Client Alert: Update – Key Developments in Title IX Regulations

BY MEAGHAN E. BORYS • JANUARY 15, 2025

On January 9, 2025, the United States District Court for the Eastern District of Kentucky issued a landmark decision vacating the 2024 Title IX regulations nationwide. As we discussed in our previous alert, this ruling has significant implications for higher education institutions that had updated their Title IX and related policies to align with the now-vacated 2024 regulations. Schools and universities may now need to revisit their policies and procedures to ensure compliance with the 2020 Title IX regulations, which remain in effect until further notice.

Today, we bring you an important update from the U.S. Department of Education's Office for Civil Rights (OCR). On January 14, 2025, OCR released new guidance titled *Online or Digital Sexual Harassment under the 2020 Title IX Regulations: A Resource for Students, Families, and Educators*. A crucial footnote in this guidance references the January 9, 2025, ruling:

> The Department's Title IX regulations were amended in 2020 (2020 Notice of Final Rule; 2020 Title IX regulations) and again in 2024 (2024 Notice of Final Rule; 2024 Title IX regulations). On January 9, 2025, a federal district court issued a decision vacating the 2024 Final Rule. Consistent with the court's order, the 2024 Title IX regulations are not effective in any jurisdiction.

Additionally, OCR has edited its official publications regarding the 2024 Title IX regulations—including, e.g., its drafting resource—to include the following header:

> On January 9, 2025, a federal district court issued a decision vacating the 2024 Final Rule. Consistent with the court's order, the 2024 Title IX regulations and this resource are not effective in any jurisdiction.

These statements make clear OCR's position that the 2024 Title IX regulations are no longer in effect, and the 2020 regulations will govern Title IX enforcement going forward.

WHAT THIS MEANS FOR YOUR INSTITUTION

Policy Revisions: Institutions that updated their Title IX and other campus policies under the 2024 regulations should immediately assess whether those policies remain compliant with the 2020 regulations. Any recent changes made under the 2024 regulations may need to be adjusted to align with the previous standards.

Ongoing Title IX Cases: For institutions with active Title IX investigations or adjudications, each matter should be individually reviewed for compliance with applicable law. Because every matter is unique, next steps should be considered carefully.

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Next Steps: We strongly recommend that institutions take immediate action to review their Title IX compliance framework. Please refer to our previous client alert for more detailed guidance on the immediate steps institutions should take.

As always, our team is here to support you as you adjust to these developments and ensure continued compliance with Title IX requirements. Please reach out to the author or your Bowditch attorney to discuss further.

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