

CLE Materials Include:

1. Executive Order 14168
2. Executive Order 14151
3. Executive Order 14173
4. EEOC Appeal decision in Selina S. v. Driscoll, Department of the Army, Appeal No. 2025003976
5. DOJ Memo: Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination, July 29, 2025
6. Questions and Answers Regarding OCR's Interpretation of Title IX and Single Sex Scholarships, Clubs, and other Programs
7. U.S. Department of Education Rescinds Illegal Title IX Resolution Agreements, April 6, 2026
8. 2020 Rule: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

(1) Executive Order 14168

**DEFENDING WOMEN FROM GENDER IDEOLOGY EXTREMISM AND RESTORING BIOLOGICAL TRUTH TO THE
FEDERAL GOVERNMENT**



Link: <https://www.whitehouse.gov/presidential-actions/2025/01/defending-women-from-gender-ideology-extremism-and-restoring-biological-truth-to-the-federal-government/?query=11-page=2>

Text:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7301 of title 5, United States Code, it is hereby ordered:

Section 1. Purpose. Across the country, ideologues who deny the biological reality of sex have increasingly used legal and other socially coercive means to permit men to self-identify as women and gain access to intimate single-sex spaces and activities designed for women, from women's domestic abuse shelters to women's workplace showers. This is wrong. Efforts to eradicate the biological reality of sex fundamentally attack women by depriving them of their dignity, safety, and well-being. The erasure of sex in language and policy has a

corrosive impact not just on women but on the validity of the entire American system. Basing Federal policy on truth is critical to scientific inquiry, public safety, morale, and trust in government itself.

This unhealthy road is paved by an ongoing and purposeful attack against the ordinary and longstanding use and understanding of biological and scientific terms, replacing the immutable biological reality of sex with an internal, fluid, and subjective sense of self unmoored from biological facts. Invalidating the true and biological category of “woman” improperly transforms laws and policies designed to protect sex-based opportunities into laws and policies that undermine them, replacing longstanding, cherished legal rights and values with an identity-based, inchoate social concept.

Accordingly, my Administration will defend women’s rights and protect freedom of conscience by using clear and accurate language and policies that recognize women are biologically female, and men are biologically male.

Sec. 2. Policy and Definitions. It is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality, and the following definitions shall govern all Executive interpretation of and application of Federal law and administration policy:

- (a) “Sex” shall refer to an individual’s immutable biological classification as either male or female. “Sex” is not a synonym for and does not include the concept of “gender identity.”
- (b) “Women” or “woman” and “girls” or “girl” shall mean adult and juvenile human females, respectively.
- (c) “Men” or “man” and “boys” or “boy” shall mean adult and juvenile human males, respectively.
- (d) “Female” means a person belonging, at conception, to the sex that produces the large reproductive cell.
- (e) “Male” means a person belonging, at conception, to the sex that produces the small reproductive cell.
- (f) “Gender ideology” replaces the biological category of sex with an ever-shifting concept of self-assessed gender identity, permitting the false claim that males can identify as and thus become women and vice versa, and requiring all institutions of society to regard this false claim as true. Gender ideology includes the idea that there is a vast spectrum of genders that are disconnected from one’s sex. Gender ideology is internally inconsistent, in that it diminishes sex as an identifiable or useful category but nevertheless maintains that it is possible for a person to be born in the wrong sexed body.
- (g) “Gender identity” reflects a fully internal and subjective sense of self, disconnected from biological reality and sex and existing on an infinite continuum, that does not provide a meaningful basis for identification and cannot be recognized as a replacement for sex.

Sec. 3. Recognizing Women Are Biologically Distinct From Men. (a) Within 30 days of the date of this order, the Secretary of Health and Human Services shall provide to the U.S. Government, external partners, and the public clear guidance expanding on the sex-based definitions set forth in this order.

- (b) Each agency and all Federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations to protect men and women as biologically distinct sexes. Each agency should therefore give the terms “sex”, “male”, “female”, “men”, “women”, “boys” and “girls” the meanings set forth in section 2 of this order when interpreting or applying statutes, regulations, or guidance and in all other official agency business, documents, and communications.
- (c) When administering or enforcing sex-based distinctions, every agency and all Federal employees acting in an official capacity on behalf of their agency shall use the term “sex” and not “gender” in all applicable Federal policies and documents.

(d) The Secretaries of State and Homeland Security, and the Director of the Office of Personnel Management, shall implement changes to require that government-issued identification documents, including passports, visas, and Global Entry cards, accurately reflect the holder's sex, as defined under section 2 of this order; and the Director of the Office of Personnel Management shall ensure that applicable personnel records accurately report Federal employees' sex, as defined by section 2 of this order.

(e) Agencies shall remove all statements, policies, regulations, forms, communications, or other internal and external messages that promote or otherwise inculcate gender ideology, and shall cease issuing such statements, policies, regulations, forms, communications or other messages. Agency forms that require an individual's sex shall list male or female, and shall not request gender identity. Agencies shall take all necessary steps, as permitted by law, to end the Federal funding of gender ideology.

(f) The prior Administration argued that the Supreme Court's decision in *Bostock v. Clayton County* (2020), which addressed Title VII of the Civil Rights Act of 1964, requires gender identity-based access to single-sex spaces under, for example, Title IX of the Educational Amendments Act. This position is legally untenable and has harmed women. The Attorney General shall therefore immediately issue guidance to agencies to correct the misapplication of the Supreme Court's decision in *Bostock v. Clayton County* (2020) to sex-based distinctions in agency activities. In addition, the Attorney General shall issue guidance and assist agencies in protecting sex-based distinctions, which are explicitly permitted under Constitutional and statutory precedent.

(g) Federal funds shall not be used to promote gender ideology. Each agency shall assess grant conditions and grantee preferences and ensure grant funds do not promote gender ideology.

Sec. 4. Privacy in Intimate Spaces. (a) The Attorney General and Secretary of Homeland Security shall ensure that males are not detained in women's prisons or housed in women's detention centers, including through amendment, as necessary, of Part 115.41 of title 28, Code of Federal Regulations and interpretation guidance regarding the Americans with Disabilities Act.

(b) The Secretary of Housing and Urban Development shall prepare and submit for notice and comment rulemaking a policy to rescind the final rule entitled "Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs" of September 21, 2016, 81 FR 64763, and shall submit for public comment a policy protecting women seeking single-sex rape shelters.

(c) The Attorney General shall ensure that the Bureau of Prisons revises its policies concerning medical care to be consistent with this order, and shall ensure that no Federal funds are expended for any medical procedure, treatment, or drug for the purpose of conforming an inmate's appearance to that of the opposite sex.

(d) Agencies shall effectuate this policy by taking appropriate action to ensure that intimate spaces designated for women, girls, or females (or for men, boys, or males) are designated by sex and not identity.

Sec. 5. Protecting Rights. The Attorney General shall issue guidance to ensure the freedom to express the binary nature of sex and the right to single-sex spaces in workplaces and federally funded entities covered by the Civil Rights Act of 1964. In accordance with that guidance, the Attorney General, the Secretary of Labor, the General Counsel and Chair of the Equal Employment Opportunity Commission, and each other agency head with enforcement responsibilities under the Civil Rights Act shall prioritize investigations and litigation to enforce the rights and freedoms identified.

Sec. 6. Bill Text. Within 30 days of the date of this order, the Assistant to the President for Legislative Affairs shall present to the President proposed bill text to codify the definitions in this order.

Sec. 7. Agency Implementation and Reporting. (a) Within 120 days of the date of this order, each agency head shall submit an update on implementation of this order to the President, through the Director of the Office of Management and Budget. That update shall address:

- (i) changes to agency documents, including regulations, guidance, forms, and communications, made to comply with this order; and
- (ii) agency-imposed requirements on federally funded entities, including contractors, to achieve the policy of this order.

(b) The requirements of this order supersede conflicting provisions in any previous Executive Orders or Presidential Memoranda, including but not limited to Executive Orders 13988 of January 20, 2021, 14004 of January 25, 2021, 14020 and 14021 of March 8, 2021, and 14075 of June 15, 2022. These Executive Orders are hereby rescinded, and the White House Gender Policy Council established by Executive Order 14020 is dissolved.

(c) Each agency head shall promptly rescind all guidance documents inconsistent with the requirements of this order or the Attorney General's guidance issued pursuant to this order, or rescind such parts of such documents that are inconsistent in such manner. Such documents include, but are not limited to:

- (i) "The White House Toolkit on Transgender Equality";
- (ii) the Department of Education's guidance documents including:
 - (A) "2024 Title IX Regulations: Pointers for Implementation" (July 2024);
 - (B) "U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students";
 - (C) "U.S. Department of Education Supporting LGBTQI+ Youth and Families in School" (June 21, 2023);
 - (D) "Departamento de Educación de EE.UU. Apoyar a los jóvenes y familias LGBTQI+ en la escuela" (June 21, 2023);
 - (E) "Supporting Intersex Students: A Resource for Students, Families, and Educators" (October 2021);
 - (F) "Supporting Transgender Youth in School" (June 2021);
 - (G) "Letter to Educators on Title IX's 49th Anniversary" (June 23, 2021);
 - (H) "Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families" (June 2021);
 - (I) "Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*" (June 22, 2021);
 - (J) "Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students" (June 9, 2021); and
 - (K) "Back-to-School Message for Transgender Students from the U.S. Depts of Justice, Education, and HHS" (Aug. 17, 2021);

(iii) the Attorney General's Memorandum of March 26, 2021 entitled "Application of Bostock v. Clayton County to Title IX of the Education Amendments of 1972"; and

(iv) the Equal Employment Opportunity Commission's "Enforcement Guidance on Harassment in the Workplace" (April 29, 2024).

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

THE WHITE HOUSE,

January 20, 2025.

(2) Executive Order 14151

ENDING RADICAL AND WASTEFUL GOVERNMENT DEI PROGRAMS AND PREFERENCING



Link: <https://public-inspection.federalregister.gov/2025-01953.pdf>

Text:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose and Policy. The Biden Administration forced illegal and immoral discrimination programs, going by the name "diversity, equity, and inclusion" (DEI), into virtually all aspects of the Federal Government, in areas

ranging from airline safety to the military. This was a concerted effort stemming from President Biden's first day in office, when he issued Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government."

Pursuant to Executive Order 13985 and follow-on orders, nearly every Federal agency and entity submitted "Equity Action Plans" to detail the ways that they have furthered DEI's infiltration of the Federal Government. The public release of these plans demonstrated immense public waste and shameful discrimination. That ends today. Americans deserve a government committed to serving every person with equal dignity and respect, and to expending precious taxpayer resources only on making America great.

Sec. 2. Implementation. (a) The Director of the Office of Management and Budget (OMB), assisted by the Attorney General and the Director of the Office of Personnel Management (OPM), shall coordinate the termination of all discriminatory programs, including illegal DEI and "diversity, equity, inclusion, and accessibility" (DEIA) mandates, policies, programs, preferences, 2 and activities in the Federal Government, under whatever name they appear. To carry out this directive, the Director of OPM, with the assistance of the Attorney General as requested, shall review and revise, as appropriate, all existing Federal employment practices, union contracts, and training policies or programs to comply with this order. Federal employment practices, including Federal employee performance reviews, shall reward individual initiative, skills, performance, and hard work and shall not under any circumstances consider DEI or DEIA factors, goals, policies, mandates, or requirements.

(b) Each agency, department, or commission head, in consultation with the Attorney General, the Director of OMB, and the Director of OPM, as appropriate, shall take the following actions within sixty days of this order:

(i) terminate, to the maximum extent allowed by law, all DEI, DEIA, and "environmental justice" offices and positions (including but not limited to "Chief Diversity Officer" positions); all "equity action plans," "equity" actions, initiatives, or programs, "equity-related" grants or contracts; and all DEI or DEIA performance requirements for employees, contractors, or grantees.

(ii) provide the Director of the OMB with a list of all:

(A) agency or department DEI, DEIA, or "environmental justice" positions, committees, programs, services, activities, budgets, and expenditures in existence on November 4, 2024, and an assessment of whether these positions, committees, programs, services, activities, 3 budgets, and expenditures have been misleadingly relabeled in an attempt to preserve their preNovember 4, 2024 function;

(B) Federal contractors who have provided DEI training or DEI training materials to agency or department employees; and

(C) Federal grantees who received Federal funding to provide or advance DEI, DEIA, or "environmental justice" programs, services, or activities since January 20, 2021.

(iii) direct the deputy agency or department head to:

(A) assess the operational impact (e.g., the number of new DEI hires) and cost of the prior administration's DEI, DEIA, and "environmental justice" programs and policies; and

(B) recommend actions, such as Congressional notifications under 28 U.S.C. 530D, to align agency or department programs, activities, policies, regulations, guidance, employment practices, enforcement activities, contracts (including set-asides), grants, consent orders, and litigating positions with the policy of equal dignity and respect identified in section 1 of this order. The agency or department head and the Director of OMB shall jointly ensure that the deputy agency or department head has the authority and resources needed to carry out this directive.

(c) To inform and advise the President, so that he may formulate appropriate and effective civil-rights policies for the Executive Branch, the Assistant to the President for Domestic Policy shall convene a monthly meeting attended by the Director of OMB, the Director of OPM, and each deputy agency or department head to:

- (i) hear reports on the prevalence and the economic and social costs of DEI, DEIA, and "environmental justice" in agency or department programs, activities, policies, regulations, guidance, employment practices, enforcement activities, contracts (including set-asides), grants, consent orders, and litigating positions;
- (ii) discuss any barriers to measures to comply with this order; and
- (iii) monitor and track agency and department progress and identify potential areas for additional Presidential or legislative action to advance the policy of equal dignity and respect.

Sec. 3. Severability. If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected.

Sec. 4. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

THE WHITE HOUSE,

January 20, 2025.

[FR Doc. 2025-01953 Filed: 1/28/2025 8:45 am; Publication Date: 1/29/2025]

(3) Executive Order 14173

ENDING ILLEGAL DISCRIMINATION AND RESTORING MERIT-BASED OPPORTUNITY



Link: <https://www.federalregister.gov/documents/2025/01/31/2025-02097/ending-illegal-discrimination-and-restoring-merit-based-opportunity>

Text:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1 . Purpose. Longstanding Federal civil-rights laws protect individual Americans from discrimination based on race, color, religion, sex, or national origin. These civil-rights protections serve as a bedrock supporting equality of opportunity for all Americans. As President, I have a solemn duty to ensure that these laws are enforced for the benefit of all Americans.

Yet today, roughly 60 years after the passage of the Civil Rights Act of 1964, critical and influential institutions of American society, including the Federal Government, major corporations, financial institutions, the medical industry, large commercial airlines, law enforcement agencies, and institutions of higher education have adopted and actively use dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called “diversity, equity, and inclusion” (DEI) or “diversity, equity, inclusion, and accessibility” (DEIA) that can violate the civil-rights laws of this Nation.

Illegal DEI and DEIA policies not only violate the text and spirit of our longstanding Federal civil-rights laws, they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system. Hardworking Americans who deserve a shot at the American Dream should not be stigmatized, demeaned, or shut out of opportunities because of their race or sex.

These illegal DEI and DEIA policies also threaten the safety of American men, women, and children across the Nation by diminishing the importance of individual merit, aptitude, hard work, and determination when selecting people for jobs and services in key sectors of American society, including all levels of government, and the medical, aviation, and law-enforcement communities. Yet in case after tragic case, the American people have witnessed first-hand the disastrous consequences of illegal, pernicious discrimination that has prioritized how people were born instead of what they were capable of doing.

The Federal Government is charged with enforcing our civil-rights laws. The purpose of this order is to ensure that it does so by ending illegal preferences and discrimination.

Sec. 2 . Policy. It is the policy of the United States to protect the civil rights of all Americans and to promote individual initiative, excellence, and hard work. I therefore order all executive departments and agencies (agencies) to terminate all discriminatory and illegal preferences, mandates, policies, programs, activities,

guidance, regulations, enforcement actions, consent orders, and requirements. I further order all agencies to enforce our longstanding civil-rights laws and to combat illegal private-sector DEI preferences, mandates, policies, programs, and activities.

Sec. 3 . Terminating Illegal Discrimination in the Federal Government. (a) The following executive actions are hereby revoked:

- (i) [Executive Order 12898](#) of February 11, 1994 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations);
- (ii) [Executive Order 13583](#) of August 18, 2011 (Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce);
- (iii) [Executive Order 13672](#) of July 21, 2014 (Further Amendments to [Executive Order 11478](#), Equal Employment Opportunity in the Federal Government, and [Executive Order 11246](#), Equal Employment Opportunity); and
- (iv) The Presidential Memorandum of October 5, 2016 (Promoting Diversity and Inclusion in the National Security Workforce).

(b) The Federal contracting process shall be streamlined to enhance speed and efficiency, reduce costs, and require Federal contractors and subcontractors to comply with our civil-rights laws. Accordingly:

- (i) [Executive Order 11246](#) of September 24, 1965 (Equal Employment Opportunity), is hereby revoked. For 90 days from the date of this order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025.
- (ii) The Office of Federal Contract Compliance Programs within the Department of Labor shall immediately cease:
 - (A) Promoting “diversity”;
 - (B) Holding Federal contractors and subcontractors responsible for taking “affirmative action”; and
 - (C) Allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.
- (iii) In accordance with [Executive Order 13279](#) of December 12, 2002 (Equal Protection of the Laws for Faith-Based and Community Organizations), the employment, procurement, and contracting practices of Federal contractors and subcontractors shall not consider race, color, sex, sexual preference, religion, or national origin in ways that violate the Nation's civil rights laws.
- (iv) The head of each agency shall include in every contract or grant award:
 - (A) A term requiring the contractual counterparty or grant recipient to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code; and
 - (B) A term requiring such counterparty or recipient to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws.

(c) The Director of the Office of Management and Budget (OMB), with the assistance of the Attorney General as requested, shall:

- (i) Review and revise, as appropriate, all Government-wide processes, directives, and guidance;
- (ii) Excise references to DEI and DEIA principles, under whatever name they may appear, from Federal acquisition, contracting, grants, and financial assistance procedures to streamline those procedures, improve speed and efficiency, lower costs, and comply with civil-rights laws; and
- (iii) Terminate all “diversity,” “equity,” “equitable decision-making,” “equitable deployment of financial and technical assistance,” “advancing equity,” and like mandates, requirements, programs, or activities, as appropriate.

Sec. 4 . Encouraging the Private Sector to End Illegal DEI Discrimination and Preferences. (a) The heads of all agencies, with the assistance of the Attorney General, shall take all appropriate action with respect to the operations of their agencies to advance in the private sector the policy of individual initiative, excellence, and hard work identified in section 2 of this order.

(b) To further inform and advise me so that my Administration may formulate appropriate and effective civil-rights policy, the Attorney General, within 120 days of this order, in consultation with the heads of relevant agencies and in coordination with the Director of OMB, shall submit a report to the Assistant to the President for Domestic Policy containing recommendations for enforcing Federal civil-rights laws and taking other appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI. The report shall contain a proposed strategic enforcement plan identifying:

- (i) Key sectors of concern within each agency's jurisdiction;
- (ii) The most egregious and discriminatory DEI practitioners in each sector of concern;
- (iii) A plan of specific steps or measures to deter DEI programs or principles (whether specifically denominated “DEI” or otherwise) that constitute illegal discrimination or preferences. As a part of this plan, each agency shall identify up to nine potential civil compliance investigations of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars;
- (iv) Other strategies to encourage the private sector to end illegal DEI discrimination and preferences and comply with all Federal civil-rights laws;
- (v) Litigation that would be potentially appropriate for Federal lawsuits, intervention, or statements of interest; and
- (vi) Potential regulatory action and sub-regulatory guidance.

Sec. 5 . Other Actions. Within 120 days of this order, the Attorney General and the Secretary of Education shall jointly issue guidance to all State and local educational agencies that receive Federal funds, as well as all institutions of higher education that receive Federal grants or participate in the Federal student loan assistance program under Title IV of the Higher Education Act, [20 U.S.C. 1070](#) et seq., regarding the measures and practices required to comply with *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023).

Sec. 6 . Severability. If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

Sec. 7 . Scope. (a) This order does not apply to lawful Federal or private-sector employment and contracting preferences for veterans of the U.S. armed forces or persons protected by the Randolph-Sheppard Act, [20 U.S.C. 107](#) et seq.

(b) This order does not prevent State or local governments, Federal contractors, or Federally-funded State and local educational agencies or institutions of higher education from engaging in First Amendment-protected speech.

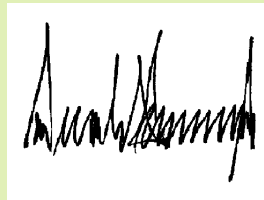
(c) This order does not prohibit persons teaching at a Federally funded institution of higher education as part of a larger course of academic instruction from advocating for, endorsing, or promoting the unlawful employment or contracting practices prohibited by this order.

Sec. 8 . General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department, agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2025.
[\[FR Doc. 2025-02097](#)
Filed 1-30-25; 8:45 am]
Billing code 3395-F4-P

**(4) EEOC Appeal Decision in *Selina S. v. Driscoll, Department of the Army*,
Appeal No. 2025003976**



Link: <https://www.saul.com/documents/2026/05/2025003976>

Summary:

In *Selina S. v. Daniel Driscoll, Secretary, Department of Army*, Appeal No. 2025003976, the EEOC acted in its quasi-judicial capacity to decide an appeal brought by a federal employee against their employer, the Secretary of the Army, alleging discrimination under Title VII. The EEOC emphasized the limited scope of its action, clarifying that it is not binding on any federal courts and applies only to federal agencies subject to the EEOC's complaint process for federal employees. Thus, while the EEOC's decision is not binding on any higher ed institutions or private employers, it gives line of sight into the arguments to be made to support the claim that the term "sex," as used in Title VII (and, by extension, Title IX), means biological sex, not gender identity.

Selina S. has worked for the Army in a civilian capacity for several years and used male-designated restrooms. In 2025, Selina S. informed their supervisor that they identified as a woman and requested to use female-designated restrooms and locker rooms. The request was denied, with the Army relying on Executive Order 14168. Selina S. filed a formal EEO complaint with the Army, which was dismissed for failure to state a claim, and the EEOC then heard complainant's appeal *de novo*. The EEOC is to apply established precedent to the facts at issue, but because there is no binding precedent for it to follow here, it walked through various cases, dictionary definitions, Executive Order definitions, and EEOC appeals decided under earlier administrations to reach the conclusion that "[w]ithin the EEOC's administrative complaint process, that an employee is excluded from an opposite-sex bathroom or similar intimate space does not by itself state a plausible claim for relief under Title VII." The EEOC criticized Selina S.'s arguments, stating, "At bottom, Complainant seeks an interpretation of Title VII granting most-favored status to trans-identifying employees. He claims entitlement to more-than-equal treatment compared to his co-workers. He asserts that they must continue to follow the established rules of workplace conduct by using bathrooms corresponding to their sex while he is exempted. We can find no support for such special treatment anywhere in the text of Title VII or in any precedential court decision."

(5) DOJ Memo: Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination, July 29, 2025



Link: <https://www.saul.com/documents/2026/05/20250729-ag-bondi-memo-guidance-recipients-federal-funding-regarding-unlawful>

Summary:

On July 29, 2025, the Attorney General issued "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination" which reiterated the Trump administration's priorities with respect to diversity, equity, and inclusion, including single-sex spaces. Then-Attorney General Pam Bondi wrote, "Compelling employees to share intimate spaces with the opposite sex or allowing men to compete in women's athletic competitions would typically be unlawful." However, with many schools faced with competing state laws, it is not that straightforward. While we have not attached the entire Guidance document, the Executive Summary re-printed below highlights the key areas.

Executive Summary:

This guidance emphasizes the significant legal risks of initiatives that involve discrimination based on protected characteristics and provides non-binding best practices to help entities avoid the risk of violations. Key points include:

- **Statutory nondiscrimination requirements:** Federal law prohibits discrimination based on protected characteristics like race, sex, color, national origin, or religion.
- **Legal pitfalls of DEI Programs:** The use of terms such as *DEI," "Equity," or other euphemistic terms does not excuse unlawful discrimination or absolve parties from scrutiny regarding potential violations.
- **Prohibition on Protected Characteristics as Criteria:** Using race, sex, or other protected characteristics for employment, program participation, resource allocation, or other similar activities, opportunities, or benefits, is unlawful, except in rare cases where such discrimination satisfies the relevant level of judicial scrutiny.
- **Importance of Sex-separated Intimate Spaces and Athletic Competitions:** Compelling employees to share intimate spaces with the opposite sex or allowing men to compete in women's athletic competitions would typically be unlawful.
- **Unlawful Proxy Discrimination:** Facially neutral criteria (e.g., "cultural competence," "lived experience," geographic targeting) that function as proxies for protected characteristics violate federal law if designed or applied with the intention of advantaging or disadvantaging individuals based on protected characteristics.
- **Scrutiny of Third-Party Funding:** Recipients of federal funds should ensure federal funds do not support third-party programs that discriminate.
- **Protection Against Retaliation:** Individuals who object to or refuse to participate in discriminatory programs, trainings, or policies are protected from adverse actions like termination or exclusion based on that individual's opposition to those practices.

(6) Questions and Answers Regarding OCR's Interpretation of Title IX and Single Sex Scholarships, Clubs, and other Programs



Link: <https://www.saul.com/documents/2026/05/faqs-ocrs-interpretation-title-ix-and-single-sex-scholarships-clubs-and-other>

Summary:

Although they have been archived and noted that they are “not for reliance,” the Department of Education Office for Civil Rights issued Questions and Answers Regarding OCR's Interpretation of Title IX and Single Sex Scholarships, Clubs, and other Programs on January 14, 2021. The document's thirteen questions walk through different situations and provide an analysis of each. Although it is based on the Biden administration's view of single sex programs and does not bind the current OCR, the analysis, which walks through case law and regulations, can still be helpful when faced with such a program.

The U.S. Department of Education's (Department) Office for Civil Rights (OCR) issues the following technical assistance document to describe how OCR has historically addressed issues regarding scholarships, fellowships, other forms of financial assistance, courses, clubs, extracurricular activities, school facilities, and other programs that impose a preference or restriction based on sex, with examples of how OCR has evaluated these issues upon receipt of complaints alleging sex discrimination. This document does not address OCR's regulations regarding athletics under 34 C.F.R. § 106.41 or athletic scholarships under 34 C.F.R. § 106.37(c).

This document is designed to assist educational institutions that receive federal financial assistance with meeting their civil rights obligations under Title IX of the Education Amendments of 1972 (Title IX). This question-and-answer document does not have the force and effect of law, and is not meant to bind the public or regulated entities in any way. This document is intended only to provide clarity to the public regarding existing requirements under legally binding statutory and regulatory requirements.

Question 1: May a school offer a scholarship, fellowship, or other form of financial assistance, the title of which contains the name of a person—male or female—when the school does not impose any sex-based preference or restriction to determine the awardees? For example, is it permissible to offer either the *John Doe or Jane Doe Scholarship*, for which both men and women may apply on equal terms?

Answer: Generally, yes. The general rule is that a school may not limit eligibility of financial aid, including scholarships, fellowships, and other forms of financial assistance (“scholarships”), on the basis of sex, nor otherwise limit individuals in the enjoyment of such opportunities based on their sex.

For instance, OCR has declined to open complaints alleging a violation of Title IX in response to allegations involving the following titles of scholarships or fellowships, when there was no evidence that the school applied a preference or restriction based on sex:

- Elizabeth Cady Stanton Award
- Zora Neale Hurston Award

Question 2:

May a school offer a class focused on a particular sex? May an academic program or department have a sex-specific name like *Women's Studies* or *Men's Studies*?

Answer:

Generally, yes. Unless an exception applies, both sexes must be permitted to enroll in and participate in a course, academic program, or department, and the name or content of any course, academic program, or department must not discourage or dissuade a reasonable person (regardless of sex) from participation. However, a program or course open equally to both men and women does not violate Title IX simply because of its pedagogical orientation involving course material focused on one sex or the other. Thus, a university's program or department of Women's Studies will not raise a concern under Title IX simply for including "women" in its name or containing course material focused on women's issues. Likewise, Title IX is not implicated when a school offers a course containing the name of a man or a woman such as *Jane Austen's England* or *Henry the Navigator and the Age of Discovery*. For example, OCR has declined to open complaints alleging a violation of Title IX in response to allegations involving the following programs and departments, when there was no evidence that they involved a preference or restriction based on sex:

- Department of Women's Gender and Sexual Studies
- Committee on the Status of Women in Medicine
- Women's Studies

Question 3:

May a school actually impose a preference or restriction on the basis of sex with respect to a scholarship, fellowship, or other forms of financial assistance?

Answer:

Generally, no. As noted above, a school may not administer scholarships, fellowships or other forms of financial assistance that impose a preference or restriction on the basis of sex, with limited exceptions.

One exception is that a school may administer or assist in the administration of a scholarship, fellowship, or other form of financial assistance established through a will, trust, bequest, or similar legal instrument which requires that awards be made to members of a particular sex specified in the legal instrument, so long as the overall effect of the award of such sex-restricted scholarships, fellowships, and other forms of financial assistance does not discriminate on the basis of sex. To ensure that awards are appropriately non-discriminatory in their overall effect, a school must also develop and use procedures that comply with 34 C.F.R. § 106.37(b)(2).

OCR has resolved complaints involving the following legal-instrument scholarships, because other awards offered by the recipient caused the overall effect of the awards not to discriminate on the basis of sex:

- The Arleen Amert Annual Scholarship
- The Dr. Cecilia Wittmayer Endowed Scholarship
- The Helen Walker Memorial Endowment
- The Madison Business and Professional Women's Endowed Scholarship

Question 4:

May a college or university offer forms of financial assistance or programs to only one sex as a remedial or affirmative action to overcome the effects or conditions which resulted in limited participation in an education program or activity by persons of that sex?

Answer:

In limited circumstances. While a school generally may not administer forms of financial assistance or programs that impose a preference or restriction on the basis of sex, there may be limited circumstances in which a school may take affirmative action with respect to forms of financial assistance or programs to overcome the effects of conditions which resulted in limited participation in its education program or activity by persons of a particular sex.

In cases where a school chooses to discriminate on the basis of sex in scholarship allocation or other programs as a form of affirmative action, it must still avoid any resort to sex-based quotas. Nor may it rely on national statistics as evidence of limited participation, but must instead clearly articulate why the particular sex-based scholarship or program was necessary to overcome the conditions in its own education program or activity which resulted in limited participation *therein*. As part of this analysis, OCR evaluates whether the classification based on sex was supported by an “exceedingly persuasive justification,” based on a substantial relationship between the classification and an important governmental or educational objective.

If OCR receives a complaint about a sex-restricted scholarship or program, and in response, the school seeks to invoke its ability to engage in affirmative action, OCR will require the school to support its justification with a specific assessment of the facts and circumstances surrounding the scholarship or other program. Additionally, OCR will analyze evidence of the conditions which led to limited participation by members of a particular sex in that school’s education program or activity, as well as whether the school’s purported remedial discrimination on the basis of sex is in fact directed at overcoming the effects of those conditions. The school’s justification for administering sex-restricted scholarships as an affirmative action may never rely on overbroad generalizations about the different talents, capacities, or preferences of males and females.

Question 5:

Does the title or description of a scholarship, fellowship, or other form of financial assistance implicate Title IX if the content is reasonably perceived as stating that the school applies a preference or restriction to applicants based on sex even where no such preference or restriction is actually applied?

Answer:

Yes. If the title or description of a scholarship, fellowship, or other form of financial assistance (“scholarship”) may be reasonably perceived as sex-restricted, Title IX may be implicated. For instance, where the title of a scholarship raises an inference that the school imposes a preference or restriction based on sex, OCR has required that schools clearly state in their public-facing communications (websites, catalogues, materials, promotional materials, recruiting materials, admissions and registrar information, etc.) that the scholarship is being offered without a preference or restriction based on sex.¹² Additionally, OCR has reviewed recipients’ scholarship applications, as well as awardee data, disaggregated by sex, to ensure that the school’s materials and non-discrimination policies have in fact been communicated effectively. OCR has dismissed complaints alleging that the following scholarships violated Title IX based on the title of a scholarship, after confirming that the school has communicated effectively that awards would not be made on the basis of sex:

- Center for Women and Gender Equity Non-Traditional Scholarship
- A Professional Development Award for Advancement of Women in Sport & Physical Activity

On the other hand, if the title or description of a school’s scholarship clearly indicates to a reasonable person that awards are restricted to one particular sex, and if there is no effective means to communicate otherwise, the school would be required to change the title or description, absent an applicable exception. In such cases, OCR will not consider application and awardee data, disaggregated by sex, to be relevant to determining whether a scholarship or fellowship is technically open to both males and females equally. For example, after a complaint was filed with OCR, one school resolved an allegation involving an “Award for Student Mothers” by voluntarily retitling it as an “Award for Student Parents.”

Question 6:

May a school advertise or promote third-party scholarships, fellowships, or other forms of financial assistance to its students if those scholarships impose a preference or restriction for students of one sex?

Answer:

Generally, no. Under Title IX, a recipient is prohibited from advertising or promoting (including by listing on the recipient's website or by any other means) any scholarship, fellowship, or other form of financial assistance ("scholarship") that discriminates on the basis of sex, even when the scholarship is administered by a third party, and not by or on behalf of the recipient.

Additionally, as to any third-party scholarship that the school does promote or advertise, OCR expects that schools will take reasonable steps to verify that the sponsoring organization's or person's rules for determining awards do not, expressly or in fact, discriminate on the basis sex. OCR has accordingly resolved claims against schools that have listed on school websites the following scholarships that apply a sex-based preference or restriction to awardees by dismissing the complaints after the schools removed the sex-restrictive scholarships from school websites:

- Sioux Empire Rock-a-Betty's Scholarship
- Megan E. Collins Memorial Award

Question 7:

May a school promote, sponsor, or partner with a third party that provides a non-funded fellowship, leadership, or other advancement program for its students that imposes a preference or restriction for students of one sex?

Answer:

In limited circumstances. A school generally may not provide significant assistance to a third-party organization or person that offers non-funded fellowship, leadership, or other advancement programs ("fellowships") if those programs impose a preference or restriction on the basis of sex. Whether a school is providing significant assistance to an outside organization "will turn on the facts and circumstances of specific situations. However, OCR has long interpreted "significant assistance" to include a school's "giv[ing] an organization special status or privileges that it does not offer to all community organizations," including "official recognition of the organization, the designation of faculty sponsors, or the use of campus facilities at less than fair market value. There also may be other instances in which non-financial assistance given to an organization by a school may constitute significant assistance. Significant assistance may also involve the provision of funding to third-party groups. Schools must therefore avoid providing faculty sponsors, administrative staff, or other such support to organizations or individuals who sponsor third-party fellowships that discriminate on the basis of sex. However, simply advertising or publicizing the availability of a thirdparty fellowship that provides no financial support for student applicants does not constitute significant assistance under Title IX, although schools remain generally bound by 34 C.F.R. § 106.31. On this basis, OCR has dismissed claims against schools that did not provide any approval or support for the following third-party programs beyond listing them on their website:

- National Women's Studies Association
- Society of Women Engineers
- Association for Women in Computing
- Accounting and Financial Women's Alliance
- Women in Engineering Program

Question 8

May private undergraduate institutions limit participation in their education programs or activities based on sex, as part of a general "admissions" policy that is exempt from Title IX?

Answer:

Generally, no. Excluding students from admission to an educational institution on the basis of sex is generally not permitted under Title IX, with a few exceptions. For example, Title IX does exempt from its prohibition on sex discrimination "admissions to [certain] educational institutions," including those of private undergraduate institutions. This exemption regarding admissions, however, applies to the selection of individuals as students with

regard to the “enrollment, membership, or matriculation” of those students at educational institutions, or at any of their schools, colleges, or departments. OCR has accordingly opened investigations when complaints have alleged that other programs or activities at those institutions—such as mentorship or outreach programs or summer camps—have restricted or otherwise limited participation on the basis of sex.

Question 9:

May an elementary or secondary school offer or sponsor a class or extracurricular activity that is open to students of only one sex?

Answer:

This is permissible in limited circumstances. The general rule under Title IX is that a school may not exclude, separate, deny benefits to, or otherwise treat differently any person on the basis of sex in its education programs or activities—including classes and extracurricular activities—unless expressly permitted to do so under Title IX or the Department’s implementing regulations. The Department’s Title IX regulations identify the following categories for which a recipient may intentionally separate students by sex: (a) contact sports in physical education classes; (b) physical education classes and activities grouped by ability; (c) classes or portions of classes in elementary and secondary schools that deal primarily with human sexuality; and (d) choruses, to the extent that requirements based on vocal range or quality may result in a chorus or choruses of one or predominantly one sex.

Absent one of those exceptions, a nonvocational elementary or secondary school may not offer a nonvocational single-sex class or extracurricular activity unless the school can demonstrate that: (i) each nonvocational single-sex class or extracurricular activity is based on the school’s important objective either to improve its students’ educational achievement through its overall established policies to provide diverse educational opportunities, or to meet the particular, identified educational needs of its students; and (ii) the single-sex nature of the class is substantially related to achieving that important objective. In addition to establishing a justification for offering a single-sex class, the school must implement its objective in an evenhanded manner; ensure that student enrollment in the single-sex class or extracurricular activity is completely voluntary; provide a substantially equal coeducational class or extracurricular activity in the same subject or activity; and conduct periodic evaluations to determine whether the class or extracurricular activity complies with Title IX, and if not, modify or discontinue the class or extracurricular activity to ensure compliance with Title IX.

With respect to extracurricular activities, additional exceptions apply to the general rule of nondiscrimination on the basis of sex. For example, Title IX permits schools to sponsor father-son or mother-daughter activities; however, if such activities are provided for students of one sex, opportunities for reasonably comparable activities must be provided for students of the other sex. Furthermore, Title IX’s non-discrimination obligations do not apply to the YMCA, YWCA, Girl Scouts, Boy Scouts, and Camp Fire Girls, as well as membership practices of other voluntary youth service organizations which are exempt from taxation, nor to the programs or activities of Boys State/Nation and Girls State/Nation conferences, including selection of students to attend such conferences.

Generally, a school district must not provide significant assistance to a third party offering a program or activity that discriminates on the basis of sex. However, because Title IX does not apply to the membership practices of voluntary youth service organizations (such as YMCA, YWCA, Girl Scouts, or Boy Scouts), a school district that provides assistance (whether significant assistance, financial or non-financial assistance, or otherwise) to such an organization would therefore not violate Title IX’s general prohibition against excluding students from programs on the basis of sex. In order to qualify for this exemption, however, the youth service organization must meet several requirements. 27 Membership in the organization must be voluntary (e.g., participation may not be required as part of a class, and students may not be automatically enrolled), traditionally limited to members of one sex, principally limited to persons under nineteen years old, and the organization’s program must include a service component. Furthermore, if a recipient does provide significant assistance to a voluntary youth service organization, the school still must ensure females and males have comparable educational opportunities overall.

Question 10:

May a college or university separate or exclude individuals on the basis of sex from academic or extracurricular activities?

Answer:

Generally, a college or university may not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation by any of its students on the basis of sex. In the context of academic instruction, the Title IX regulations include three exceptions to the general prohibition on separating students based on sex, applicable to colleges and universities: (1) contact sports in physical education classes; (2) grouping by ability in physical education classes; and (3) choruses, to the extent that requirements based on vocal range or quality may result in a chorus or choruses of one or predominantly one sex. Unless the course or program falls within one of these three categories, a college or university is generally prohibited from separating students on the basis of sex.

With respect to extracurricular activities, additional exceptions to the general rule apply. For example, Title IX permits father-son or mother-daughter activities at all schools, including colleges and universities; however, if those activities are provided for students of one sex, opportunities for reasonably comparable activities must be provided for students of the other sex. Furthermore, Title IX's non-discrimination obligations do not apply to the membership practices of tax-exempt social fraternities and sororities (where the active membership consists primarily of students at institutions of higher education),³¹ nor to the YMCA, YWCA, Girl Scouts, Boy Scouts, and Camp Fire Girls, nor to other voluntary youth service organizations that are tax-exempt, nor to the programs or activities of Boys State/Nation and Girls State/Nation conferences, including selection of students to attend such conferences.

OCR has required that institutions of higher education ensure that a program or activity is coeducational (that is, open to members of both sexes) where the title of an academic or extracurricular activity raises an inference that the school imposes a preference or restriction based on sex. OCR has required institutions to implement strategies (including review of the design and content of their website and review of the procedures for promotion of and recruitment for the activity) to ensure that the institutions are communicating effectively to the university community and the public that the activity, notwithstanding the name, is open to all students and participants regardless of sex.

Question 11:

Will a school-sponsored or recognized club, group, organization, or other program for students implicate Title IX if the club's name suggests that it applies a preference or restriction for participation based on sex even though the club is in fact open to all students regardless of sex?

Answer:

Yes. As to all recipients (i.e., school districts as well as institutions of higher education), if the name of a school-sponsored or recognized club, group, organization, or similar program for students ("school-sponsored club") may be reasonably perceived as imposing a preference or restriction on members or participants based on sex, Title IX may be implicated.

In cases where the name of a school-sponsored club has raised an inference that the school imposes a preference or restriction based on sex, OCR has required that schools clearly state in their public-facing communications (websites, catalogues, materials, promotional materials, recruiting materials, admissions and registrar information, etc.) that membership or participation in the school-sponsored club is not limited by sex. Thus, for example, OCR has required schools to communicate effectively to their respective communities and the public that school-sponsored clubs do not limit participation or affiliation based on sex, and are open to all students regardless of sex, despite their name. OCR has accordingly dismissed complaints or found insufficient evidence in cases alleging that a school sponsoring the following organizations violated Title IX based on the club names, after determining that the school communicated effectively that the clubs were open to all students, regardless of sex:

- Society of Women Engineers (SWE) Student Chapter
- Women in Science
- Environmental Women

As noted above, Title IX does not apply to the membership practices of fraternities and sororities, nor to the YMCA, YWCA, Girl Scouts, Boy Scouts, and Camp Fire Girls, or other voluntary youth service organizations, nor to the programs or activities of Boys State/Nation and Girls State/Nation conferences.

Question 12:

May a school promote, sponsor, or advertise an academic or extracurricular program offered to students or employees by a third party if that program imposes a preference or restriction based on sex?

Answer:

In limited circumstances. Schools generally may not provide significant assistance to a third-party organization or person that offers academic or extracurricular programs if those programs impose a preference or restriction on the basis of sex. Whether a school is providing significant assistance to an outside organization “will turn on the facts and circumstances of specific situations.” However, OCR has long interpreted “significant assistance” to include a school’s “giv[ing] an organization special status or privileges that it does not offer to all community organizations,” including “official recognition of the organization, the designation of faculty sponsors, or the use of campus facilities at less than fair market value.” There may be other instances in which a school’s non-financial support for an organization constitutes significant assistance. Significant assistance may also involve the provision of funding to third-party groups. Recipients must therefore generally avoid providing faculty sponsors, administrative staff, or other such support to third-party academic or extracurricular programs offered by organizations that discriminate on the basis of sex. However, simply advertising (by listing on the school’s website or otherwise) the availability of an academic, extracurricular, or other program offered by third party that provides no financial support for the school’s students is unlikely to violate Title IX.

Moreover, as noted above, Title IX does not apply to the membership practices of social fraternities and sororities, 40 voluntary youth service organizations (such as the YMCA, YWCA, Girl Scouts, Boy Scouts and Camp Fire Girls),⁴¹ nor to Boys State/Nation and Girls State/Nation conferences. Schools are permitted to provide significant assistance (whether financial or otherwise) to, and to advertise or promote, these types of organizations even when the organization’s programs or activities are restricted to students of one sex, so long as the school offers “comparable opportunities” to male and female students.

Question 13:

May a school restrict use of school facilities or property based on sex?

Answer:

Generally, no. Title IX prohibits a school from restricting use of its facilities or property (“facilities”) to students based on sex, although Title IX recognizes certain limited exceptions to this general rule. For example, a school can provide housing to students of one sex so long as it also provides housing that is, on the whole, proportionate in quantity, quality, and cost to students of the other sex. A school can also provide separate bathroom, locker room, and shower facilities on the basis of sex, so long as such facilities provided for students of one sex are comparable to such facilities provided for students of the other sex.

In cases where a recipient does not actually exclude students of one sex, but the name of the facility raises an inference that the school imposes a preference or restriction based on sex for use of or access to such facilities, OCR has required that schools clearly state in their public-facing communications (websites, catalogues, materials, promotional materials, recruiting materials, admissions and registrar information, etc.) that access to the facility is not limited on the basis of sex. Thus, for example, OCR has dismissed complaints or found insufficient evidence in cases alleging that a university’s “Women’s Center” violated Title IX based on its name, after determining that the school communicated effectively that the Women’s Center was open to all students regardless of sex. On the other hand, OCR has opened an investigation into whether a university that offered a

designated “women’s only” workout space in its gym facilities violated Title IX by restricting that space to members of only one sex.

If you have questions for the Office for Civil Rights (OCR), want additional information or technical assistance, or believe that a school is violating federal civil rights law, visit OCR’s website at www.ed.gov/ocr, or the Department’s Title IX page at www.ed.gov/titleix. You may contact OCR at (800) 421-3481 (TDD: 800-877-8339), ocr@ed.gov, OCR’s Outreach, Prevention, Education and Non-discrimination (OPEN) Center at OPEN@ed.gov, or e-mail the OPEN Center with additional questions about the Title IX regulations at T9questions@ed.gov. You may also fill out a complaint form online at <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

(7) U.S. Department of Education Rescinds Illegal Title IX Resolution Agreements, April 6, 2026



Link: <https://www.ed.gov/about/news/press-release/us-department-of-education-rescinds-illegal-title-ix-resolution-agreements>

Summary:

On April 6, 2026, the Department of Education rescinded provisions of resolution agreements it had entered into with six schools and school districts under earlier administrations which addressed allegations that the schools had discriminated on the basis of gender identity. This action is consistent with the Trump administration’s view, as expressed in Executive Orders, that “sex” in Title IX means biological sex, not gender identity.

(8) 2020 Rule: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance



Link: <https://www.ecfr.gov/on/2020-08-15/title-34/subtitle-B/chapter-I/part-106>

Summary:

As schools were addressing the COVID pandemic, the first Trump administration rolled out new Title IX regulations that required a dramatic overhaul of Title IX processes across the country. Schools spent the Summer of 2020 re-writing their policies to respond to the 2020 Final Rule that was effective as of August 14, 2020. As expected, with a change from Trump to Biden in 2021 came another change in Title IX regulations. On August 1, 2024, again schools pivoted to comply with the new 2024 Final Rule, which made changes to definitions, prohibited behavior, and procedures. When Trump won re-election in Fall 2024, there was again the anticipation of new regulations. But the change in regulations happened before he could be sworn in. On January 9, 2025, a district court judge in *Tennessee v. Cardona*, 762 F.Supp.3d 615 (E.D.Ky. 2025), issued a decision vacating the 2024 Final Rule, thereby rendering the 2024 Title IX regulations no longer effective across the country. Thus, the 2020 Regulations became the controlling regulations. The Department of Education under President Trump issued a dear colleague letter on February 4, 2025 (which replaced an earlier version dated January 31, 2025), stating, "In light of the recent federal court decision vacating the 2024 Title IX Rule, and consistent with President Trump's *Defending Women* Executive order, the binding regulatory framework for Title IX enforcement includes the principles and provisions of the 2020 Title IX Rule and the longstanding Title IX regulations outlined in 34 C.F.R. 106 et seq., but excludes the vacated 2024 Title IX Rule."