

American Association of University Women – June 28, 2024
TITLE IX UPDATE & CALL TO ACTION

On April 19, following an extensive public process, the U.S. Department of Education issued new, strengthened regulations regarding Title IX enforcement. These AAUW-supported rules make significant changes to better support students facing gender-based harassment or discrimination.

With the rules set to go into effect on August 1, 2024, we need a strong show of community support to ensure that students receive the full civil rights protections promised by Title IX. AAUW has joined 70 gender justice and civil rights organizations in a letter to school administrators in K-12 and higher education urging swift implementation of policies consistent with Biden administration's new Title IX rules.

ASK: [Please share this letter](#) on behalf of your branch with your local school and university administrators and urge them to swiftly implement policies consistent with the new Title IX rules.

BACKGROUND:

Title IX: More Than Sports

Title IX of the Education Amendments of 1972 is the federal law that prohibits sex discrimination in education. The law states, *"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance."*

Commonly known for creating opportunities for women and girls in athletics, Title IX affects **all areas of education**, including recruitment, admissions and housing; comparable facilities and access to course offerings; financial assistance; student health services and insurance benefits. It applies to all educational institutions receiving federal funds including local school districts, colleges and universities, for-profit schools, career and technical education programs, libraries and museums.

New Title IX Rules

On April 19, AAUW applauded the final Title IX rules issued by the U.S. Department of Education. The new rules provide strong and comprehensive protections against gender-based discrimination in school. The new regulations clarify that student survivors of sexual harassment, pregnant and parenting students, and LGBTQ students have equal educational opportunities free from sex discrimination.

The rules make significant changes to better support students facing gender-based harassment or discrimination, including:

- Broadening protections against sexual assault and harassment to include wider definitions of harassment, reversing former Education Secretary, Betsy DeVos' "deliberate indifference" policy, and addressing barriers to reporting.
- Clarifying that protections against sex-based discrimination under Title IX apply to discrimination based on gender identity or sexual orientation, based upon the *Bostock v. Clayton County* (2020) Supreme Court decision.
- Requiring schools to inform students of their Title IX rights and how to access them after being informed a student is pregnant.

The rules do not address athletics. A separate rule regarding clarification around Title IX's protections for transgender, nonbinary, and intersex students and athletics is not expected until later this year.

Want to learn more? The National Women's Law Center has put together a [Fact Sheet](#) (3 pages) to learn about the major effects of the 2024 Biden Title IX rule on student survivors, LGBTQI+ students, and pregnant and parenting students; and a [Chart](#) (5 pages) to compare the major changes in the 2024 Biden Title IX rule with the previous Title IX rules (including the 2020 Trump Title IX rule).

LEGAL AND POLITICAL CHALLENGES:

Congress:

- In June, resolutions to overturn the new Title IX rules were filed in the U.S. House of Representatives and Senate ([H.J. Res. 165](#) /[S.J. Res. 96](#)). If passed, the new Title IX rules will be prohibited from taking effect, and the Department of Education would be prohibited from reissuing the same or substantially similar regulation in the future. Students would be subjected to continuing their education under the DeVos Title IX rules.
- The House of Representatives is expected to **vote against Title IX the week of July 8**. Please look for our Two-Minute Activist in July so we can defeat this vote.
- The House Appropriations bill on education also includes language to block the implementation of the new Title IX rules. That bill is expected to move through Congress in July.

Courts:

- Twenty-six (26) Republican Attorneys General filed lawsuits against the Biden administration to prevent the implementation of the new rules.
- Judges have issued preliminary injunctions which temporarily blocked the new Title IX regulations in 10 states so far (Idaho, Indiana, Kentucky, Louisiana, Mississippi, Montana, Ohio, Tennessee, Virginia and West Virginia).
- One June 28, the U.S. Supreme Court issued a ruling that overrule the court's 1984 decision in *Chevron v. Natural Resources Defense Council*, holding that courts should defer to an agency's reasonable interpretation of an ambiguous statute. This ruling upends 40 years of administrative law and may call into question federal agencies' ability to provide guidance on how to interpret Congress' often-ambiguous statutes.