

HIGHER EDUCATION INFORMATION MEMO

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ED Releases Additional Guidance for 2024 Title IX Regulations

On April 29, 2024, the United States Department of Education (ED) published its changes to the Title IX Regulations (the 2024 Regulations). All institutional policies must be in compliance with the 2024 Regulations by Aug. 1, 2024. In anticipation of that deadline (without much time to spare), on July 24, 2024, ED published additional [guidance](#) to aid institutions in their understanding and implementation of the 2024 Regulations. This guidance provided a list of “key components,” which included:¹

- Designate a Title IX Coordinator that is responsible for compliance with Title IX. If your institution has more than one Coordinator, be sure to specify who is responsible for compliance.
- Update your institution’s nondiscrimination policy and notice of discrimination to reflect the 2024 Regulations.
- Update the training your institution provides to reflect the new Title IX policy, including training for Title IX Coordinators, and anyone else responsible for implementing grievance procedures or obligations.
- Update your institution’s recordkeeping policy to ensure that all relevant Title IX records are retained for the requisite seven year period.
- Revise grievance procedures for sex discrimination complaints in accordance with 34 C.F.R. § 106.45. Note that postsecondary institutions must have grievance procedures in compliance with both 34 C.F.R. § 106.45 and 34 C.F.R. § 106.46 for sex-based harassment complaints involving a student.
- Ensure your institution’s Title IX policy is consistent with the scope and definitions provided in 34 C.F.R. § 106.2 and 106.10. Remember that, under the 2024 Regulations, discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.
- Develop and update processes to ensure a prompt and effective response to knowledge of conduct that may constitute sex-based discrimination. These processes should include: methods of monitoring and responding to barriers to reporting sex discrimination; identifying confidential employees; and notifying all employees of their reporting responsibilities.
- Update your institution’s processes to respond to notice of an employee or student’s pregnancy related condition. These processes should include reasonable modifications for students, reasonable break time for lactation for employees, and lactation spaces for students and employees.

¹ This document is provided as general guidance and does not provide a comprehensive summary of the requirements of the 2024 Regulations. Institutions should confer with legal counsel to ensure full compliance with the law.

- If your institution currently treats individuals differently on the basis of sex in a manner that was permissible under previous regulations, ensure that this is still permissible under the 2024 Regulations. For example, if an institution operates sex-separate restroom facilities, it must not prevent students from accessing the restroom consistent with their gender identity.

Be advised that there are still federal [injunctions](#) in place that may affect certain institutions' deadline to comply with the 2024 Regulations. If you need assistance in finalizing your revised policies by **August 1** or have questions concerning whether a court-ordered injunction applies to your institution, please contact any attorney in Bond's [higher education practice](#) or the Bond attorney with whom you are regularly in contact.

