

TITLE IX

HELP SAVE IT

**What is
Title IX?**

**Why does it
need saving?**

**What can
you do?**



A guide to understanding Title IX on
America's college campuses

Updated October 2025



This is for your general informational purposes only. It is not legal advice and does not create an attorney-client relationship between you and Southeastern Legal Foundation.

We're here to help.

In April 2024, the Biden-Harris Administration created a new rule that would have stripped women and girls of the protections and equality they have had for over 50 years. Under the new rule, college students would be silenced for believing in the biological reality that there are only two genders and for speaking up for their physical safety when forced to share a bathroom, locker room, or overnight sleeping accommodations with someone of the opposite sex.

Fortunately, after several courtroom victories and executive orders under the Trump Administration, the Biden Rule has been stopped. Even so, college students must remain vigilant. Many colleges and universities are ignoring federal court orders and are creating policies that look very similar, if not identical, to Biden's 2024 Rule.

That's the bad news. The good news is that you have the power to fight back. Together, Leadership Institute and Southeastern Legal Foundation have created this guidebook and a series of modules that give you the tools you need to identify and stand up to dangerous gender policies.

In this guidebook you'll find an overview and history of Title IX, a discussion of the differences between Biden's unconstitutional rule and the current rule, and hypotheticals to help you fight for your rights.

The law can be a powerful weapon, offering hope for a lasting victory. Before you can successfully reclaim your rights, you must first understand them and lay out a strategy. Together we can create a movement that does not sit by while bureaucrats tell us what to believe and punish us for speaking the truth.





WHAT IS TITLE IX?

It is a law passed by Congress in 1972 that requires schools receiving federal funding to provide equal educational opportunities to boys and girls

“

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.

”

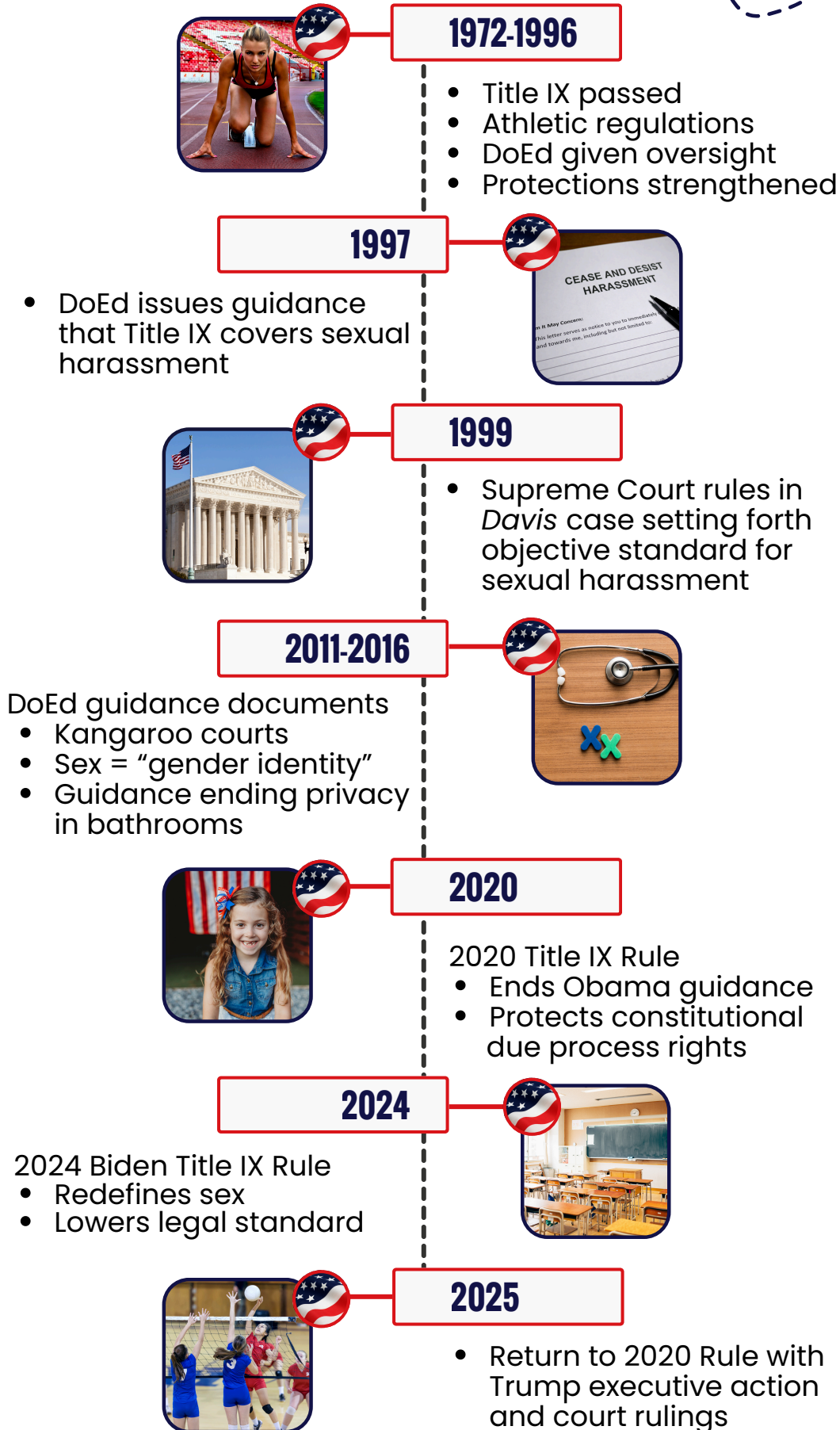
Because of Title IX, covered schools must treat all students equally regardless of their sex

Title IX protects the rights of girls and boys to have sex-separate private spaces like bathrooms, locker rooms, and overnight sleeping accommodations

Title IX protects the rights of girls and boys to have sex-separate athletic teams

TIMELINE

A brief history of Title IX





WHY DOES IT NEED SAVING?

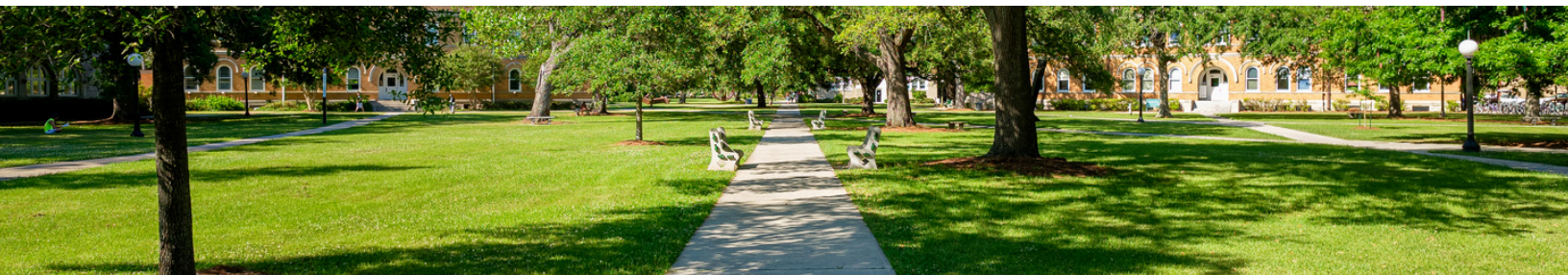
The rights of girls and boys to be treated equally, to have privacy in sex-separate spaces, and to speak without fear of punishment must be protected

But state and local governments, and even public universities, are abusing their power, silencing Americans, and forcing woke gender ideology on every single college student in America without regard for the law

What does that look like?

1. Biden DoEd issues 2024 rule that doesn't follow Congress's clear intent and erases long-recognized protections.
2. Parents, students, and legal groups sue DoEd for unconstitutional actions and WIN preliminary injunctions.
3. President Trump takes office again and states that DoEd will enforce the 2020 Rule in line with congressional intent.
4. Many states and schools agree to enforce the 2020 Rule.
5. But nearly half of our states and hundreds of colleges are ignoring federal law, pushing gender ideology, and violating Title IX.

It is going to take all 3 branches of government and all the tools in our toolbox to resolve this issue.



TITLE IX: KEY ISSUES

1 DEFINITION OF “SEX”

Title IX prohibits discrimination on the basis of sex. The term “sex” has always been understood to refer to biological sex – a man or a woman. In the 2024 Title IX Rule, the Department of Education redefined sex by expanding the scope of what constitutes “discrimination on the basis of sex” to include “gender identity.”

After several legal challenges to the 2024 Rule, and after President Trump took office, the 2020 Rule was restored – and along with it, the original definition of “sex.”



WHAT IS “GENDER IDENTITY”?

The Biden DoEd never defined gender identity. Instead it explained that the term refers to “an individual’s sense of their gender, which may or may not be different from their sex assigned at birth.” Colleges may use similar definitions (or no definitions at all) in their own gender identity policies.

2

ELIMINATING SEX SEPARATE FACILITIES AND PROGRAMS

Under the 2024 Rule, a school would have violated Title IX if it prevented a person from participating in an education program or activity (such as a class, sport, or extracurricular) consistent with their gender identity.

Reverting back to the 2020 Rule restores common sense and allows sex-separate facilities.

August 2024

Sex separate
spaces
=
sex based
discrimination

VS

now

Sex separate
spaces allowed



Q

DOES THIS MEAN A COLLEGE HAS TO ALLOW A BOY TO USE A GIRL'S LOCKER ROOM?

Under the 2024 rule, the answer would have been yes. For example, if a school requires students to change for gym and a boy who identifies as a girl wants to use the girl's locker room, the school would have to let him or risk its federal funding. Thankfully, that rule has been stopped and schools can continue offering sex-separate spaces.

3 DEFINITION OF SEX-BASED HARASSMENT

In the 1990s, the DoEd expanded the scope of Title IX to include “hostile environment harassment” as a form of sex discrimination.

The 2020 (current) Rule ensures that people can’t be accused of harassment without clear evidence and fair proceedings.

The 2024 Rule turned Title IX on its head by lowering the standard for what constitutes hostile educational environment.

Schools should be following the 2020 Rule, but many are not.

Current Rule

Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education

- Objective standard based on a reasonable person
- Follows Supreme Court precedent in *Davis*
- Evaluated at educational opportunity level

VS

2024 (Unlawful) Rule

Unwelcome sex-based conduct that is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from an educational program or activity

- Subjective standard based on accuser’s feelings
- Rejects Supreme Court precedent in *Davis*
- Evaluated at a program or activity
- Has chilling effect on speech



DOES THE DEPARTMENT OF EDUCATION HAVE THE UNILATERAL POWER TO MAKE THESE CHANGES TO TITLE IX?

The DoEd is a federal administrative agency. That means it only has the authority that Congress has given it. This is especially true when the issues at hand have vast economic or political significance, also referred to as “major questions.”

Congress never authorized the DoEd to rewrite Title IX or turn the statute on its head, effectively rendering the statute meaningless. But that is exactly what the DoEd did.

The 2024 Title IX Rule attempted to decide major questions such as:

- whether to force schools, students, and teachers to accept a person’s subjective gender identity regardless of biological sex;
- whether biological males who identify as females are allowed in female bathrooms, locker rooms, and overnight sleeping accommodations; and
- whether a school can ask for documentation to substantiate a person’s subjective gender identity.

Courts rightfully held the DoEd in check and declared the 2024 Rule illegal and unconstitutional.



Execute Laws



Make Laws



Interpret Laws

The First Amendment

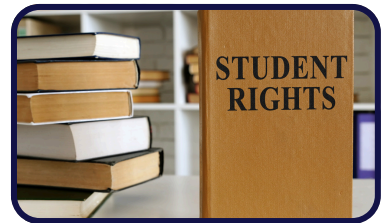
and your rights to speak and to not speak

Q

WHAT IS SPEECH?

Speech is anything that conveys a message. It includes art, signs, symbols, publications, clothing, social media posts, flyers, symbols, film, and even hate and offensive speech.

It does not include obscenity, imminent incitement of violence, true threats against safety, or defamation.



Q

WHEN CAN MY COLLEGE RESTRICT MY SPEECH?

NEVER OK

Viewpoint restrictions

- Treating speakers differently based on beliefs
- Showing favoritism

ALMOST NEVER OK

Content-based restrictions

- Banning entire subjects
- Must serve a compelling government interest and be narrowly drawn

SOMETIMES OK

Time, place, and manner restrictions

- Must be reasonable
- Must treat everyone the same
- Must provide alternative ways to convey message



CAN MY COLLEGE PUNISH ME FOR EXPRESSING MY BELIEF IN BIOLOGICAL SEX?

The 2024 Title IX Rule was vague and overbroad, making it difficult to know exactly what speech would have been OK and what speech would constitute sex-based harassment.

Many colleges are following this rule even though it is unconstitutional. Their anti-harassment and gender policies often ban certain speech based on gender identity without clarifying what they mean by that.

Because it is impossible to know what the limits of legal speech are on the topic of gender identity or sexual orientation without clear definitions, America's college students will be forced to self-censor in violation of their First Amendment rights.



CAN MY COLLEGE REQUIRE ME TO USE INCORRECT PRONOUNS?

The First Amendment protects your right to speak and to not speak. Colleges cannot require students to attest or affirm a statement they don't believe in.

Unfortunately, many colleges are leaning on the 2024 Title IX Rule to require students to use incorrect pronouns, to use incorrect names, to affirm or attest the idea that gender is fluid and subjective, or to denounce biological sex.

If you think your college has compelled your speech, you should consult an attorney to see if your school has violated your First Amendment rights.

Due Process Rights

and your right to a fair trial

The Constitution requires that schools must afford their students and employees due process of the law before they are disciplined, terminated, or expelled

“ —
No person shall . . . be deprived of life,
liberty, or property without due process
of the law. — ”

Title IX regulations require schools to establish and publish grievance procedures to “promptly and equitably” resolve Title IX complaints

In 2020, the DoEd issued the 2020 Title IX Rule defining the basic standards of due process schools were required to include in their Title IX grievance procedures

The 2024 Title IX Rule revoked a lot of those protections. Now, with several court orders stopping the 2024 Rule from going into effect, colleges should be following the 2020 Rule again



VS

Current Rule

- All parties must be notified of alleged conduct when complaint filed
- All parties have right to present evidence and to question evidence to an unbiased decisionmaker
- All parties have the right to appeal
- The roles of investigator and decisionmaker are separate, reducing bias concerns

August 2024

- Accused not notified until formal proceeding
- No right to see all evidence
- No right to question complainant or witnesses
- No right to address allegations publicly
- No right to legal representation
- Eliminates requirement complaint be made in writing
- Only accuser has right to appeal
- Lowers burden of proof
- Investigator can also be the decisionmaker



WHAT CAN HAPPEN TO A PERSON OR ORGANIZATION ACCUSED OF SEX-BASED DISCRIMINATION?

A student accused of sex-based discrimination in violation of Title IX can lose campus privileges, scholarships, and the ability to participate in school programs, and may even be suspended or expelled from school.



HOW CAN I SUPPORT THE FIGHT TO SAVE TITLE IX?

You can help stop the radical gender ideology movement!

EDUCATE



- Contact Leadership Institute and educate your college community by planning an event about Title IX
- Provide your peers with resources on Title IX through events, tabling, and discussion



ACTIVATE

- Join a student organization that is taking action at every level to save Title IX and protect free speech on college campuses
- Be a leader on your college campus and start an organization dedicated to fighting to save Title IX and women's sports

SUPPORT



- Support Leadership Institute's efforts to educate and equip college students on their rights
- Support the legal fight to save Title IX by visiting SLFliberty.org/donate



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