



# Understanding the 2024 Title IX Regulations

On April 19, 2024, the U.S. Department of Education released its new Final Rule, or regulations, under Title IX of the Education Amendments of 1972. Title IX is a federal law prohibiting discrimination on the basis of sex in education programs or activities that receive federal financial assistance. Sex or gender-based harassment, sexual assault, dating and domestic violence, and stalking are all forms of discrimination prohibited by Title IX.

**The new regulations will take effect August 1, 2024.**

*Complaints reported to have occurred before August 1, 2024, will be processed under the 2020 regulations.*

## Notable Similarities Title IX 2020 to 2024

Title IX Coordinator receives all complaints of sex discrimination, including sex based harassment

Definition of Affirmative Consent remains same for NY Colleges and Universities

Reporting parties have a choice how they proceed after making a report

Supportive measure available regardless of a desire to make a formal complaint

Amnesty Policy: Students who are drinking alcohol or using drugs during or around the reported incident will not be referred to College conduct process

Responsible employees required to share all reports with TIX Coordinator

(Confidential resources remain the same: Counseling, Health Services, Ordained Clergy; still should provide coordinator's contact information)

All parties involved in the complaint receive equitable treatment

Parties are entitled to an advisor of choice

Standard of Evidence – Preponderance of the Evidence

# A snapshot of what's changed in Title IX

Topic	2020	2024
Formal Complaints	Must be a written and signed request	Oral or written request
Complainant	Student or employee participating in the program or activity of the institution when the incident occurred, TIXC permissible.	Adds to the 2020 definition for <b>sex discrimination</b> - to include a person other than a current student or employee who participated in or attempted to participate in the College's program or activity at the time the incident took place.
What conduct the Title IX Regulations Address	Sexual Harassment	Sex discrimination and sex-based harassment (formerly called sexual harassment)
Definition of Sexual Harassment	Narrow: Severe, <b>AND</b> pervasive, <b>AND</b> objectively offensive.	Broad: Severe <b>OR</b> pervasive and objectively offensive; adds criteria to assess
Mandatory Dismissals	Required for incidents that do not fit the narrow definition of sexual harassment or do not occur in the institution's educational program or activity in the US.	No Mandatory dismissals. Permissive dismissals: can occur before the responding party is notified of a complaint. E.g. Not enough information to proceed
Location	Under the institution's educational program or activity; in the United States.	Under a recipient's educational program or activity in the US and outside the US if the conduct alleged contributes to a hostile campus environment and/or the college has disciplinary authority; similar to NYS 129-B.
Advisors	Required for cross-examination in a hearing.	Permitted for support, but no cross-examination.
Retaliation	Prohibits, but does not define.	Provides a definition and includes peer retaliation.
Training	Annually for TIX personnel. (Investigator, mediator, decision-maker, TIXC)	Annually for all employees and TIX personnel.
Informal Resolution	Discretionary. Only after a formal complaint is filed.	Discretionary. Allowable even without a formal complaint.

Topic	2020	2024
Supportive Measures	Available to all parties	Available to all parties. Must provide appeal opportunity to seek any modifications, removal, etc. Decision-makers cannot be involved in the implementation.
Emergency Removal	If after an individualized risk assessment, a determination is made that the responding party presents an imminent and serious <b>physical</b> threat to the health and safety of a complainant, or students, or employees, or other person arising from the allegations.	Same definition - removes the term " <b>physical</b> ."
Timeframes for steps of the investigative process	Specified time frames for each step of the process.	Reasonable time frames; prompt and equitable; quicker resolutions.
Scope of Sex Discrimination	Narrow definition.	Clarifies sex discrimination includes discrimination based on sex stereotypes, sex characteristics, pregnancy and related conditions, sexual orientation, and gender identity.
Responding to Sex Discrimination	Only if "actual" knowledge and cannot be deliberately indifferent.	A recipient with knowledge of conduct that reasonably may constitute sex discrimination must respond promptly and effectively.
Pregnancy	Protected students, employees, and applicants from sex discrimination based on pregnancy.	Any student who informs Marist employee of pregnancy must be provided with TIXC contact information and the TIXC role with accommodations. Strengthens current requirements and adds related conditions.
Access to investigative report/evidence	Must provide a physical copy of the investigative report to all parties involved in the complaint: 10 days for review and 10 days prior to a hearing. Evidence must be "directly related" to allegations.	Investigative report not required. Equal access to inspect and review the evidence. Evidence must be "relevant" to allegations.
Hearings for Sexual Harassment Complaints	Live Hearings with advisor cross-examination of party and witnesses.	Permits live hearings, but not required. Still need a process to assess credibility. Parties can ask own questions in a hearing, but through the Chair.