

## U.S. Department of Education Releases Final Rule Under Title IX

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Last Friday, the U.S. Department of Education released the long-awaited Title IX regulations. Title IX prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance.

The revised regulations take effect on August 1, 2024, and apply to complaints of sex discrimination regarding alleged conduct occurring on or after that date. Prior to the effective date, School Districts should review and revise their Title IX policies to comply with the regulations.

The revisions implemented in the revised regulations aim to ensure all persons, including students and employees, receive appropriate support if they experience sex discrimination in schools, and that the schools' investigation and resolution procedures are accurate and fair to all involved.

Amongst other changes, the revised regulations:

- add language focusing on respecting the autonomy of the complainant;
- revise the definition of sex discrimination and sex-based harassment;
- clarify when Title IX applies and provide more detail on what conduct is covered;
- revise when a recipient must respond to conduct fitting within Title IX, and when they must notify the Title IX Coordinator;
- revise how and when the Title IX Coordinator must respond to complaints of sex discrimination;
- revise when a recipient may offer informal resolution;



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- modify the minimum requirements for grievance procedures for complaints of sexual harassment;
- provide definitions for retaliation and peer retaliation;
- update and clarify the prohibition of discrimination based on pregnancy or related conditions;
- create a prohibition on separating or treating persons differently based on sex in a manner that subjects that person to more than de minimis harm; and
- expand the prohibition on disclosure of personally identifiable information obtained through the Title IX procedures.

Further, the revised regulations clarify that Title IX prohibits discrimination and harassment based on sexual orientation, gender identity, and sex characteristics.

We will continue to review the revised regulations in detail and provide more detailed guidance well in advance of the August 1, 2024 effective date.

**If you have questions about the revised regulations or how to update your Title IX Policy, please contact any member of our School Law Group.**

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