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**Subject:** Re: your email to the U.S. Department of Education's Office for Civil Rights and Office of Federal Student Aid  
**Date:** Monday, June 10, 2024 at 1:33:43 PM Eastern Daylight Time  
**From:** OCR-PLG@ED <OCR-PLG@ed.gov>  
**To:** s.daniel.carter@safecampuses.biz <s.daniel.carter@safecampuses.biz>

Dear S. Daniel Carter,

Thank you for your letter to Assistant Secretary for Civil Rights Catherine Lhamon and Federal Student Aid (FSA) Chief Operating Officer Richard Cordray regarding the definitions of sexual assault, domestic violence, dating violence, and stalking under Title IX of the Education Amendments of 1972 (Title IX). Specifically, you asked whether postsecondary institutions can use the definitions of these terms in the Clery Act regulations to satisfy their obligations under the [2024 Title IX regulations](#). The Office for Civil Rights' (OCR) Program Legal Group welcomes the opportunity to respond on behalf of OCR and FSA. Please note that in all cases, OCR refrains from offering opinions about specific facts without first conducting an investigation.

OCR enforces Title IX, [20 U.S.C. §§ 1681-1688](#), and its implementing regulations at [34 C.F.R. Part 106](#), which prohibit sex discrimination in educational programs and activities operated by recipients of Federal financial assistance. The Department's Title IX regulations were amended in 2020 ([2020 Title IX regulations](#)) and again in 2024. The 2024 Title IX regulations take effect on August 1, 2024, and apply only to sex discrimination that allegedly occurred on or after August 1, 2024.

The 2020 Title IX regulations incorporated the statutory definitions of sexual assault from the Clery Act and dating violence, domestic violence, and stalking from the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) through cross-references to those statutes into the definition of "sexual harassment" under Title IX. 34 C.F.R. § 106.30(a). Instead of incorporating the statutory definitions through cross-references to those statutes, the 2024 Title IX regulations include the relevant statutory language and update the statutory references to the Violence Against Women Reauthorization Act of 2022 in the definition of "sex-based harassment" under Title IX. 34 C.F.R. § 106.2. The 2024 Title IX regulations do not make any substantive changes to the content of the definitions of sexual assault, dating violence, domestic violence, and stalking that were incorporated to the 2020 Title IX regulations via cross-references to the Clery Act and VAWA 2013.

The Department's Clery Act regulations include definitions of sexual assault, dating violence, domestic violence, and stalking that are based on the statutory definitions of those terms in the Clery Act and VAWA 2013. Nothing in the 2024 Title IX regulations prohibits a recipient, including a postsecondary institution, from using the definitions of sexual assault, including the definition of rape, fondling, incest, and statutory rape in Appendix A to the Clery Act regulations; dating violence; domestic violence; and stalking in the Department's Clery Act regulations to define those terms under Title IX. OCR has consulted with FSA's Clery Office and advises that to prevent unnecessary confusion and for ease of use, recipients that must comply with Title IX and the Clery Act can use the definitions in the Clery Act regulations for these purposes. However, sexual assault, dating violence, domestic violence, and stalking must be based on sex in order to be covered under Title IX. In addition, the Department reminds

recipients that are subject to the Clery Act that they must adopt the definitions as they appear in the Clery Act regulations and that they cannot modify or replace the definitions through adjustments to their policies and procedures.

Please note that correspondence issued by OCR in response to an inquiry from the public, including this message, does not constitute a formal statement of OCR policy and should not be construed as creating or articulating new policy. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public via OCR's [Policy Guidance Portal](#).

We hope that you find this information helpful.

Sincerely,

Program Legal Group  
Office for Civil Rights  
U.S. Department of Education

\*This mailbox is not monitored. Please direct email correspondence to [OCR@ed.gov](mailto:OCR@ed.gov).