

Law360 Publishes Akin Gump Analysis of Title IX Rule Changes

January 28, 2019

Law360 has published the article “What Schools Should Know About New Title IX Rules,” written by Akin Gump litigation partner **Estela Diaz** and senior counsel **Catherine Creely** and public policy specialist Taylor Daly. The article details the most significant changes to Title IX proposed by the Department of Education, which, the authors say, “will require most educational institutions to revise their Title IX policies and practices to comply with the new rules.”

Among the changes deemed most significant by the authors are those involving circumstances requiring an institutional response, such as sexual harassment. The definition of sexual harassment “is widely considered to have been narrowed.” Meanwhile, the new regulations, according to the article, “confirm that an institution’s response [to an incident] is not dependent on geographic location and may be triggered by conduct that occurred off-campus.”

The authors also discuss changes to due process protections. Under the proposed rules, respondents to an allegation of sexual harassment “are entitled to more detailed notice of the allegations, including details about the alleged incident(s) such as the names of the people involved, the specific policy violation at issue, the conduct that is alleged to have violated the policy, and the date and location of the incident(s).”

Diaz, Creely and Daly write that the proposals “narrow the circumstances under which institutions would be required to investigate and adjudicate sexual harassment complaints.” At the same time, however, they also “impose stringent procedural requirements and create ambiguity about important issues such as the applicable standard of proof.”

To read the full article, please click [here](#).

Contact

Estela Diaz

ediaz@akingump.com
New York
+1 212.872.8035

Catherine Creely

ccreely@akingump.com
Washington, D.C.
+1 202.887.4331

Taylor Daly

tdaly@akingump.com
Washington, D.C.
+1 202.416.5541