



**2024 Joint Guidance on Federal Title IX Regulations
Analysis on Section 106.8(b): Adoption, publication, and implementation of
nondiscrimination policy and grievance procedures**

July 5, 2024

Note: This document focuses on a summary analysis of Section 106.8(b), specifically Adoption, publication, and implementation of nondiscrimination policy and grievance procedures.¹ For a full overview of the changes from the 2020 Regulations and the 2024 Final Regulations, see *Title IX Text for Text 2020 and 2024 Regulation Final Comparison*, available at <https://system.suny.edu/sci/titleix/>.

§ 106.8(b) – Adoption, publication, and implementation of nondiscrimination policy and grievance procedures

Section 106.8(b) states:

Adoption, publication, and implementation of nondiscrimination policy and grievance procedures. (1) Nondiscrimination policy. Each recipient must adopt, publish, and implement a policy stating that the recipient does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and this part, including in admission (unless subpart C of this part does not apply) and employment.

Changes from 2020 Regulations

The Department restored the publication requirement under 106.8 that existed until it was removed by the 2020 Regulations.

Changes from 2022 Notice of Proposed Rulemaking

In restoring the publication requirement under section 106.8(b), the Department clarified its revisions were to specify a recipient must “implement” its Title IX nondiscrimination policy and

¹ The effective date of these Regulations will be August 1, 2024 and will apply prospectively. The Department has stated it will provide technical assistance during the transition period and after the effective date.

grievance procedures, and that a recipient’s grievance procedures apply to complaints alleging any action prohibited by Title IX.² It also replaced “third parties” with “other individuals” in § 106.8(b)(2) and simplified the heading for § 106.8 to omit “adoption and publication of.”³

Considerations from the 2024 Preamble

In response to commenters opposed to the publication requirement as burdensome, duplicative, and impracticable, the Department clarified that the publication requirement existed from 1975 until 2020 and that restoring this “until-recently-applicable requirement” would enable recipients to comply with the final regulations with minimal burden.⁴ In addition, the Department noted the final regulations allow for short form notice, which may be a one-sentence statement that (1) the recipient prohibits sex discrimination, (2) individuals may report questions or concerns to the Title IX coordinator, and (2) provides a link to the full notice of nondiscrimination on the recipient’s website.⁵ Thus, the Department’s interest in ensuring full notice of nondiscrimination to all stakeholders could be met with minimal burden on recipients.

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² Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 89 Fed. Reg. 33474, 33545 (Apr. 29, 2024) (to be codified at 34 C.F.R. Pt. 106) (hereinafter “2024 Title IX Final Rule”).

³ 2024 Title IX Final Rule, 89 Fed. Reg. at 33545.

⁴ *Id.*

⁵ *Id.*