



## **Legally Brief-FACT SHEET**

### **TITLE IX: Changes in 2024**

#### **WHAT IS TITLE IX AND WHY DO WE CARE?**

Title IX of the Education Amendments of 1972 (Title IX) was signed into law more than 50 years ago (1972!) with this purpose: to address sex discrimination and provide equal access to education and employment opportunities to women. The law states that "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 education program or activity receiving Federal financial assistance."<sup>1</sup> (emphasis added)

Some key impacts of Title IX have included:

- Ensuring gender equality in college sports and expanding athletic opportunities for women.
- Prohibiting sexual harassment, sexual violence and other forms of sex based discrimination in education programs.
- Addressing discrimination based on gender identity. Example: failure to conform to stereotypical notions of masculinity or femininity is discrimination based on gender identity.

#### **SO, WHAT IS NEW? (OR NEW AGAIN?)**

On April 19, 2024, the U.S. Department of Education released its revised rules to fully effectuate Title IX's promise that no person experiences sex discrimination in federally funded education. The new regulations extend protections to LGBTQ students and rolled back several policies set under the Trump administration. The new rules take effect August 1, 2024.

#### **WHAT THE NEW RULES DO**

The revised regulations, once again, extend the law's reach to prohibit discrimination and harassment based on sexual orientation and gender identity, and widen the range of sexual harassment complaints that schools will be responsible for investigating. Many of these policies were in effect but were gutted or discontinued under the Trump Administration. The new rules will:

- Provide full protection from sex-based harassment.

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<sup>1</sup> <https://www.justice.gov/crt/title-ix>

- Require schools to take prompt and effective action to end any sex discrimination in their education programs or activities—and to prevent its recurrence and remedy its effects.
- Require that schools train employees about the school’s obligation to address sex discrimination, as well as employees’ obligations to notify or provide contact information for the Title IX Coordinator.
- Require schools to provide supportive measures to complainants and respondents affected by conduct that may constitute sex discrimination, including sexual violence and other forms of sex-based harassment.
- Require schools to respond promptly and effectively to all complaints of sex discrimination with a fair, transparent, and reliable process that includes trained, unbiased decisionmakers to evaluate all relevant and not otherwise impermissible evidence.
- Provide schools with flexibility to adapt the regulations’ grievance procedure requirements to their educational communities so that all schools can implement Title IX’s promise of nondiscrimination fully and fairly in their educational environments.<sup>2</sup>
- Protect students, employees, and applicants from discrimination based on pregnancy or related conditions.
- Prohibit discrimination against LGBTQI+ students, employees, and others. The rule prohibits discrimination and harassment based on sexual orientation, gender identity, and sex characteristics in federally funded education programs, applying the reasoning of the Supreme Court’s ruling in *Bostock v. Clayton County*<sup>3</sup>.
- Protect people from harm when they are separated or treated differently based on sex in school. **The final regulations do not include new rules governing eligibility criteria for athletic teams.**
- Protects students, employees, and others from retaliation.
- Support the right of parents and guardians to act on behalf of their elementary and secondary school children.
- Ensure that schools communicate their nondiscrimination policies and procedures.
- Prohibit schools from sharing personal information.

For more information or with questions, please contact ICADV Legal Counsel Kerry Hyatt Bennett at [kbennett@icadvinc.org](mailto:kbennett@icadvinc.org)

This fact sheet is a summary of the factsheet released by the Department of Education. [FACT SHEET: U.S. Department of Education’s 2024 Title IX Final Rule Overview](#)

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<sup>2</sup> For instance, schools have the option to use a single-investigator model, and schools may choose to use this model in some, but not all, cases as long as it is clear in their grievance procedures when this model will be utilized. Schools also have the option to offer an informal resolution process for sex discrimination complaints.

<sup>3</sup> In this landmark 2020 Supreme Court case the court ruled that the Civil Rights Act of 1964 protects employees against discrimination because of sexuality or gender identity.