



**Thank you for joining us.
The webinar will begin soon.**

2025 Title IX Updates for Higher Education Institutions

January 30, 2025



Before We Begin

- **All attendees are in listen-only mode.** If you run into any audio issues during the webinar, please try another method of listening in, such as computer audio or calling in by phone.
- All registrants and attendees will receive a link to the recorded version of this webinar in a follow up email.
- If you have questions during the presentation, **please let us know by typing your question into the Q&A panel.** We will address these at the end of the presentation.



Megan C. Farrel

Title IX and Civil Rights Officer and Title IX Consultant



Megan is an advisor and consultant to educational institution clients with a focus on Title IX compliance. Megan's approach focuses on providing practical, reasoned advice to colleges, universities and K-12 schools who are implementing change and bringing her legal, business, and education expertise to unique challenges.

Megan's background includes working as Title IX Coordinator at Palo Alto School District and Notre Dame of Maryland University. She has also served as in-house counsel, faculty member, and graduate program director. Aside from these in-house positions, Megan also has provided risk and litigation management counseling to institutions, developed internal policies and procedures for education clients, and designed customized training programs for educational institutions across the country.

Megan holds a Bachelors of Arts degree from Loyola University, a Juris Doctor from Widener University, and a Masters of Business degree from University of Maryland. Megan holds a Certificate in Bias and Diversity from Cornell University and Mentor Coaching from the Coach Training Alliance, an International Coach Federation (IFC) program.

Disclaimer

- Not legal advice.
- Not a comprehensive review of all changes necessary under the new regulations.
- Please consult with your administration and legal counsel regarding specific questions about compliance requirements for your institution.

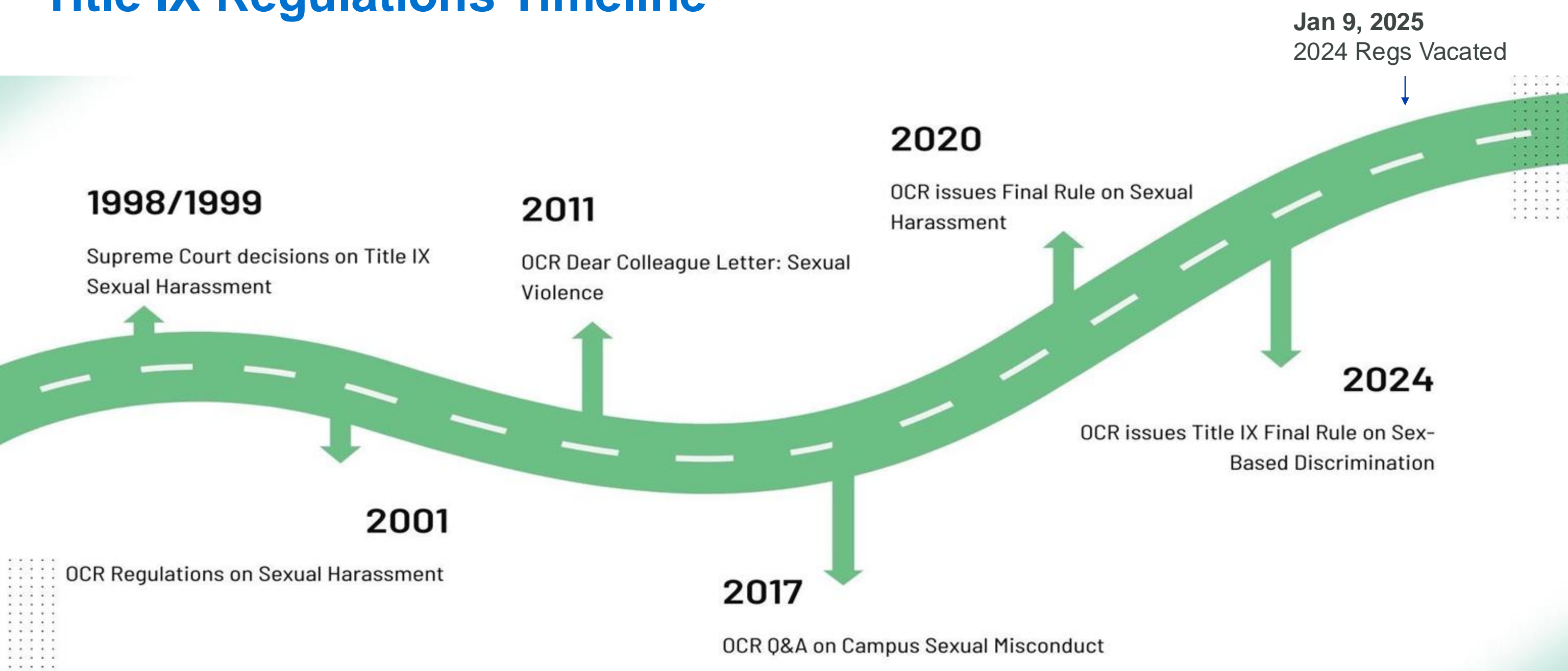
Overview

- Title IX Regulations Timeline
- Challenges to Implementing the 2024 Title IX Regulations
- Tennessee v. Cardona Decision on January 9, 2025
- Highlights of Differences between 2020 and 2024 Regulations
- Recent Executive Orders from Trump Administration
- Next Steps in Title IX Enforcement



Title IX Regulations Rollercoaster

Title IX Regulations Timeline



Timeline for 2024 Title IX Regulations

- July 12, 2022 – Draft of New Title IX Regulations
 - Notice and Comment Period for two months.
 - 235,000 comments received.
- April 19, 2024 – Final Version of Regulations Released
 - August 1, 2024 – Stated effective date for educational institutions to implement 2024 Title IX regulations.
- After the final 2024 Title IX regulations were released, litigation across the country ensued to stop implementation of these regulations.
 - Key issue was expansion of definition of “sex” to include gender identity.

Key Litigation Challenges

- **June 17, 2024** – Tennessee v. Cardona temporary injunction issued enjoining enforcement in states Tennessee, Kentucky, Ohio, Indiana, Virginia, and West Virginia (Plaintiffs in litigation).
- **July 2, 2024** – Kansas v. Department of Education issued injunction preventing implementation of regulations in four Plaintiff states (Alaska, Kansas, Utah, Wyoming) and schools attended by the members of nonprofit Plaintiffs - Young America's Foundation or Female Athletes United, as well as the schools attended by the children of the members of Moms for Liberty.
- **August 16, 2024** – Biden administration's request to be allowed to temporarily enforce most of an April 2024 rule implementing Title IX of the Education Amendments of 1972 denied by Supreme Court of United States.

2024 Title IX Regulations were enjoined from enforcement in 26 states and over 1,000 K12 schools who did not implement 2024 regulations.

On the Eve of Implementation

- Litigation against the 2024 Regulations
 - Complete injunctions in 12 states.
 - Injunctions/litigation and do not enforce orders in 9 states.
- Proactive Support of 2024 Regulations
 - Amicus briefs in favor of 2024 regulations filed by 8 states.
- No Pending Litigation
 - No state-wide litigation pending – 11 states.

Patchwork of enforcement across the United States and continued confusion caused by pending Kansas litigation.

Divided Enforcement – Divided Ideology

- Presidential election of 2024 featured key issues that coincided with issues/challenges in Title IX debates.
- Election results would impact enforcement of 2024 Title IX regulations going forward.
- Unclear how this would take place
 - Election decision would require some action on part of successful candidate, through potential means:
 - Judicial Decision
 - Executive Order
 - NEW Title IX Regulations



2024 Title IX Regulations Vacated

Tennessee v. Cardona – Court Decision

- Department of Education exceeded its authority in expanding the scope of prohibited discrimination to include “gender identity.”
- Final Rule was unconstitutional because the new definitions in the Final Rule would compel Title IX institutions, including teachers, to “use names and pronouns associated with a student’s asserted gender identity” in violation of the First Amendment and “so vague that recipients of Title IX funds have no way of predicting what conduct would violate the law.”
- Final Rule was found to have violated the Administrative Procedures Act (APA) by being “arbitrary and capricious.”
- Decision explicitly rejected OCR/DOE reliance on *Bostock v. Clayton County, Ga.*, 590 U.S. 644 (2020).

Implications of the Decision

- Vacatur of the 2024 Regulations
 - ***Vacatur*** is "a rule or order that sets aside a judgment or annuls a proceeding."
- **Removal** of the 2024 Regulations in that they were never lawful.
- Court did not address which regulations are now in effect.
- No appeal expected
 - Reasoning appropriate or flawed?



Impact of Decision on Higher Education Institutions

Implemented 2024 Regulations

- Regulations are in effect.
- No clear direction from court about whether to revert to the 2020 regulations.
- Investigations initiated and concluded from August 1, 2024-January 9, 2025.
- Pending investigations related to incidents between August 1, 2024 -Jan 9, 2025.

Never Implemented 2024 Regulations

- Using 2020 regulations.
- Continue the course using the 2020 regulations.

Highlights of Differences between 2024 and 2020

Category	Change in 2024 Regulations	2020 Regulations
Complainant	No longer required to be enrolled/employed	Pursuing program
Jurisdiction	Expanded to include other areas of school operations	On campus; in education program or activity
Investigation Required	Upon notice and investigation requested	Formal complaint
Covered Acts	Sex-based discrimination/harassment	Sexual harassment
Required Response	Prompt and effective steps to end SD and SH, prevent recurrence, and remedy	Deliberate Indifference
Decision-Making	Single investigator permitted	Separate Decision-Maker; Title IX Coordinator Role limited
Appeals	Ability to adopt other appeal procedures	Three (3) reasons to appeal
Informal Resolution	Detailed and explicit process requirements; at any time	Limited requirements; after formal complaint
Advisors	Not required with K12s; parent role	Required for both parties
Pregnancy	Detailed requirements for support	Not explicitly covered

Review of Executive Orders

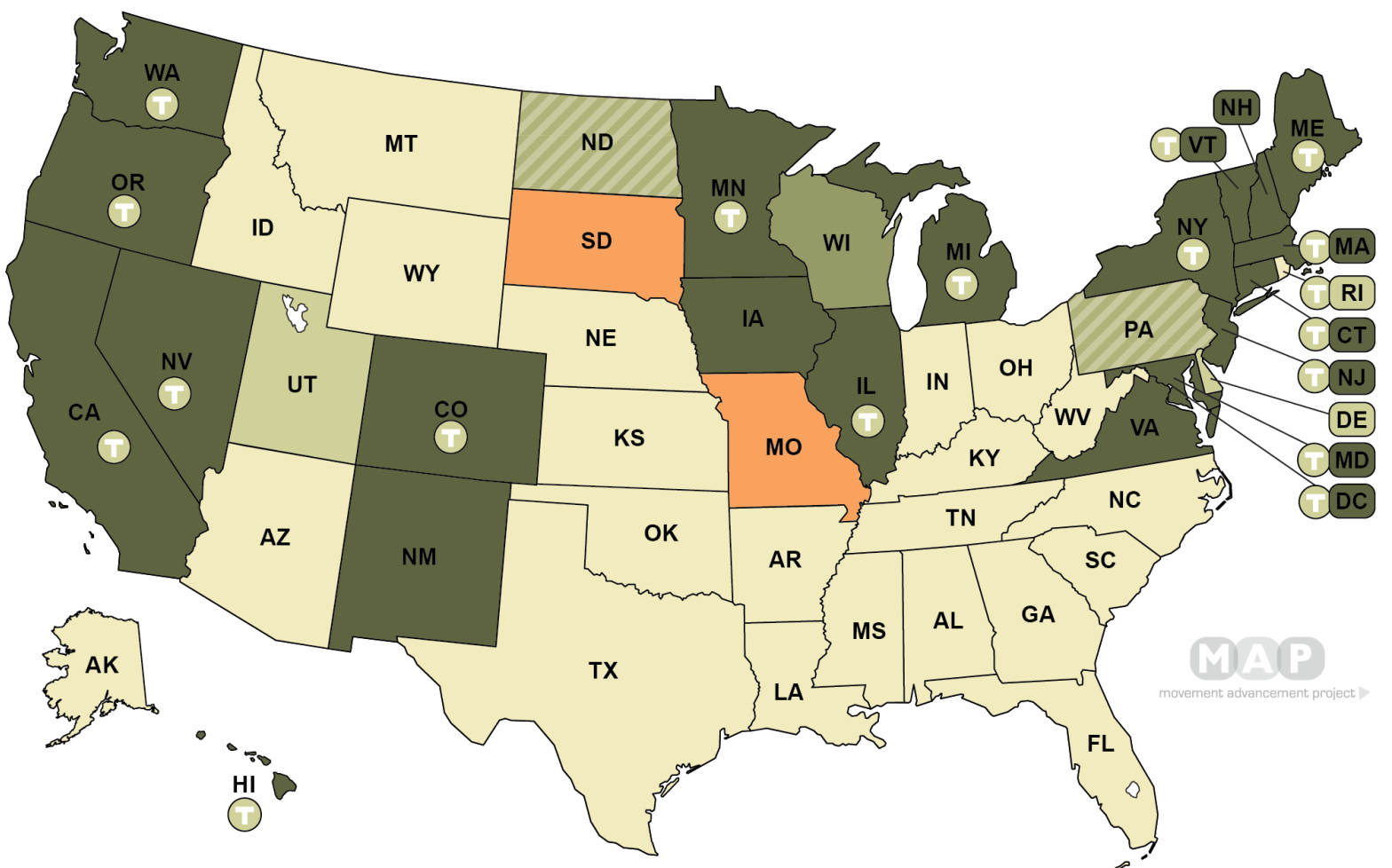
A woman with long dark hair, wearing a dark blue top, is sitting at a desk. She is looking down at a notebook in her hands, with her left hand resting on her head in a thoughtful or stressed pose. On the desk in front of her is a laptop, a coffee cup, and an apple. The background is a plain wall. The entire image has a blue tint.

Executive Order:

Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government

- “[I]t is the policy of the United States to recognize two sexes, male and female” on official documents.
- "These sexes are not changeable and are grounded in fundamental and incontrovertible reality..."
- Bostock decision does not apply to Title IX and conflicting prior guidance is rescinded.

Highlights of Differences between 2024 and 2020



Map of United States and Nondiscrimination Laws covering gender identity and sexual orientation, provided by the Movement Advancement Project (MAP).

A photograph of two women sitting at a table in a library, looking at an open book. The woman on the left has curly hair and wears glasses and a denim shirt. The woman on the right has long dark hair and is resting her chin on her hand. The background shows bookshelves and another person working at a computer. The entire image has a blue color overlay.

Important Considerations

Risks Related to Mid-Year Changes

- Campus Unrest
- Litigation
 - Respondents
 - Due Process
 - Breach of Contract
 - Complainants
 - Breach of Contract
 - Withdraw of Complaint Due to Hearing Requirement
- Office for Civil Rights Investigation



Next Steps

- Seek guidance of counsel for specific matters and questions of process, especially regarding pending investigations
- Examine how to handle matters to support all students
 - Separate federal process and state law process available for groups no longer covered under Title IX
- Outreach to pending Complainants/Respondents
 - Seek resolution
- Training
 - Required and Recommended
 - Title IX staff and all employees
 - VAWA/Clery remain in effect for higher education institutions
- Communication Plan
 - Complainant/Respondent in Pending Cases
 - Students
 - Parents
 - Employees

Important Links

- Tennessee v. Cardona decision
 - <https://adfmedialegalfiles.blob.core.windows.net/files/TennesseeAppellateOpinion.pdf>
- 2020 Final Rule on Title IX Regulations
 - <https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>
- Executive Order – Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
 - <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/>
- Map of states recognizing gender identity as a protected characteristic
 - https://www.lgbtmap.org/equality-maps/safe_school_laws
- Title IX Consult, LLC website
 - www.titleixconsult.com



Megan C. Farrell

Title IX and Civil Rights Officer and Title IX Consultant

megan@titleixconsult.com

Vector Solutions' Title IX Course Updates



On January 9th, a federal district court in Kentucky issued a ruling striking down the 2024 Title IX Regulations.



When the new 2024 regulations took effect last year, we provided versions that aligned with both the 2020 and 2024 regulations for many courses. Considering the recent ruling, we will overwrite 2024 course versions with new versions that reflect the 2020 regulations.



We are committed to providing these compliance-related changes on or before February 11, 2024.



The list of courses to be updated and the timing of those updates is available. Click the QR Code or use this link (<https://vector-solutions.my.salesforce.com/sfc/p/#41000000dzt8/a/QQ0000022mc5/WKpW9tV3FOelPoSEil55LmZwLCTYHGUqJUwAlXpD7y8>)



The document linked below provides a summary of key differences between the 2024 and 2020 regulations that you can share with learners who previously completed or are actively in progress in the 2024 version of the course. (https://vector-solutions.my.salesforce.com/sfc/p/#41000000dzt8/a/QQ0000022gV3/XW4h0GI7KLSYv5dVFMJtIWGYG7g_eDqbj6H0CIDMhV8)

How Vector Solutions Can Help

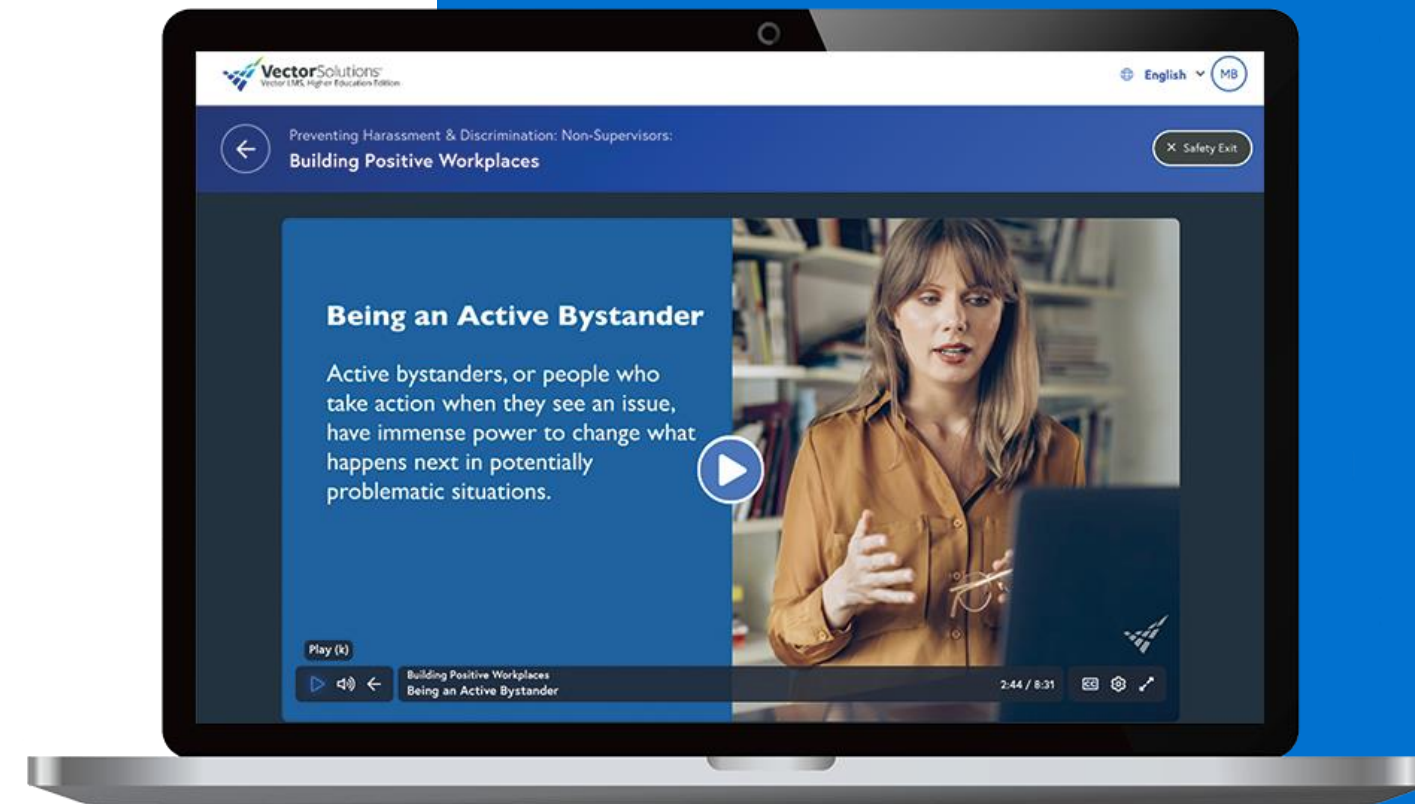
Faculty and Staff Training

Title IX and Sexual Assault Prevention Training:

- Building Support Communities: Clery Act & Title IX
- Title IX and Sexual Harassment Prevention for Employees
- Clery Act Overview
- Sexual Harassment: Policy and Prevention
- Sexual Harassment: Staff-to-Staff
- Preventing Harassment and Discrimination
- Dating Violence

Additional Faculty and Staff Libraries:

- Athletics
- Health & Human Safety
- Human Resources & Workforce Management
- Security and Risk Mitigation
- Facilities Maintenance
- Environmental Health and Facilities Management



How Vector Solutions Can Help

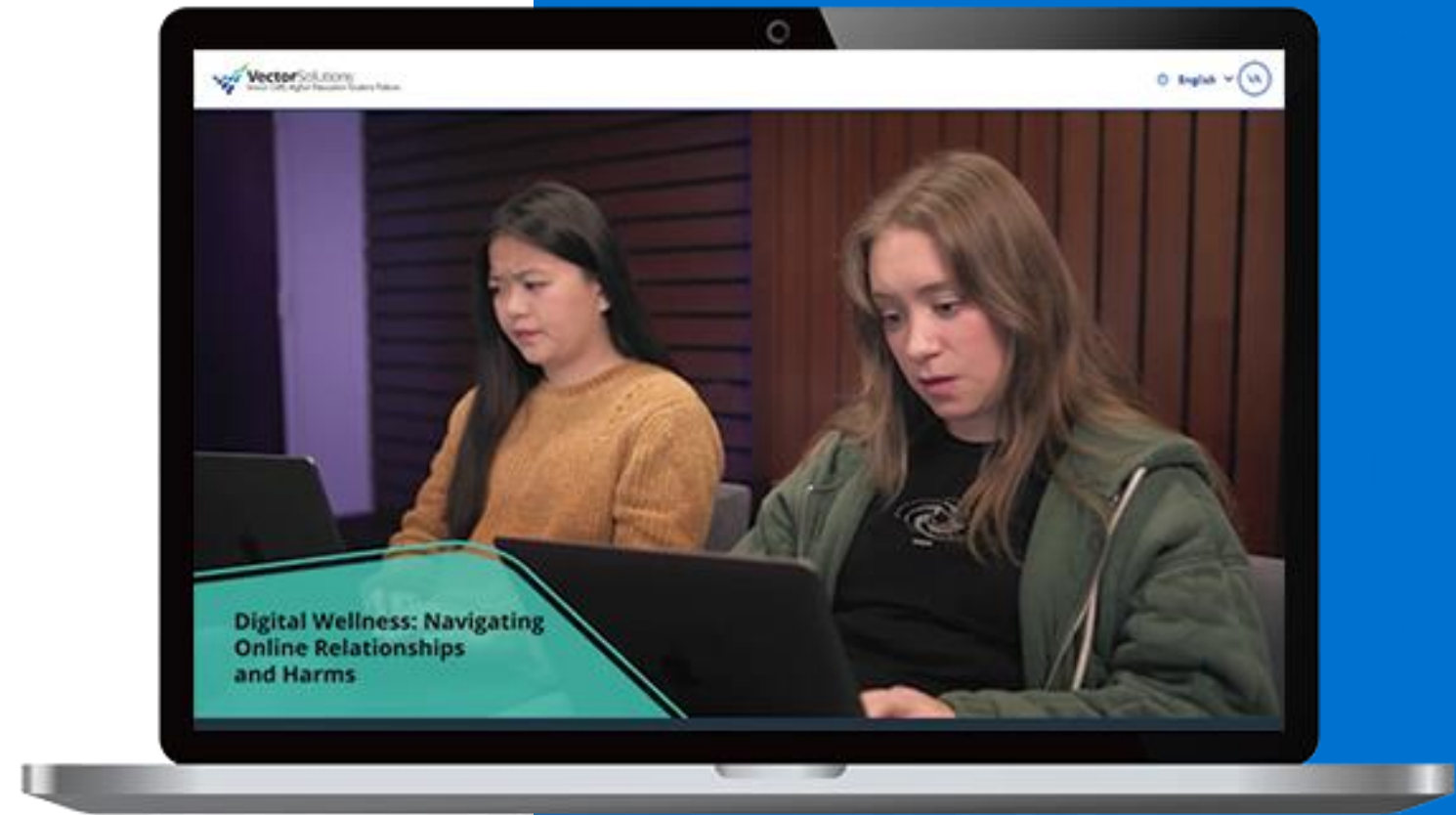
Student Training

Title IX and Sexual Assault Prevention Training:

- Sexual Assault Prevention for Undergraduates, Graduates, Adult Learners, Community Colleges
- Title IX Rights and Protections
- Healthy Relationships
- Taking Action
- Building Relationships
- Clarifying Consent
- Bystander Intervention

Additional Student Libraries:

- Alcohol & Drug Misuse Prevention
- Wellness & Safety
- Athletics
- Career Readiness & Personal Development



Q&A

Note: If your question doesn't get answered during the allotted time, we will follow up by email.

Additional Questions? Visit us at VectorSolutions.com/HE



Thank You!

