



2024 Joint Guidance on Federal Title IX Regulations Analysis on Section 106.8(a): Designation of a Title IX Coordinator

Note: This document focuses on a summary analysis of Section 106.8, specifically Designation of a Title IX Coordinator.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/>.

Section 106.8(a) - Designation of a Title IX Coordinator

The regulations state,

“Designation of a Title IX Coordinator.

- (1) *Title IX Coordinator.* Each recipient must designate and authorize at least one employee, referred to herein as a Title IX Coordinator, to coordinate its efforts to comply with its responsibilities under Title IX and this part. If a recipient has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the recipient's consistent compliance with its responsibilities under Title IX and this part.
- (2) *Delegation to designees.* As appropriate, a recipient may delegate, or permit a Title IX Coordinator to delegate, specific duties to one or more designees.”²

The Department of Education (“the Department”) intends the regulations to centralize the institutional approach to ensuring compliance with Title IX.³ Every institution is mandated to appoint at least one Title IX Coordinator.⁴ This individual will carry the mantle of ensuring that the institution meets all Title IX obligations.⁵ In cases where multiple coordinators are designated, one must be assigned the role of maintaining ultimate oversight.⁶ This ensures a unified and consistent approach to compliance across the institution’s educational programs and activities.⁷ The Department clarified that “oversight” “does not necessarily require a Title IX

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.

² 34 C.F.R. Section 106.8(a).

³ 2024 Title IX Final Rule, 89 F.R. 33543 (April 29, 2024).

⁴ 34 C.F.R. Section 106.8(a).

⁵ 34 C.F.R. Section 106.8(a).

⁶ 34 C.F.R. Section 106.8(a).

⁷ 2024 Title IX Final Rule, 89 F.R. 33543 (April 29, 2024).

Coordinator to have a supervisory relationship over other Title IX Coordinators or designees” and rather that “oversight” is meant to “ensure that a single individual is vested with the responsibility for ensuring a recipient's consistent compliance with its responsibilities under Title IX and this part.”⁸

Delegation

The regulations permit the delegation of specific duties to other employees, contractors, or consultants.⁹ Such delegations should be based on factors such as the number of students, staff, and the range of services and/or programs offered by the institution.¹⁰ Allowing the flexibility to delegate duties to one or more designees “affords a recipient the ability to deploy resources in a manner that works best for them.”¹¹ However, the primary Title IX Coordinator must retain overall responsibility, ensuring that all delegated duties are performed effectively and in compliance with Title IX standards.¹²

Transparency and Accessibility

To foster transparency and accessibility, institutions must publish the contact details of their Title IX Coordinator.¹³ This includes the name or title, office address, email, and phone number, ensuring that students, staff, and parents can easily reach out for support or information.¹⁴

Administrative Structures

The regulations allow flexibility in administrative structuring.¹⁵ Institutions may adapt their systems in ways that best meet their unique needs while ensuring compliance.¹⁶ This flexibility is designed to encourage institutions to allocate resources effectively and create a compliant environment that fits their institutional profile.¹⁷

Responsibility

The Department clarified that the recipient (institution) itself is responsible for compliance with Title IX, “including any responsibilities assigned to the recipient's Title IX Coordinator under these final regulations.”¹⁸

⁸ 2024 Title IX Final Rule, 89 F.R. 33543 (April 29, 2024).

⁹ 2024 Title IX Final Rule, 89 F.R. 33543 (April 29, 2024).

¹⁰ 2024 Title IX Final Rule, 89 F.R. 33543 (April 29, 2024).

¹¹ 2024 Title IX Final Rule, 89 F.R. 33544 (April 29, 2024).

¹² 2024 Title IX Final Rule, 89 F.R. 33544 (April 29, 2024).

¹³ 2024 Title IX Final Rule, 89 F.R. 33544 (April 29, 2024).

¹⁴ 2024 Title IX Final Rule, 89 F.R. 33544 (April 29, 2024).

¹⁵ 2024 Title IX Final Rule, 89 F.R. 33543-44 (April 29, 2024).

¹⁶ 2024 Title IX Final Rule, 89 F.R. 33543-44 (April 29, 2024).

¹⁷ 2024 Title IX Final Rule, 89 F.R. 33543-44 (April 29, 2024).

¹⁸ 2024 Title IX Final Rule, 89 F.R. 33543 (April 29, 2024).

Steps for Compliance:

1. Designate a Title IX Coordinator: Appoint at least one coordinator with the authority and resources to oversee compliance.
2. Strategic Delegation: Assess the institution's needs to determine the most effective way to delegate Title IX duties, ensuring that the primary coordinator maintains oversight.
3. Promote Transparency: Make the Title IX Coordinator's contact information easily accessible to all members of the community.
4. Provide Training: Conduct regular training sessions for Title IX Coordinators and designees to keep them informed about compliance requirements and best practices.
5. Monitor Compliance: Regularly review and assess compliance efforts to identify areas for improvement and ensure adherence to Title IX.

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