

Legal Update Article

Department of Education: Moving to Amend 2020 Title IX Regulations on Sexual Harassment

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The U.S. Department of Education’s Office for Civil Rights (OCR) has [announced](#) it will conduct a comprehensive review of its regulations implementing Title IX of the Education Amendments of 1972, starting with a public hearing on the issues of sexual harassment in school environments, including sexual violence, and discrimination based on sexual orientation and gender identity. It also anticipates publishing a notice of proposed rulemaking to amend the Title IX regulations.

OCR says in the April 6, 2021, announcement that these steps are part of the comprehensive review required by President Joe Biden’s March 8 [Executive Order](#) on “Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity.”

A letter from OCR’s Acting Assistant Secretary Suzanne Goldberg reiterates the purpose behind the executive order: to prohibit sex discrimination in federally funded education programs and activities under Title IX, including discrimination on the basis of sexual orientation and gender identity. The letter details that OCR will undertake a comprehensive review of DOE’s Title IX regulations, orders, guidance, policies, and any other similar agency actions, including the [Title IX regulations that took effect on August 14, 2020](#).

At this time and during the comprehensive review, the Title IX regulations that took effect on August 14, 2020, remain in effect. In the letter, OCR states it will continue to hold schools accountable to ensure schools have grievance procedures that provide for the fair, prompt, and equitable resolution of sexual harassment and other sex discrimination reports.

According to OCR, the public hearing will allow students, educators, and others with interest and expertise in Title IX to participate by offering oral comments or written submissions. OCR states that dates and times for the public hearing will be released and additional information will be published on [its website](#) and in a Federal Register notice.

To further assist schools and students, Goldberg also announced plans for OCR to issue a Question & Answer document. The document will clarify how OCR interprets schools’ existing obligations under Title IX regulations.

The Jackson Lewis Higher Education Team is well-versed in Title IX issues and continues to analyze ongoing developments in this area. Please contact the Jackson Lewis attorney with whom you regularly work with any questions about the recently issued executive orders and any other Title IX developments.

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