



EDUCATION LAW CLIENT ALERT

OSBORN MALEDON

New Title IX Rules Released by U.S. Department of Education

On Friday, April 19, 2024, the U.S. Department of Education released the long-awaited **final version** of the new Title IX regulations regarding sex discrimination and sexual harassment. **The new regulations will be effective on August 1, 2024.**

Among the most significant changes to the current Title IX regulations, the new rules:

- **Expand the definition of “sex discrimination.”** Title IX now prohibits discrimination based on sex stereotypes, sexual orientation, and gender identity.
- **Change the definition of sex-based harassment** to include “hostile environment harassment,” which is conduct that is subjectively and objectively offensive and is so severe *or* pervasive that it limits or denies a person’s ability to participate in an education program. (Note: The current rules prohibit sex-based harassment only if it is objectively offensive and severe *and* pervasive.)
- **Expand the scope of employees’ mandatory reporting obligations** to include mandatory reporting to Title IX Coordinators of information about conduct that “reasonably may constitute sex discrimination.” (Note: The current rules only require a response when schools have “actual knowledge.”)
- **Require schools to respond “promptly and effectively”** by taking certain actions when they have knowledge of conduct that reasonably may constitute sex discrimination. (Note: The current rules only require that the school’s response not be “deliberately indifferent.”)
- **Require specific procedures for the investigation** and resolution of complaints. As with the current rules, these procedures are very detailed.
- **Allow the decisionmaker to be the same person as the Title IX Coordinator or investigator.** (Note: The current rules require the investigator and the decisionmaker to be different people.)

The new rules also require protections and accommodations for students who are pregnant or have pregnancy-related conditions, including a requirement that employees provide students with the Title IX Coordinator’s contact information when they learn about a student’s pregnancy.

Watch your email for additional information: In the next few months, we will be

Education Law



Lynne C. Adams
602-640-9348
[Email](#)



David D. Garner
602-640-9358
[Email](#)



Kristin L. Windtberg
602-640-9367
[Email](#)



Sarah P. Lawson
602-640-9359
[Email](#)



Gloria D. Farrisi
602-640-9376
[Email](#)

developing a Title IX Policy that complies with the new rules that will be available for purchase, and we will be offering a free Lunch and Learn presentation on the new rules.

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2929 N. Central Ave., Suite 2000, Phoenix, AZ 85012 | (602) 640-9000 | www.omlaw.com

Osborn Maledon | 2929 N Central Ave | Phoenix, AZ 85012 US

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