



Department of Education Reinstates the 2020 Title IX Regulations: What Colleges and Universities Should Do Now

Blogs

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The U.S. Department of Education has formally rescinded the 2024 Title IX rule and restored the text of the 2020 Title IX regulations to the Code of Federal Regulations. For colleges and universities that have spent the past two years navigating overlapping frameworks and shifting guidance, the move brings the published regulations back in line with how the Department has actually been enforcing Title IX. Here is what changed, what the reinstated framework requires, and the steps institutions should take now.

What Happened

The 2024 rule had already been vacated by two federal courts and enjoined in a number of others, and the Department has been enforcing the 2020 framework by guidance for nearly two years. With the litigation over the 2024 rule now resolved, the Department has “cleaned up” the regulatory text by formally repealing the 2024 rule and reinstating the 2020 regulations first promulgated during the prior administration.

Notably, while the new rule rejects the 2024 regulations’ expansion of the definition of sex to include gender identity and expression, it does not, by its terms, adopt a new definition of sex. The Department has signaled that separate rulemakings addressing the definition of sex and related issues remain on its agenda — so further change is likely.

Institutions that receive federal financial assistance should expect the Department to continue enforcing Title IX consistent with the 2020 framework.

Overview of the Reinstated 2020 Regulations

The 2020 regulations impose a prescriptive, process-heavy framework for how institutions must respond to reports of sexual harassment. Key features include:

- A narrowly defined, more limited standard for actionable sexual harassment.
- A formal complaint and grievance process.
- Written notice to the parties.
- An investigation with equal opportunity for both parties to review and respond to the evidence.
- For postsecondary institutions, a live hearing at which each party's advisor may cross-examine the other party and witnesses.

The regulations also permit institutions to select their standard of proof, address when a complaint must or may be dismissed, require supportive measures for complainants, and impose training and recordkeeping obligations.

Key Takeaways and Next Steps for Colleges and Universities

- **Confirm your policy reflects the 2020 framework.** Review your Title IX policy, grievance procedures, and public postings to ensure they track the reinstated 2020 regulations rather than the now-vacated 2024 rule, and remove or archive 2024-based materials.
- **Verify the grievance process mechanics.** Confirm your procedures provide for a formal complaint process, written notice to the parties, an investigation with equal access to evidence, and — for postsecondary institutions — a live hearing with advisor-conducted cross-examination.
- **Recheck definitions and jurisdictional scope.** Apply the 2020 rule's narrower definition of sexual harassment and its program-and-activity scope, and confirm your mandatory and permissive dismissal provisions are consistent with the regulations.
- **Confirm and apply your standard of proof consistently.** Ensure the evidentiary standard you have adopted is stated in your policy and applied uniformly across matters and to both parties.
- **Re-examine training and personnel.** Confirm you have a designated Title IX Coordinator, and that Coordinators, investigators, decision-makers, and informal-resolution facilitators are trained on the 2020 requirements; publish training materials as required.
- **Maintain records and supportive measures.** Continue to offer supportive measures and to retain records consistent with the regulations' recordkeeping requirements.
- **Assess athletics and sex-separated facilities.** Evaluate policies on athletic eligibility and access to sex-separated facilities in light of the Department's stated enforcement priorities, and monitor pending investigations and enforcement actions in this area.
- **Watch for procedural and legal challenges.** The final rule was issued without the notice-and-comment process typically used for Title IX rulemaking, which may invite legal challenge; document your good-faith compliance and monitor developments that could affect the rule's status.



- **Reconcile with state and local law.** Coordinate compliance with any state nondiscrimination laws or athletic-association rules that may impose broader or conflicting obligations.
- **Communicate the changes.** Update student-, faculty-, and staff-facing materials and provide clear guidance to your community on the current process.

Looking Ahead

The reinstatement restores familiar ground, but it is unlikely to be the last word. With additional rulemaking on the definition of sex on the Department's agenda and a possible challenge to the manner in which this rule was issued, institutions should treat their current compliance work as a foundation to build on, not a one-time fix. We will continue to track developments and post updates here.

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