



EEOC Withdraws Harassment Guidance

What Changed, What Didn't, and What to Do Now

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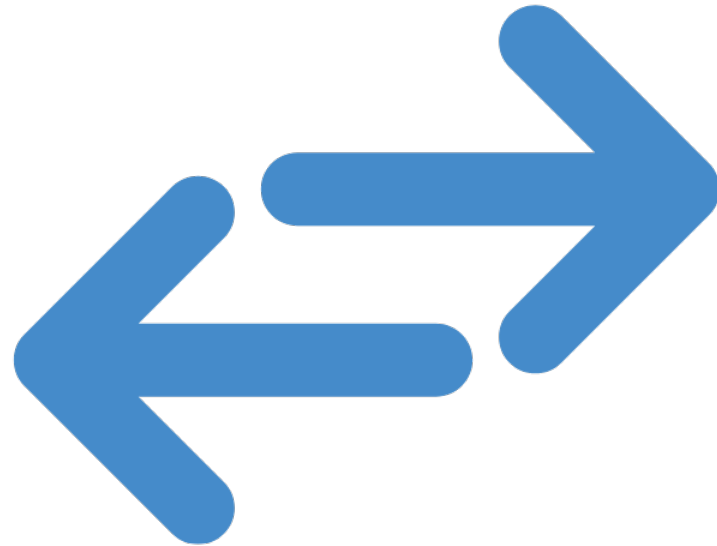
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What Happened (Big Picture)

- » EEOC rescinded 2024 harassment guidance (Jan 2026)
- » Primary enforcement roadmap removed
- » Driven by litigation + leadership changes
- » Gender identity provisions under challenge

What Changed vs. What Didn't

- » Changed: Loss of guidance, less clarity, more risk
- » Unchanged: Title VII, harassment law, retaliation law
- » Courts—not EEOC—define the law
- » State/local laws still apply



Key EEOC Message

- » Rescinding guidance does NOT permit unlawful harassment
- » Employers remain fully accountable under federal law

Why This Matters for HR

- » Guidance shaped policies, training, investigations
- » Now: more judgment calls
- » Higher inconsistency risk



What Actually Changed

- » Loss of EEOC playbook
- » No detailed examples
- » Greater reliance on internal judgment and courts

Risk Area: Gender Identity

- » Most impacted area
- » Federal law evolving
- » State laws often broader
- » Multi-state employers face higher risk

Hypothetical: Pronoun Dispute

- » Employee requests specific pronouns
- » Manager refuses and makes comments
- » Employee complains to HR
- » Termination follows weeks later

What Courts Will Do

- » Courts control legal standards
- » Harassment claims continue to evolve
- » EEOC guidance not required for liability



What Smart Employers Are Doing

- » Maintaining broad protections
- » Keeping consistency
- » Continuing training
- » Documenting decisions

Common Mistake

- » Overcorrecting after rescission
- » Scaling back policies
- » Assuming reduced risk



Bottom Line

- » Law didn't change
- » Guidance did
- » Risk less predictable
- » Consistency and documentation matter

Q&A



- » Questions?
- » Discuss real scenarios



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