

Department of Education's Proposed Regulations:
Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving
Federal Financial Assistance

Frequently Asked Questions

Q: What is the background on the decision by the Department of Education Office of Civil Rights to propose new regulations related to Title IX?

A: Administrative agencies like the Department of Education have certain lawmaking powers, including the authority to issue rules and regulations that can be enforced as law. Agencies also issue guidance documents that are not legally binding. On September 22, 2017, the Department of Education's Office of Civil Rights rescinded 2011 and 2014 guidance documents related to Title IX and issued [Interim Guidance](#) for colleges and universities to follow in this area. On November 16, 2018, the Department of Education issued the proposed regulations, which are subject to the rule-making process. This process includes a "notice and comment" period designated to permit interested parties to share their views, after which the agency may make modifications to the regulations. The proposed regulations went live on the [Federal Register](#) on November 29, 2018.

Q: Will any University policy or process change at the University of Chicago during this time?

A: We will be reviewing the proposed regulations, but there will be **no** changes to current University policies or procedures in response to the new regulations until after the Department of Education's notice and comment process and subsequent finalization of any changes to regulations.

Q: What is the University response to these proposed regulations?

A: The University of Chicago reaffirms its strong commitment to maintaining policies and procedures that address issues of sexual misconduct with the utmost seriousness. We will continue to provide strong support to members of our community on such issues, including through training, prevention, and ensuring that the University responds to incidents in a prompt, fair, and thorough manner. Sexual misconduct, which encompasses a range of conduct, from sexual assault to sexual harassment, dating violence, domestic violence, and stalking, violates the standards of our community, is unacceptable and is not tolerated.

Q: What is the rule-making process as it relates to the proposed regulations?

A: The rule-making process allows for a notice and comment period for 60 days so that individuals can review the proposed regulations and provide written responses/questions to

those proposed regulations. The deadline for comments on the proposed regulations is January 28, 2019 at 11:59 PM ET.

Q: What will the Department of Education do with those comments?

A: The Department of Education must read, summarize, and identify how their new draft or final proposed rules considers all comments that are offered. Additional information regarding Student Voices in the Proposed Rule-Making can be found [here](#).

Q: What is the timeline for the finalization of the regulations?

A: There is no defined timeline following the notice/comment deadline of January 28, 2019. The Department of Education will review the comments, and may modify, withdraw, hold, or issue the regulations as proposed. The proposed regulations are unlikely to be finalized prior to Summer 2019.

Q: If University policy/process needed to change or be reviewed in light of any final regulations, how would that occur?

A: On a regular basis, the University reviews and modifies the Policy on Harassment, Discrimination, and Sexual Misconduct and the associated disciplinary processes. If the University substantively revises the Policy and/or disciplinary processes, this would be communicated to the campus community.