Response by Title IX Coordinators (§ 106.44(f)–(g)): Upon learning of ongoing sex-based discrimination conduct within an education program or activity, Title IX Coordinators, or their designees, are required to address the conduct in a prompt manner. In addressing complaints, Title IX Coordinators are required to:

- Treat complainant and respondent parties in an equitable manner.
- Offer support measures as appropriate for the complainant. In the event that the complaint was formally introduced by the federally funded recipient or offered resolution through an informal procedure, then appropriate support services must be offered and provided to the respondent.

# 2024 Title IX Sexual Harassment Final Rule Overview

- Inform complainants of Title IX grievance procedures and the availability of an informal resolution process, if appropriate. In the event that a complainant is not known, the individual who reported the Title IX violation would be notified of the grievance procedure.
- Initiate grievance procedures or informal resolution procedures.
- In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and the absence or termination of an informal resolution process, make a fact-specific determination by considering, at a minimum, eight listed factors, and determining whether the conduct as alleged presents an imminent and serious threat to the health or safety of a complainant or other person or prevents the recipient from ensuring equal access based on sex to its education program or activity such that the Title IX Coordinator may initiate a complaint.

Colleges are also required to provide support measures for complaint-involved parties. Supportive measures cannot unreasonably burden or impose disciplinary actions on complainants or respondents. Examples of Rule-provided support measures include counseling, extension of deadlines, and contact restrictions between one or more involved parties as applicable to class, work, or housing.

These provisions differ from the 2020 iterations of the Title IX Rule since Title IX Coordinators are currently allowed to contact both complainants and respondents with information on supportive measures. Furthermore, the previous iteration of these provisions requires immediate action from Title IX Coordinators through the removal of the “actual knowledge” categorization for addressing complaints used by the previous version of the Rule.

Title IX Grievance Procedures Update (§ 106.45 & § 106.46): The ED reported receiving several comments addressing the current handling of Title IX grievance procedures and protocols. In response to such comments, the updated Title IX Rule modifies grievance procedures for complaints of sexual harassment and makes the protocols applicable to all complaints dealing with sex discrimination. Furthermore, the updated regulations address the age, maturity, and level of independence of students in various educational settings, and the particular contexts of employees and persons other than students or employees. The updated Rule requires colleges to adopt grievance procedures in writing. Such procedures must account for and/or allow:

- Notification of allegations to all involved parties.
- The equitable treatment of complainants and respondents.
- The provision of bias-free and conflict-of-interest for Title IX Coordinators, investigators, and decision-makers handling Title IX violation complaints. A Title IX Coordinator is allowed to be an investigator so long as he or she does not present a conflict of interest in the case.
- The presumption that respondents are not responsible for a violation or alleged conduct until a determination is made whether sex discrimination occurred at the end of the recipient’s grievance procedures.
- Prompt timeframes for all stages of the grievance procedure.
- Privacy safeguards for witnesses and involved parties.
- Objective evaluation of all relevant and not otherwise impermissible evidence.
- If a recipient adopts grievance procedures that apply to the resolution of some, but not all complaints, articulate consistent principles for how the recipient will determine which procedures apply.
- Consolidation of complaints arising from the same set of facts or circumstances.

# 2024 Title IX Sexual Harassment Final Rule Overview

- Allowed parties, with some exceptions, to participate in informal resolution proceedings. The informal resolution process is not available to instances of alleged sex-based harassment involving an employee.

As applicable to Title IX investigations, the Rule establishes procedures and presumptions for addressing investigations of complaints. First, the burden of proof is on the recipient, so colleges are required to gather sufficient evidence when investigating a complaint. Second, the investigation must allow equal opportunity for involved parties to present facts, witnesses, and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible. Additionally, the investigation process must allow parties the opportunity to address and receive all relevant evidence. The investigation must provide steps to prevent the informal disclosure of evidence through unauthorized channels.

Colleges are also required to establish a clear process for determining whether sex discrimination occurred through using the preponderance of the evidence standard of proof unless the clear and convincing evidence standard is used in all other comparable proceedings, including other discrimination complaints, in which case that standard may be used in determining whether sex discrimination occurred. When a determination has been made, the recipient is required to notify the involved parties. Additionally, disciplinary actions may not take place until the total conclusion of the respondent's grievance procedures.

Additionally, the final Rule specifies grievance procedure requirements as applicable to colleges. Under the Rule, colleges are required to provide written notice informing the parties of allegations, dismissals, delays, meetings, and proceedings. Further, parties are required to have the equal opportunity to have an advisor present during meetings or proceedings. Colleges are permitted to, but not required to, have expert witnesses during proceedings. In addition, colleges must allow for a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility when credibility is in dispute and relevant. When questioning parties, questions are prohibited from being unclear or harassing the parties being questioned. Finally, an appeal process is required for final determinations.

The 2020 iteration of the Title IX Rule contained similar provisions; however, requirements were only applicable to complaints of sexual harassment.

Retaliation (§ 106.71): Under the final Rule, once a determination is made, colleges are required to prohibit retaliation to either party, which may include peer retaliation. Colleges will be required to respond to behavior that may be considered retaliation using the same procedures it uses for other forms of sex discrimination. The Rule defines "retaliation" as "intimidation, threats, coercion, or discrimination against any person by the recipient, student, or an employee or other person authorized by the recipient to provide aid, benefit or services" under the education program or activity.

Additionally, emergency removal for respondents who are determined to be responsible is still an available option for colleges under the updated Rule. However, the regulations require that if emergency removal is implemented, then the process for appealing or addressing allegations must be present at the college.

# 2024 Title IX Sexual Harassment Final Rule Overview

The previous iteration of the Rule, while still prohibiting retaliation, did not include the definition of the action. The 2024 Rule includes the definition to help colleges identify what constitutes “retaliation” and “peer retaliation.”

Informal resolution procedure ((§ 106.44(k)): The new regulation allows for complaints to be addressed and handled through an informal resolution process. However, this action will not apply to cases where a sex-based harassment complaint involves an employee and a student of a K-12 school or if the informal resolution process would otherwise conflict with federal, state, or local law. Participation by parties in the informal resolution process is required to be voluntary.

The Assistant Secretary of Education for Civil Rights Catherine Lhamon stated during an ED-conducted webinar that to address complaints without an investigation, a college would have to ensure that the complainant’s autonomy is balanced with the school’s responsibility. For this reason, Title IX Coordinators are required to assess and see if the grievance procedure would still need to be applied while ensuring the respect and privacy of the complainant. However, simple resolutions that do not require investigation or input, such as adding increased safety or lighting solutions to campus areas can still be pursued by the college without the need for a formal grievance procedure.

The previous iteration of the Title IX Rule only allowed informal resolution protocols to be initiated if a formal complaint alleging sexual harassment was filed with the recipient.

## CLIENT-PROVIDED RECOMMENDATIONS IN 2022 ED-REQUESTED COMMENT

Our client opted to provide Title IX comments and recommendations to the ED through the Department’s formal comment collection process. In its comment, our client made the following recommendations for Title IX implementation:

**Prohibition of all forms of sex discrimination** – Our client welcomed the clarification on the scope of Title IX in its comment to the then-proposed Rule. As an organization, the client was supportive of the inclusion of a section that clarified that discrimination based on sex included discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Seeing as how the final Rule updated the definition to include gender identity and pregnancy conditions, our client’s recommendations may have influenced the ED in its Rule development.

**The geographic scope of Title IX** – In its 2022 comment, our client requested that Title IX become applicable to all educational activities, even those occurring outside of the United States at foreign institutions of higher education. In its comment, our client stated, “The proposed Rule does not go far enough into clarifying the precise geographic scope of Title IX. The final Rule should make it clear that Title IX applies to institution-sponsored activities abroad.” The final Rule does clarify the application of Title IX and states that colleges have an obligation to address “sex-based hostile environment under its education program or activity” even when some of the conduct occurs outside of the United States.

**Sex-based harassment definition changes** – In its 2022 recommendations to the ED, our client was supportive of the sex-based harassment definition changes. As the definition accounted for quid pro quo harassment and other harassment that created hostile environments, the definition accounted for major

# 2024 Title IX Sexual Harassment Final Rule Overview

impacting actions that constitute sex-based harassment. However, our client recommended a specific definition of “rape” within the final regulations, but unfortunately, that recommendation does not appear to have been heeded by the ED in the final Rule.

**Responding and remedying requirements for sex discrimination** – Our client originally welcomed proposed Rule provisions that required prompt action by federal funding in addressing sex-based discrimination. In its recommendation, the client stated that the Rule should define terms such as “prompt action” and requested that clear and detailed guidance be provided for nonvictim/Title IX Coordinator filing when having credible first or second-hand knowledge of the offense.

In response to these recommendations, the ED’s final Rule clarifies that the term “prompt” applies to colleges with knowledge of conduct that may reasonably constitute sex discrimination. In addition, upon releasing the final Rule, the ED published a Resource Guide detailing the procedure for filing Nondiscrimination Policies, Notices of Nondiscrimination, and Grievance Procedures with the ED’s Office for Civil Rights (OCR). The Rule gives the institutions the discretion to choose to use certain procedures for some, but not all, complaints of sexual discrimination.

**Ensuring that institutions learn of ongoing sex discrimination** – Our client provided recommendations supporting the requirement for employees to notify Title IX Coordinators of the conduct that may constitute sex discrimination under Title IX. It also recommended that a clearer definition or guidance be provided to define who constituted an “employee” for Title IX reporting purposes.

In the final Rule, the ED determined that colleges are best positioned to determine who is an “employee,” citing a wide variety of approaches across colleges and employment applicable state laws. Therefore, colleges will be responsible for determining whether student-workers would qualify as “employees” for the institution.

**Expanded recipient training requirements for reporting** – Our client recommended that the final Rule account for training and information for Title IX complaint reporting. Additionally, they recommended that trauma-informed approaches be supported and provided to students who experience sex-based harassment or discrimination as part of the training process.

The ED clarified the individuals who need to be trained in Title IX administrative requirements include investigators, decision-makers, and other persons responsible for the implementation of the grievance procedures or who have the authority to modify supportive measures. In addition, the final Rule allows colleges to implement trauma-informed approaches for Title IX grievance procedures training at their discretion, so long as such an approach does not directly interfere with or oppose Title IX.

**Complainant privacy and autonomy** – Our client recommended that the final Rule provide provisions for maintaining party identity anonymity relating to party safety when there are concerns of credible concerns of potential retaliation. Additionally, our recommendations asked the ED to address state rape shield laws within the final Rule to take into account variance across state lines and ensure proper compliance with Title IX.

For addressing complainant autonomy and privacy, the final Rule requires training that clarifies when employees must report conduct that may not comply with Title IX requirements. Additionally, a

# 2024 Title IX Sexual Harassment Final Rule Overview

complainant is also protected in their right to make a complaint about sex discrimination they experienced even if they have chosen to leave the recipient's education program or activity because of that discrimination or for other reasons. In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and the absence or termination of an informal resolution process, the Title IX Coordinator may initiate a complaint only if alleged conduct presents an imminent and serious threat to someone's health or safety or prevents the recipient from ensuring equal access based on sex to its education program or activity.

**Expanded preventative responsibilities for Title IX Coordinators** – Recommendations offered by our client request that the final Rule find that a college's preventative duty of care under Title IX be met through compliance with current legal requirements, such as those stemming from the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and the Violence Against Women Act (VAWA). The recommendations also expressed concern that increased responsibility may negatively impact Title IX Coordinator workload/student ratios.

While not conforming to our recommendations, in the final Rule, the ED acknowledges that colleges have a responsibility to respond to safety threats on campus while also stating that the Clery Act will remain applicable to duties relating to reporting. To address Title IX Coordinator workload/student ratio issues, the ED clarified the definition of confidential employees who would be responsible for initiating formal investigations.

## ED-PROVIDED RESOURCES

The ED published the following resources with the announcement of the final Rule:

- [Unofficial Published Final Rule](#) – The document is the unofficial text for the ED's final Title IX Rule. *Note: This document is 1577 pages in total. The actual provisions pertaining to the Title IX update begin on page 1505.*
- [U.S. Department of Education's 2024 Title IX Final Rule Overview Fact Sheet](#) – A document providing a brief overview of requirements within the Final Title IX Rule.
- [Key Provisions of the Department of Education's 2024 Title IX Final Rule](#) – This document is a chart summarizing major provisions of the Final Rule section by section.
- [Resource for Drafting Nondiscrimination Policies, Notices of Nondiscrimination, and Grievance Procedures under 2024 Amendments to the U.S. Department of Education's Title IX Regulations](#) – A document guiding how to draft and file Title IX nondiscrimination policies, notices of nondiscrimination, and grievance procedures for federal funding.

## RULE COVERAGE

Several media outlets and organizations have published informational pieces covering the release of the final Title IX Rule. Below is a highlighted collection of notable publications addressing the ED's reveal for Title IX.

- [Finalized Biden Title IX regulations add protections for transgender students article by The Hill](#)
- [Education Department's final Title IX regulations draw mixed reactions article by Higher Ed Dive](#)
- [Final Title IX Rule enshrines protections for LGBTQ+ students article by Higher Ed Dive](#)

# 2024 Title IX Sexual Harassment Final Rule Overview

- [2024 Title IX Regulations Are Here. Now What? Information compilation article by the Association of Title IX Administrators \(ATIXA\)](#)
- [Title IX Rewrite Focuses Law on Victims, Including LGBTQ Students article by The 74](#)
- [Conservatives prep lawsuits as Biden’s Title IX rewrite to include gender identity condemned article by The College Fix](#)

## GOVERNMENTAL REACTIONS TO THE RELEASED RULE

As this final Rule has been long awaited since 2021, many lawmakers and Administration officials have expressed a variety of opinions on the published Rule. Below is a compilation of notable reactions among lawmakers:

- “These final regulations build on the legacy of Title IX by clarifying that all our nation’s students can access schools that are safe, welcoming, and respect their rights.” – US Secretary of Education Miguel Cardona
- “Title IX requires more, and these final regulations provide it.” – Catherine Lhamon, Assistant Secretary, Office for Civil Rights, US Department of Education
- “This final rule dumps kerosene on the already raging fire that is Democrats’ contemptuous culture war that aims to radically redefine sex and gender.” – Rep. Virginia Foxx (R-NC) claimed in a House Education and the Workforce Committee statement

## CONCLUSION

With the Title IX Rule finalized, federal funding recipient institutions will be required to meet compliance beginning on August 1, 2024, providing a brief window of three months to begin training procedures. Based on the contents of the Final Rule, the ED has opted to implement or incorporate most of the client-provided recommendations as applicable to Title IX. Overall, the new Title IX regulation updates the following:

- Requirements for colleges to take prompt action when investigating and addressing complaints of sex-based harassment or discrimination.
- Requirements for colleges to communicate their nondiscrimination policies and procedures to all students, employees, and other participants in their education programs so that students and families understand their rights.
- Updates to the Title IX grievance procedures requirements for colleges.
- Requirements for new actions addressing the management and protocols for pregnant individuals in educational programs or activities.

Overall, the Final Rule contains little change from the previously released proposed Rule from 2022, for which our client also provided recommendations. However, the Final Rule marks a shift from the previous iteration of Title IX formerly handled under the previous Administration. Most of the differences are marked through the expansion of defamatory language as well as the inclusion of new grievance procedure requirements and protocols.

To better improve upon existing regulations and ensure proper compliance with Title IX, the client may offer services, data capabilities, and higher education knowledge for further collaboration with the US Department of Education.