TITLE IX

HELP SAVE IT

What is Title IX? | **Why does it need saving?** | **What can you do?**



A pocket guide for anyone wanting to protect America's girls and women at school

Updated August 2025

SLF

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

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.

TIMELINE

A brief history of Title IX



1972-1996

- Title IX passed
- Athletic regulations
- DoEd given oversight
- Protections strengthened

1997



- DoEd issues guidance that Title IX covers sexual harassment



1999

- Supreme Court rules in *Davis* case setting forth objective standard for sexual harassment

2011-2016



DoEd guidance documents

- Kangaroo courts
- Sex = “gender identity”
- Guidance ending privacy in bathrooms



2020

2020 Title IX Rule

- Ends Obama guidance
- Protects constitutional due process rights

2024



2024 Biden Title IX Rule

- Redefines sex
- Lowers legal standard



2025

- Return to 2020 Rule with Trump executive action and court rulings

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 are abusing their power, silencing children, and forcing woke gender ideology on every single child (and their families) 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 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 schools 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."

pre-August 2024

"Sex" meant biological sex



August 2024

"Sex" meant

- sex stereotypes
- sex characteristics
- pregnancy or related conditions
- sexual orientation
- gender identity

now

"Sex" means biological sex



2 SEX SEPARATE FACILITIES & 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.

3 DEFINITION OF 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 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.

2020 (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

HOW CAN I SUPPORT THE FIGHT TO STOP WOKE GENDER IDEOLOGY AND SAVE TITLE IX?

You can help stop the radical gender ideology movement!

EDUCATE



- Educate your local community by speaking at a school board meeting. Remind them that they have a duty to comply with the 2020 Rule
- Provide members of your community with resources on Title IX and the 2020 Rule
- Schedule and host a webinar led by Southeastern Legal Foundation attorneys



ACTIVATE

- Join or start a grassroots organization that is taking action at every level to save Title IX and protect America's children from radical gender ideology
- Review your child's school policies. If you believe they might be violating Title IX, contact an attorney ASAP

SUPPORT



- Support the legal fight to save Title IX from radicals by visiting SLFliberty.org/donate

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