

## TECHNICAL SUMMARY OF TITLE IX REGULATIONS

### FINAL REGULATIONS RELEASED APRIL 19, 2024

#### Overview

The Department of Education released [final Title IX regulations](#) on April 19, 2024. The new rules, which differ from both the Obama-era guidance and the Trump Administration’s [regulations](#), remove some requirements that apply to colleges and universities while adding new ones in their place. In general, the regulations significantly expand the scope of Title IX to cover all forms of sex-based discrimination, including sexual harassment and violence and discrimination on the basis of sexual orientation, gender identity, pregnancy, and retaliation.

The regulations also streamline certain procedural requirements and provide additional protections for victims of sex discrimination. However, the rules do not address athletic participation by transgender students because that portion of the regulations is still under review by the Department. Although the Department did make some substantive changes and numerous technical amendments, the final regulations substantially align with the proposed rules.

#### Background

In 2017, the Trump Administration rescinded Obama-era campus sexual assault guidance and announced its intent to develop Title IX regulations governing sexual harassment. [Final regulations](#) went into effect in 2020. Shortly after taking office in 2021, President Biden ordered the Department to [review](#) the agency’s Title IX policies, and the Department released a [notice of proposed rulemaking](#) on July 23, 2022.

These regulations **become effective on August 1, 2024**. Below is a technical summary of the requirements contained in the final regulations. NAICU has also produced an [executive summary](#) of the regulations. In addition, the Department has issued:

- A [fact sheet](#);
- A [summary](#) of the major provisions; and
- A [resource](#) for drafting Title IX nondiscrimination policies, notices of nondiscrimination, and grievance procedures.

This technical summary includes Title IX regulatory details on the following:

- |      |                                          |       |                                                                                                    |
|------|------------------------------------------|-------|----------------------------------------------------------------------------------------------------|
| I.   | Coverage                                 | VI.   | General Grievance Procedures for Sex Discrimination Claims                                         |
| II.  | Obligation to Address Sex Discrimination | VII.  | Grievance Procedures for Sexual Harassment Claims Involving Students at Postsecondary Institutions |
| III. | Nondiscrimination Policy                 | VIII. | Enforcement                                                                                        |
| IV.  | Training                                 | IX.   | Other Provisions                                                                                   |
| V.   | Informal Resolution                      |       |                                                                                                    |

## I. COVERAGE

- The rules cover students, employees, and third parties who participated or attempted to participate in the school’s educational program or activity at the time the alleged sex discrimination occurred.
- The rules prohibit not just sexual harassment, but all forms of sex discrimination within an institution’s educational program or activity, including:
  - Sexual harassment, including quid pro quo harassment and hostile environment harassment;
  - Sexual violence, including sexual assault, dating violence, domestic violence, and stalking; and
  - Discrimination based on sex stereotypes or characteristics, pregnancy or related conditions, sexual orientation, gender identity, and parental, family, or marital status.
- The regulations expand the definition of hostile environment harassment to cover a broader scope of conduct. “Hostile environment harassment” is defined as “unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive, that it limits or denies a person’s ability to participate in or benefit from the recipient’s education program or activity.”
  - To determine whether a hostile environment has been created, institutions are required to conduct a fact-specific inquiry that considers:
    - The degree to which the conduct affected the complainant’s ability to access the recipient’s education program or activity;
    - The type, frequency, and duration of the conduct;
    - The parties’ ages, roles within the recipient’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the alleged unwelcome conduct;
    - The location of the conduct and the context in which the conduct occurred; and
    - Other sex-based harassment in the recipient’s education program or activity.
- The final regulations clarify the current regulatory prohibitions against parental, family, or marital status and pregnancy or related conditions.
  - Discrimination on the basis of pregnancy or related conditions applies to students and employees (including applicants) and is defined to include discrimination based on childbirth, termination of pregnancy, or lactation.
  - Institutions are required to treat pregnancy or related conditions in the same manner as other temporary medical conditions.
  - Institutions are prohibited from requiring a student who is pregnant or has related conditions to provide supporting documentation or medical certification of ability to participate in a program or activity unless such certification is necessary, is required of all participating students, and is not used as a basis for discrimination.

- Institutions are required to ensure that when a student or a person who has a legal right to act on behalf of the student informs any employee of a student's pregnancy or related condition that the employee informs the person of the Title IX Coordinator's contact information and duties.
  - The Title IX Coordinator must inform the student or the person legally acting on their behalf about the institution's nondiscrimination obligations, provide the institution's notice of nondiscrimination, provide reasonable modifications to policies or practices, allow voluntary access to any separate and comparable program or activity, permit a voluntary leave of absence, and ensure the availability of lactation space.
    - The lactation space is required to be clean, private, and a space other than a bathroom.
    - Institutions must provide reasonable break time for employees to express breast milk or breastfeed.
  - Institutions must provide reasonable modifications for pregnancy and related conditions in consultation with the student, unless they can demonstrate that such modifications would fundamentally alter their educational program or activity.
  - Institutions are prohibited from making pre-employment inquiries regarding a job applicant's marital status.
  - Institutions are permitted to ask job applicants to self-identify their sex if such a question is asked of all applicants.
- The regulations apply to all sex discrimination occurring within an institution's educational program or activity, including:
    - Conduct that occurs in a building owned or controlled by an officially recognized student organization;
    - Conduct that is subject to the institution's disciplinary authority; and
    - Conduct that occurs outside the institution's educational program or activity or outside the United States if such conduct contributed to a hostile environment within the institution's program or activity.
  - The regulations retain the current prohibition against retaliation.
    - Retaliation includes peer retaliation but does not include requiring an employee to participate as a witness or otherwise assist with an investigation or proceeding.
    - Institutions are required to take action to end such retaliation, prevent its recurrence, and remedy its effects, as well as to initiate grievance procedures or informal resolution upon receiving an eligible complaint.
  - In the limited instances in which Title IX permits sex-segregated programs or activities, the regulations prohibit differential treatment that causes more than de minimis harm, including policies or practices that limit individuals from participating in programs or activities consistent with their gender identity.
    - This provision does not apply in contexts in which particular practices are otherwise permitted by Title IX, such as admissions to single-sex colleges or as permitted by a religious exemption.

- The preamble to the regulations clarifies that the de minimis standard does not apply to athletics.
- The final regulations do not amend the current regulations governing athletics.
  - The Department has engaged in a separate rulemaking to address the Title IX athletics regulations, particularly with respect to criteria that institutions should use to determine transgender students' eligibility to participate on sex-segregated athletic teams.
- The current regulations governing exemptions for religious institutions remain in place under the final regulations.

## II. OBLIGATION TO ADDRESS SEX DISCRIMINATION

- An institution with knowledge of conduct that may reasonably constitute sex discrimination must require its Title IX Coordinator to take prompt and effective action to end any sex discrimination that has occurred, prevent its recurrence, and remedy its effects and to monitor for barriers to reporting information.
- Institutions are required to designate at least one employee to serve as the Title IX Coordinator.
  - Title IX Coordinators have a duty to monitor for barriers to reporting sex discrimination and take steps to address such barriers.
  - The Title IX Coordinator may delegate responsibilities as necessary, but if there is more than one Title IX Coordinator, the institution must designate one of those coordinators to retain ultimate oversight.
- Title IX Coordinators are required to:
  - Treat the complainant and respondent equitably;
  - Notify the complainant of grievance procedures;
  - If a complaint is made, notify the respondent of grievance procedures and both parties of the informal resolution process, as appropriate, and offer supportive measures;
  - Coordinate supportive measures;
  - Respond to complaints by initiating either the grievance procedures or informal resolution process; and
  - Take steps to prevent the recurrence of sex discrimination.
- In the absence of a complaint or informal resolution or in the event of a withdrawal of any or all complaint allegations or termination of informal resolution, the Title IX Coordinator must determine whether he or she should initiate a complaint of sex discrimination:
  - In making this determination, the Title IX Coordinator must consider the complainant's request not to proceed, the complainant's reasonable safety concerns, the risk that additional sex discrimination would occur if a complaint is not initiated, the severity and scope of the alleged discrimination, the age and relationship of the parties, the

- availability of evidence, and whether the sex discrimination could be ended and prevented from recurring without initiating grievance procedures.
- After considering the relevant factors, the Title IX Coordinator may initiate a complaint if he or she determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or other person or that it prevents the institution from ensuring equal access on the basis of sex.
  - If the Title IX Coordinator initiates a complaint, he or she must notify the complainant beforehand and address reasonable safety concerns.
  - If the Title IX Coordinator reasonably determines that the alleged conduct could not constitute sex discrimination, then he or she is not required to take the above steps.
- The Title IX Coordinator is not obligated to act in response to allegations of sexual harassment disclosed during live or online public awareness events unless the information reveals an immediate and serious threat to the health or safety of the campus community.
    - Institutions are required to use such information to inform its efforts to prevent sexual harassment.
    - Title IX Coordinators and other employees are not required to attend such events.
  - The Title IX Coordinator must provide appropriate supportive measures in response to allegations of sex discrimination.
    - Reasonable supportive measures must be available to both parties to the extent necessary to restore or preserve the parties' access to the educational program or activity.
    - Supportive measures may include counseling, deadline extensions, other course-related adjustments, campus escort services, increased security and monitoring, restrictions on contact, leaves of absence, training and education, and voluntary or involuntary changes in class, work, housing, and extracurricular or other activities.
    - Supportive measures must not unreasonably burden either party, must be designed to protect the safety of the parties and the campus environment or to provide support during the grievance process, may continue beyond the conclusion of the grievance process, and must not be imposed for punitive or disciplinary reasons.
    - Institutions are required to offer the parties affected by the provision of supportive measures with an opportunity to seek changes to those measures via a decision by an impartial employee.
    - Institutions are required not to disclose information about supportive measures to others unless necessary to provide the measures.
  - The regulations clarify that nothing in the regulations prevent an institution from emergency removal of a student or placing an employee on administrative leave.
    - Emergency removal requires an individualized safety and risk analysis, a determination of an immediate and serious threat, and notice and an opportunity to challenge the removal.
    - The rules clarify that both emergency removal and administrative leave may not be construed to modify rights available under federal disability laws.

- The final regulations prohibit institutions from disclosing personally identifiable information obtained while complying with Title IX, unless:
  - The institution has received prior written consent from the relevant individual or their parents or legal guardian or representative;
  - Such disclosures are permitted under the Family Educational Rights and Privacy Act (FERPA) or are required by law or the terms and conditions of a federal grant; or
  - Such disclosures are needed to carry out the purposes of the regulations.
- The regulations establish a category of “confidential employees” and separate requirements for confidential and non-confidential employees.
  - Confidential employees include employees whose communications are privileged or confidential under state or federal law and employees designated as confidential employees.
- Confidential employees are not required to notify the Title IX Coordinator of sex discrimination allegations.
  - Confidential employees are required to inform individuals reporting potential sex discrimination about how to contact the Title IX Coordinator and report such conduct, as well as inform them that the Title IX Coordinator may be able to offer supportive measures, initiate an informal resolution process, or conduct an investigation.
  - Institutions must provide notice regarding the identity of confidential employees and require such employees to explain their confidential status to anyone who reports potential sex discrimination.
- Non-confidential employees who have information about potential sex discrimination are required to either notify the Title IX Coordinator or to inform the person reporting such conduct about how to contact the Title IX Coordinator and report sex discrimination.
  - Non-confidential employees who have responsibility for administrative leadership, teaching, advising, or instituting corrective measures have a duty to report potential sex discrimination to the Title IX Coordinator.
  - Institutions are required to determine and specify whether and under what circumstances a person who is both a student and an employee is subject to these requirements.
  - Employees who have personally been subject to conduct that reasonably may constitute sex discrimination are not subject to these requirements.

### **III. NONDISCRIMINATION POLICY**

- Institutions are required to adopt, publish, and implement a nondiscrimination policy.
- Institutions that are subject to a Title IX exemption are permitted to include a statement to that effect in their nondiscrimination policy.

- Institutions are required to provide to students, employees, and applicants for admission or employment a notice of nondiscrimination that includes:
  - A statement that the institution does not discriminate on the basis of sex;
  - A statement that questions about Title IX may be referred to the Title IX Coordinator, the Department’s Office for Civil Rights, or both;
  - Contact information for the Title IX Coordinator;
  - How to locate the nondiscrimination policy and grievance procedures; and
  - How to report conduct that may violate Title IX, and to file a complaint.
  
- Institutions are required to prominently publish their notice of nondiscrimination on its website.
  - Institutions are also required to publish such notice in each handbook, catalog, announcement, bulletin, and application form that it provides to students, employees, and applicants or recruits for admission or employment.
  - Alternatively, institutions may include in such publications a statement of nondiscrimination, referral to the Title IX Coordinator for questions or concerns, and the location of the nondiscrimination notice on the school’s website.

#### IV. TRAINING

- Institutions are required to ensure that the following categories of individuals receive training on their Title IX obligations.
  - Institutions are required to provide all employees with training regarding the obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination, and applicable notification requirements.
  - Training must occur promptly upon hiring or change of position that alters an employee’s Title IX duties and annually thereafter.
  - Institutions are required to provide investigators, decisionmakers, and other individuals who have responsibility for implementing grievance procedures or have authority to modify or terminate supportive measures with additional training on:
    - The institution’s obligation to take prompt and effective action to end sex discrimination, prevent its recurrence, and remedy its effects;
    - Grievance procedures;
    - Impartiality; and
    - Relevance of questions and evidence.
  - Institutions are required to provide facilitators of an institution’s informal resolution process with additional training on that process and how to serve impartially.
  - Institutions are required to provide the Title IX Coordinator and designees with additional training regarding their responsibilities, including recordkeeping responsibilities.
    - For a period of at least seven years, institutions are required to maintain records documenting the informal resolution or grievance process and the resulting outcome and actions the institution took to meet its obligation to prevent and remedy sex discrimination, including discrimination based on parental status and pregnancy or related conditions.

- For a period of at least seven years, institutions are required to maintain records of all training materials and to make such materials available for inspection upon request.

## V. INFORMAL RESOLUTION

- The final regulations permit institutions to offer informal resolution so long as all parties agree to participate voluntarily.
  - Informal resolution is allowed at any point before a formal determination is made.
  - Informal resolution is not allowed if such a process conflicts with federal, state, or local law.
  - Institutions have discretion to determine whether it is appropriate to offer an informal resolution process and may decline to do so despite one or more of the parties' wishes, such as when the institution determines that the alleged sex discrimination would pose a future risk of harm to others.
  - The rules prohibit institutions from requiring or pressuring parties to participate in informal resolution and from requiring a waiver of a right to an investigation or complaint determination.
- Before initiating informal resolution, institutions must provide notice explaining:
  - The allegations;
  - The requirements of the informal resolution process;
  - The right, prior to agreeing to a resolution, to withdraw from informal resolution and to initiate or resume the grievance procedures;
  - That agreeing to a resolution prevents the parties from initiating or resuming grievance procedures arising from the same allegations;
  - The terms that are available in informal resolution, including that an agreement is binding only on the parties; and
  - The records that will be maintained and how they may be shared.
- The rules require that the facilitator for informal resolution may not:
  - Be the same person as the investigator or decisionmaker under the grievance procedures; or
  - Have a conflict of interest or bias.

## VI. GENERAL GRIEVANCE PROCEDURES FOR SEX DISCRIMINATION CLAIMS

- Institutions are required to adopt, publish, and implement written grievance procedures that provide for the prompt and equitable resolution of complaints of sex discrimination.
- Complainants or their parents, legal guardians, or legal representatives and Title IX Coordinators are allowed to file complaints of sexual harassment.



- Students, employees, and third parties who participated or attempt to participate in the school's educational program or activity at the time the alleged sex discrimination occurred are allowed to file a complaint of sex discrimination.
- The regulations require the grievance procedures to:
  - Treat both parties equitably;
  - Prohibit Title IX Coordinators, investigators, and decisionmakers from having a conflict of interest or bias;
  - Permit the single-investigator model;
  - Include a presumption that the respondent is not responsible;
  - Establish reasonably prompt time frames for the major stages of the grievance procedures, with reasonable extensions for good cause available;
  - Take reasonable steps to protect the privacy of the parties and witnesses, as long as such steps do not interfere with the parties' ability to prepare for the proceeding;
  - Require an objective evaluation of relevant evidence that is not otherwise impermissible;
  - Exclude evidence that is privileged or confidential (unless waived), are treatment records, or relate to the complainant's sexual history, unless such evidence is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to establish consent; and
  - For sexual harassment complaints, describe the range of available supportive measures, remedies, and disciplinary sanctions.
- Upon initiating grievance procedures, institutions are required to provide notice of the allegations to the parties whose identities are known.
  - The notice must include:
    - A copy of the grievance procedures and, if applicable, the informal resolution process;
    - Sufficient information to allow the parties to respond to the allegations, including, if available, the identities of the parties, the alleged conduct, and the date and location of the incident;
    - A statement that retaliation is prohibited;
    - A statement that the parties are entitled to an equal opportunity to access the relevant and not impermissible evidence or an accurate description of this evidence; and
    - Information about any additional allegations that the institution decides to investigate during the course of the investigation.
- Institutions have the option to dismiss complaints of sex discrimination if:
  - The institution is unable to identify the respondent;
  - The respondent is not an employee or otherwise participating in the institution's program or activity;

- The complainant voluntarily withdraws any or all of the allegations, the Title IX Coordinator declines to issue a complaint, and any remaining conduct does not constitute sex discrimination; and
  - The institution determines that the alleged conduct does not constitute sex discrimination.
- The rules require institutions to notify the complainant of the basis for dismissal, as well as the respondent if the respondent had previously been notified of the allegations.
  - After dismissal, institutions must offer appropriate supportive measures to the complainant and to the respondent, if the latter has been notified of the allegations.
- Institutions must provide an opportunity to appeal the dismissal and notify the complainant of that right, as well as notify the respondent if the dismissal occurs after the respondent has been notified of the allegations.
  - For appeals of dismissals, institutions are required to:
    - Notify the parties when an appeal is filed;
    - Implement appeal procedures equally;
    - Ensure that the decisionmaker for the appeal did not take part in the investigation or dismissal of the complaint;
    - Ensure that the decisionmaker has been trained;
    - Provide both parties an opportunity to make a statement regarding the appeal;
    - Notify the parties of the result of the appeal and rationale; and
    - Offer an appeals process that, at a minimum, is the same as offered in all other comparable proceedings.
- The regulations permit institutions to consolidate complaints when allegations arise out of the same facts or circumstances.
- During an investigation, institutions are required to:
  - Assume the burden of gathering evidence;
  - Provide both parties with an equal opportunity to present relevant witnesses and evidence;
  - Review and determine what evidence is relevant or impermissible;
  - Provide each party with an equal opportunity to access the evidence and an opportunity to respond;
  - If institutions provide the parties with a description of the evidence, provide the parties with access to the relevant and not impermissible evidence upon request; and
  - Take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence gained solely through the grievance process.
- The regulations require institutions to provide a process that enables the decisionmaker to assess the credibility of parties and witnesses.

- In making a determination, institutions are required to:
  - Use the preponderance of the evidence standard of proof, except:
    - The institution is permitted to use the clear and convincing standard if the school uses such a standard in all other comparable proceedings;
  - Notify the parties of the outcome and appeal rights, if applicable;
  - Provide remedies to the complainant if it is determined that sex discrimination occurred;
  - Impose disciplinary sanctions and remedies;
  - Not punish parties or witnesses for making false statements or engaging in consensual sex based solely on the institution's determination whether sex discrimination occurred; and
  - Apply any additional procedures an institution chooses to adopt equally to both parties.

## **VII. GRIEVANCE PROCEDURES FOR SEXUAL HARASSMENT CLAIMS INVOLVING STUDENTS AT POSTSECONDARY INSTITUTIONS**

- In addition to following the general grievance procedures, institutions must also comply with supplementary grievance procedures when handling sexual harassment claims involving students at colleges and universities.
- Additional procedures require notification of allegations with sufficient time for parties to prepare before initial interviews.
  - Such notification may be reasonably delayed if the institution has legitimate safety concerns.
- Such notification also requires institutions to inform the parties via written notice that:
  - The respondent is presumed not responsible;
  - The parties will have an opportunity to present relevant evidence;
  - The parties may have an advisor of their choice, who may be an attorney;
  - The parties are entitled to access relevant evidence or an investigative report that summarizes the evidence; and
  - If applicable, provisions in the institution's code of conduct prohibit knowingly making false statements or submitting false information.
- Institutions must also provide written notice to the parties if additional allegations apply.
- Institutions dismissing sexual harassment complaints are required to provide the parties notice of the dismissal and the basis for the dismissal, as well as to secure the complainant's withdrawal in writing if dismissing a complaint based on the complainant's voluntary withdrawal.

- When investigating complaints, institutions must:
  - Provide all participating parties with written notice of the date, time, location, participants, and purpose of all meetings, interviews, or hearings with sufficient time for the parties to prepare;
  - Provide both parties with an opportunity to be accompanied to all meetings or proceedings by an advisor of their choice, who may be an attorney;
  - Apply any limitations on an advisor's participation in the grievance procedures equally to both parties;
  - Provide both parties with the same opportunity, if any, to have other individuals present during meetings or proceedings;
  - At the institution's discretion, provide both parties an equal opportunity to present expert witnesses; and
  - Allow for reasonable, good-cause extensions of time frames on a case-by-case basis and provide written notice of any such delay.
  
- Institutions are required to provide parties and their advisors with equitable access to all relevant evidence that is not otherwise impermissible.
  - Alternatively, institutions are permitted to provide access to a written investigative report that summarizes such evidence, although institutions are still required to provide access to relevant evidence if requested by any party.
  - Institutions must provide parties with an opportunity to review and respond to the evidence or investigative report.
  - Institutions that choose to conduct a live hearing must provide the parties with an opportunity to review and respond to the evidence in advance of the live hearing.
    - Institutions have the discretion to determine whether an opportunity to respond to the evidence is provided before or during the live hearing, or both.
  - Institutions are required to take reasonable steps to prevent and address unauthorized disclosure of information and evidence obtained during the grievance procedures.
  
- Institutions must have a process that allows them to question parties and witnesses in order to assess their credibility, but institutions have the option to choose whether to do so via a live hearing.
  
- If an institution chooses not to conduct a live hearing, the process for questioning parties and witnesses must:
  - Allow the decisionmaker to question parties and witnesses and allow parties to propose questions for the decisionmaker to ask; and
  - Provide an audio or video recording or transcript of any live hearing to the parties with enough time to for the party to have a reasonable opportunity to propose follow-up questions.

- If an institution chooses to conduct a live hearing, the institution must comply with the following requirements:
  - The process for questioning parties and witnesses must:
    - Allow the decisionmaker to question parties and witnesses and allow parties to propose questions for the decisionmaker to ask; or
    - Allow an advisor for each party to question parties and witnesses.
  - Parties are not allowed to conduct questioning.
  - If advisors are permitted to question witnesses and parties and one of the parties does not have an advisor, an institution is required to provide an advisor, who may not be a confidential employee but may be an attorney, to the party at no charge.
  - Institutions may choose whether to allow parties to participate from separate locations via technology, but must do so if requested by either party.
  - Institutions are required to create a recording or transcript of any live hearing and make it available to the parties for review.
- When questioning parties and witnesses, decisionmakers:
  - Must determine when a proposed question is relevant and not otherwise impermissible and, if a question is excluded, explain why;
  - Must prohibit questions that are unclear or harassing of the party being questioned, though the party must be given an opportunity to revise such questions;
  - May impose other equally applicable rules regarding decorum; and
  - May choose to place less or no weight on statements made by parties or witnesses who refuse to respond to questions but is prohibited from drawing any inferences about whether sexual harassment occurred based on a refusal to respond to questions.
- Institutions must provide a written determination of whether sexual harassment occurred to both parties simultaneously.
  - Such determination must include a description of the allegations, information about the applicable procedures, the decisionmaker's evaluation of the evidence and final determination, any remedies or disciplinary sanctions imposed, and appeal procedures.
- Institutions must offer parties an appeal from sexual harassment determinations or dismissals based on the following rationales:
  - Procedural irregularity that would change the outcome;
  - New evidence that would change the outcome and was not reasonably available previously; and
  - Conflict of interest or bias on the part of the Title IX Coordinator, investigator, or decisionmaker.
- Institutions have discretion to offer both parties an equal opportunity to appeal on other grounds.
- If an institution offers informal resolution for complaints of sexual harassment, it must comply with all informal resolution requirements in writing.

## **VIII. ENFORCEMENT**

- The final regulations retain a provision specifying that the Department will not deem an institution to have violated Title IX solely because the agency would have reached a different determination.
- The rules retain the current procedural provisions that govern compliance and enforcement.

## **IX. OTHER PROVISIONS**

- The regulations preempt any state or local law or other requirement that conflicts with Title IX.
- The regulations clarify that nothing in FERPA precludes institutions from complying with the Title IX regulations.
- If a complainant or respondent is a student with a disability, an institution is permitted to consult with its office responsible for providing disciplinary services in order to ensure consistency with section 504 of the Rehabilitation Act.