

## **FACT SHEET: U.S. Department of Education’s 2024 Title IX Final Rule Overview**

Title IX of the Education Amendments of 1972 (Title IX) was signed into law more than 50 years ago. In the decades since, Title IX’s protections have paved the way for tremendous strides in access to education and more for millions of students across the country and have opened doors for generations of women and girls. In spite of this historic progress, rates of sexual harassment and assault in our nation’s schools and colleges remain unacceptably high. Many women see their education derailed because of pregnancy discrimination. And many LGBTQI+ students face bullying and harassment just because of who they are. The Biden-Harris Administration believes that the promise of Title IX, an education free from sex discrimination, remains as vital now as it was when it was first signed into law.

On April 19, 2024, the U.S. Department of Education released its final rule to fully effectuate Title IX’s promise that no person experiences sex discrimination in federally funded education. Before issuing the proposed regulations, the Department received feedback on its Title IX regulations, as amended in 2020, from a wide variety of stakeholders. The regulations released today draw on the Department’s engagement with tens of thousands of students, parents, educators, State government representatives, advocates, lawyers, researchers, and representatives from elementary schools, secondary schools, and postsecondary institutions. After releasing the proposed regulations in July 2022, the Department received and reviewed more than 240,000 comments from the public to inform this rulemaking.

The final regulations will help to ensure that all persons, including students and employees, receive appropriate support if they experience sex discrimination in schools and that schools’ procedures for investigating and resolving complaints of sex discrimination are accurate and fair to all involved. The final regulations strengthen several major provisions from the current regulations and provide schools with information to meet their Title IX obligations while providing appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures. The final regulations also provide greater clarity regarding: the definition of “sex-based harassment”; the scope of sex discrimination, including schools’ obligations not to discriminate based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity; and schools’ obligations to provide an educational environment free from discrimination on the basis of sex.

The final regulations strengthen vital protections for students in our nation’s schools and provide clear rules to help schools meet their Title IX obligation to eliminate sex discrimination in their education programs and activities. The final regulations also reaffirm the Department’s core commitment to fundamental fairness for all parties; the rights of parents and guardians to support

The final regulations strengthen vital protections from all forms of sex-based harassment, including sexual violence and unwelcome sex-based conduct that creates a hostile environment by limiting or denying a person's ability to participate in or benefit from a school's education program or activity.

**Require schools to take prompt and effective action to end any sex discrimination in their education programs or activities—and to prevent its recurrence and remedy its effects.**

The final regulations promote accountability and fulfill Title IX's nondiscrimination mandate by requiring schools to act promptly and effectively in response to information about conduct that reasonably may constitute sex discrimination, including sexual violence and other forms of sex-based harassment. These regulations also require that schools train employees about the school's obligation to address sex discrimination, as well as employees' obligations to notify or provide contact information for the Title IX Coordinator.

**Require schools to provide supportive measures to complainants and respondents affected**

- The school’s decisionmakers must objectively evaluate each party’s relevant and not otherwise impermissible evidence.
- A school must have a process enabling the decisionmaker to assess a party’s or witness’s credibility when credibility is in dispute and relevant. For sex-based harassment complaints involving a student party at a postsecondary institution, this process must include either: questioning by the investigator or decisionmaker during individual meetings with a party or witness (including questions proposed by each party), or questioning by the decisionmaker during a live hearing (including questions proposed by each party and asked by the decisionmaker or the party’s advisor).
- In evaluating the parties’ evidence, a school must use the preponderance of the evidence standard of proof unless the school uses the clear and convincing evidence standard in all other comparable proceedings, including proceedings relating to other discrimination complaints, in which case the school may use that standard in determining whether sex discrimination occurred.
- A school must not impose disciplinary sanctions under Title IX on any person unless it determines at the conclusion of grievance procedures that sex discrimination for which the person was responsible has occurred.

**Provide schools with flexibility to adapt the regulations’ grievance procedure requirements to their educational communities so that all schools can implement Title IX’s promise of nondiscrimination fully and fairly in their educational environments.**

The Department’s final regulations will enable all schools to meet their Title IX obligations while providing appropriate discretion and flexibility to account for variations in school size, student populations, and administrative structures. For instance, schools have the option to use a



The final regulations prohibit schools from disclosing personally identifiable information they

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