

PUBLICATION

Changes Coming to DOE Title IX Rules

September 11, 2017

U.S. Department of Education (DOE) Secretary Betsy DeVos delivered a self-proclaimed "major policy address on Title IX enforcement" last Thursday. During her presentation, DeVos railed against what she called a "failed system" under the prior administration, one that had swung too far from encouraging colleges to provide fair and balanced Title IX sexual misconduct proceedings that protected the rights of both claimants and respondents. While Secretary DeVos offered no formal revocation or change to prior Title IX guidance last week, she did state that the DOE will circulate new sexual misconduct guidance through the regulatory notice-and-comment process in the near future, such that the prior administration's Title IX guidance will be replaced by codified regulations.

For clients with whom we have worked to develop Title IX policies and procedures, we do not anticipate that you will need to make any changes to provide additional due process protections or to otherwise respond to the DOE's forthcoming guidance (unless the DOE takes drastic and unexpected steps in the near future). If we have not recently reviewed your Title IX policies and procedures, and you would like to discuss potentially updating them in light of the changes coming soon from Washington, D.C., please feel free to contact us.

We anticipate further developments from the DOE in the near future, and we will update you as they arise. If you have any questions or concerns in the meantime, please contact any of the members of our [Higher Education Team](#).