



SPECIAL INFO SESSION

WHAT THE VACATUR?

**NEW REGS, OLD REGS,
WHICH WAY IS UP?**

with **ANDREA STAGG**
& **EMMA HEMPEL**

JAN 17 | 12PM PST / 3PM EST

WHO WE ARE

A diverse group of young people, including a Black woman with braids in a pink shirt, a young man with blonde hair in a striped shirt, and a young woman with glasses in a plaid shirt, are smiling and laughing together. The background is a blurred outdoor setting with a stone wall.

GRAND RIVER

provides a wide range of

SOLUTIONS

to further an equitable

culture of trust & respect

MEET YOUR FACILITATORS



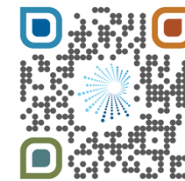
Andrea Stagg

Director of Consulting Services, Andrea Stagg has extensive experience consulting, writing and training on Title IX, Equity & safety. Andrea was Deputy General Counsel and Director of Government Relations & Compliance at Barnard College and was counsel to three colleges within the SUNY system. She has worked with federal and state legislators to develop state laws and follow best practices in campus safety and sexual harassment prevention.

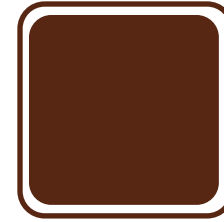


Emma Hempel

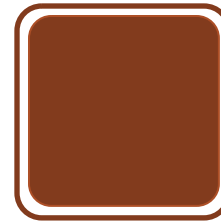
Emma Hempel is a Title IX Coordinator and facilitates Title IX and Equity training for Grand River Solutions. Emma serves as a Title IX Coordinator for both large and small public and private institutions across the country. Emma also specializes in and leads seminars on the Intersection of Sexual Violence and the LGBTQ Community, and Sex, Gender, Identity and Practice.



AGENDA



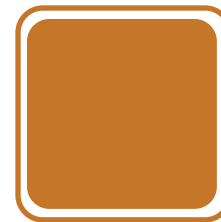
Where we were



Where we are



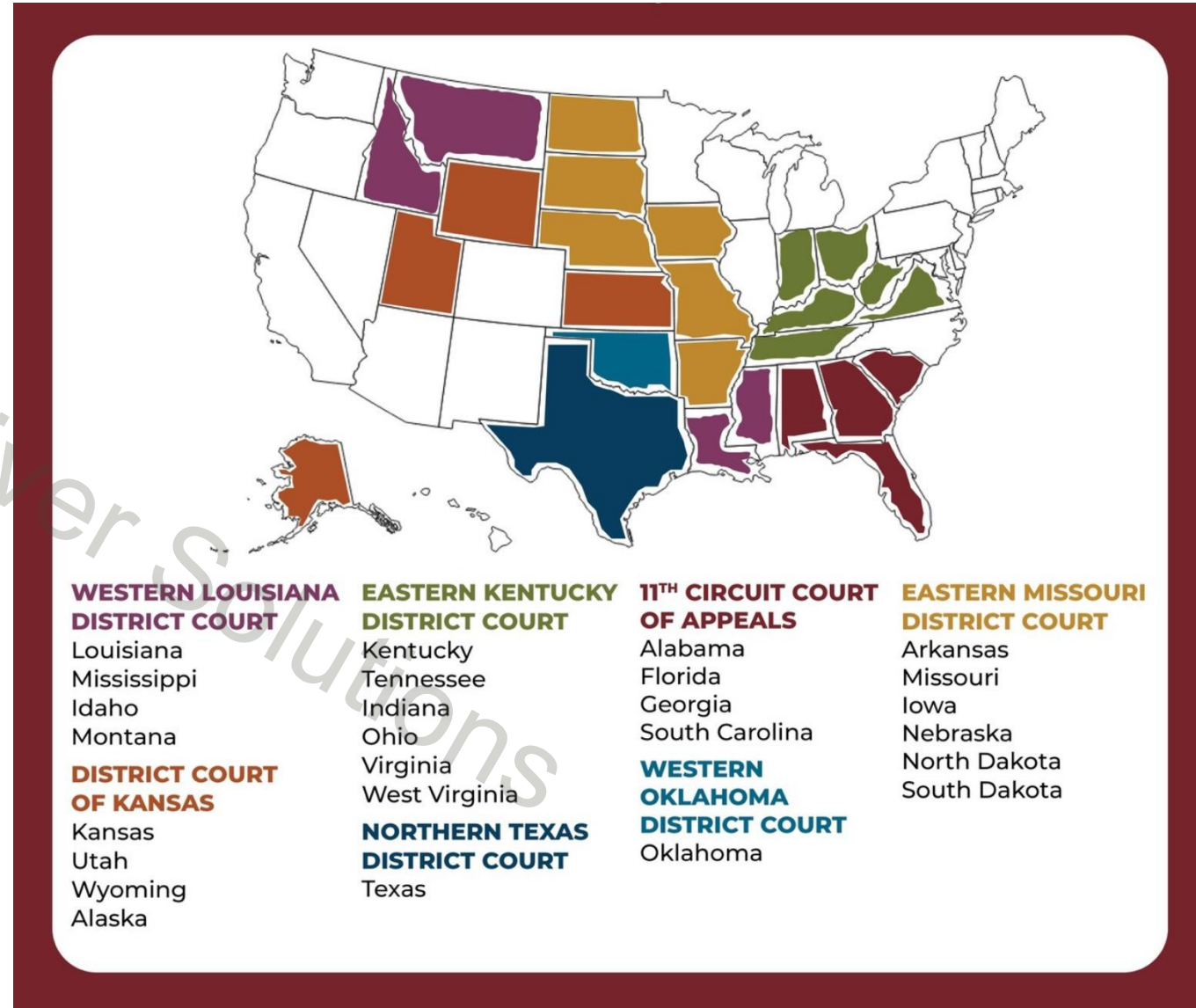
What we know (or don't)



What we're doing

WHERE WE WERE

- Implementation date was August 1, 2024.
- Seven lawsuits resulted in widespread injunctions—26 states and many institutions and districts.
- OCR acknowledges injunctions and that it cannot enforce the new regulations in those states or against the named institutions.



BACK TO 2020 FOR THOSE UNDER INJUNCTIONS

"The Final Rule and these resources do not currently apply in those states and schools. Pending further court orders, the Department's Title IX Regulations, as amended in 2020 ([2020 Title IX Final Rule](#)) remain in effect in those states and schools."

- Department of Education November 25, 2024



WHERE WE ARE

U.S. District Court for the Eastern District of Kentucky

- One of the 7 lawsuits about the regs.
- Already issued a preliminary injunction on June 17, 2024.
- Vacated the regulations on January 9, 2025.



WHAT IS VACATUR?

- Vacatur is Latin for "it is vacated."
- "Vacatur operates on the rule itself and prevents the rule's application to all who would otherwise be subject to its operation."
- "A vacatur order takes the unlawful agency action off the books—an entirely appropriate response when a plaintiff successfully establishes that the agency's conduct violates the law."
- "the entire Final Rule and corresponding regulations are invalid and must be set aside."

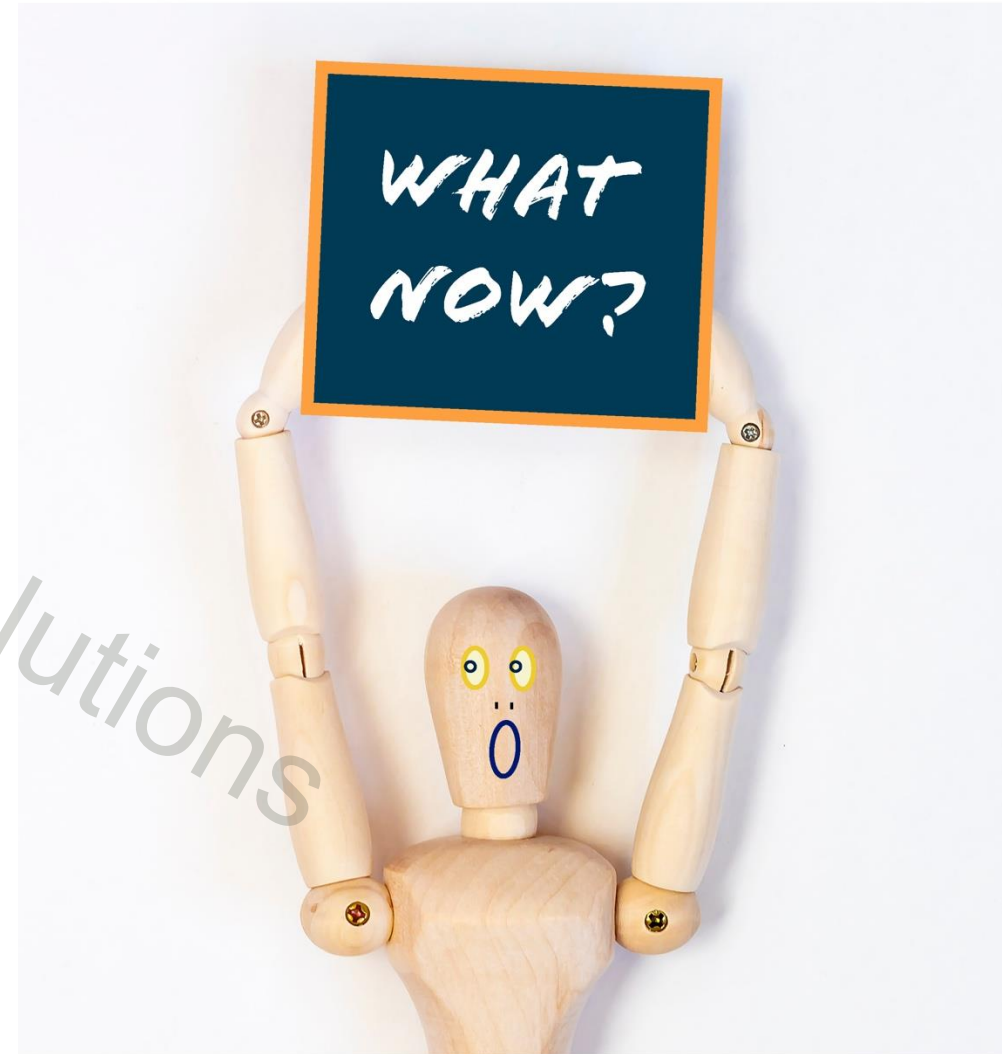


WHY VACATUR? IN THE COURT'S WORDS...

- "Because the Final Rule and its corresponding regulations exceed the Department's authority under Title IX, violate the Constitution, and are the result of arbitrary and capricious agency action."
- "nothing in the text . . . of Title IX to suggest that discrimination 'on the basis of sex' means anything other than it has since Title IX's inception"
- "offends the First Amendment"
- "vague and overbroad"
- No "reasoned explanation for departing from its longstanding interpretation of Title IX."
- Bostock "did not purport to address bathrooms, locker rooms, or anything else of the kind."

WHAT WE KNOW (OR DON'T)

- Return to 2020. But when?
- Appeals?
- Inauguration Day is imminent—reprioritization, staff turnover.
- How will enforcement view the Aug 1 to Jan 9 time period?
- Posture about enforcement and expectations for compliance may shift.



WHAT WE'RE DOING NOW

- Gather stakeholders (including counsel).
- Discuss options.
- Communications and messaging.
- Policies, procedures, materials/websites.
- Training (and posting training).



SINCE 1975...

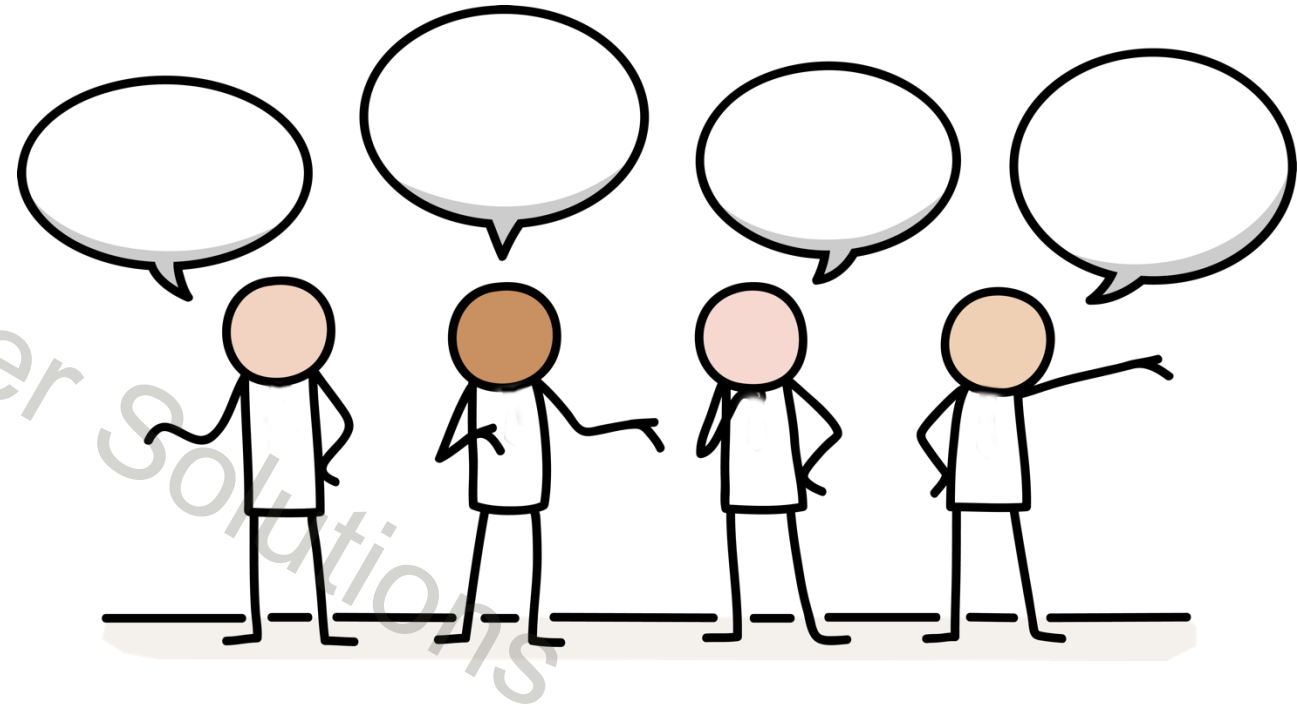


Recipients have been required to . . .

- Notify students (defined to include persons who have gained admission) of their nondiscrimination policies and to resolve student complaints of sex discrimination.
- Maintain nondiscrimination notices and adopt and publish grievance procedures
- Prohibit discrimination based on pregnancy or related conditions
- Prohibit sex-based distinctions based on parental, family, or marital status
- Prohibit discrimination on the basis of sex in employment
- Balance equity with promptness

REMEMBER VAWA AND MORE

- Right to an advisor.
- Equal access to evidence.
- Annual training for those implementing the grievance procedures.
- Remember broader jurisdiction than 2020 Title IX.
- Federal laws on pregnancy and related conditions.
- State laws.



2024 AND NOT IN CONFLICT

- Broad based required reporting – permitted now.
- Required disclosures to reporting parties (pregnancy; confidential employees).
- Required training (and remember VAWA); state laws on training employees.
- Lactation space.
- Detail on pregnancy modifications and adjustments, including documentation.



RESOURCES

PDF OF SUMMARY AND LINKS TO BE PROVIDED IN FOLLOW-UP EMAIL

Rules

[Final Rule 2024 with preamble in the Federal Register](#)

[Final Rule 2020 with preamble in the Federal Register](#)

[View regs only \(no preamble\) by adjusting the date: view "historical versions"](#)

Vacatur Acknowledgements

[John Hopkins OIE](#)

[Loyola Office of Title IX and Bias Compliance](#)

[Potsdam Title IX Office](#)

[Grossmont Cuyamaca Community College District's Title IX and Equity](#)

Pre-2024 Pregnancy Resources & Info

[ed.gov Know Your Rights](#)

[ed.gov Pregnancy](#)

[OCR Resolve Pregnancy Discrimination—Troy](#)

[OCR Salt Lake Community College resolution](#)

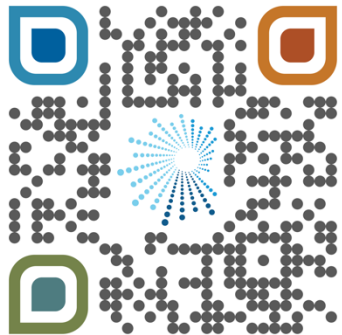
VAWA

[The River Connect article on the Violence Prevention \(mostly student facing\) elements of VAWA](#)

JOIN US

What Now? Civil Rights and Campus Safety in the New Administration

Special 90 Min Info Session:
Tuesday, January 28
9:30AM PST / 12:30 PM EST





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