



Client Alert

## The 2024 Title IX Regulations Were Vacated – Now What?

On January 9, 2025, a federal district court in Kentucky found the U.S. Department of Education's 2024 Title IX regulations to be unlawful and vacated the 2024 regulations. Given the imminent change in administration, the Biden administration is unlikely to appeal this decision. The effect of this decision will be that law reverts to the regulations in effect before the 2024 regulations, the 2020 Title IX Regulations. Meaning, school districts will once again be required to apply separate procedures to different types of sexual harassment.

What is next?

From here, school districts and colleges should:

1. Transition back to their 2020 Title IX Sexual Harassment Complaint Procedures and establish a separate process for addressing discrimination and harassment on the basis of sex that does not rise to the level of Title IX Sexual Harassment as defined in the 2020 Title IX Regulations.
2. Review harassment and discrimination policies and regulations revised this school year.
  1. Keep all revisions required by state law.
  2. Update references to 2020 Title IX Sexual Harassment Complaint Procedures (instead of its short-lived successor).
  3. Establish a modified process or revert to the school's prior process for addressing sex-based discrimination and harassment outside the definition of 2020 Title IX Sexual Harassment.
3. Review pending Title IX matters with legal counsel to determine how to proceed on a case-by-case basis.
4. Revert to using 2020 Title IX Regulation templates (e.g., 2020 F3 Title IX Toolkit).

5. Ensure anyone performing a role in the Title IX process is trained on the 2020 regulations (i.e., Title IX Coordinator, investigator, decisionmaker, appeal decisionmaker). Individuals already trained on 2020 regulations are not required to be trained again, but most, if not all, of them will want a refresher. The 2020 Regulations were not easy to implement before we learned an entire new set of procedures, so a refresher will likely be necessary and much appreciated for most.

### We're Here to Help

At F3 Law, we will continue to keep you updated on developments related to Title IX. If you have any questions or want access to our 2020 Title IX Toolkit, please contact any F3 Attorney.

## Professionals

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