



## *HLC Accreditation Evidence*

- **Title IX**

URL:

Office of Origin:

- Vice President of Student Services

Contact(s):

- Title IX Coordinator

# U.S. Department of Education

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## Sex Discrimination: Overview of the Law

Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Title IX states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance[.]” All federal agencies that provide grants of financial assistance are required to enforce Title IX’s nondiscrimination mandate. The U.S. Department of Education (Department) gives grants of financial assistance to schools and colleges and to certain other entities, including vocational rehabilitation programs and libraries.

In 1975, the Department’s predecessor, the Department of Health, Education and Welfare, issued final regulations implementing Title IX. Recently, the Department engaged in notice-and-comment rulemaking to formally amend the Title IX regulations for the first time in over 40 years. After reviewing over 124,000 public comments, the Department issued final Title IX regulations (<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>) on May 6, 2020. The new Title IX regulation, which is codified in the Code of Federal Regulations at 34 CFR Part 106 (<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106>), is enforced by the Department’s Office for Civil Rights (OCR).

Examples of the types of discrimination that are covered under Title IX include sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a school’s science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy. A fuller list of Title IX issues OCR addresses appears here (</about/offices/list/ocr/frontpage/pro-students/issues/sex-issue.html>).

Title IX also prohibits retaliation for filing an OCR complaint or for advocating for a right protected by Title IX and discrimination in employment which is based on sex. However, employment discrimination complaints filed with OCR are generally referred to the Equal Employment Opportunity Commission (<http://www.eeoc.gov/>).

Links to Title IX of the Education Amendments of 1972 and its implementing regulation:

- 20 USC 1681: Sex (USCode.house.gov) (<http://uscode.house.gov/view.xhtml?req=20+USC+1681%3A+Sex&f=treesort&fq=true&num=10&hl=true&edition=prelim&granuleId=USC-prelim-title20-section1681>)
- 34 CFR Part 106 (current regulations) (<https://www.ecfr.gov/current/title-34/subtitle-B/chapter-I/part-106>)
- 34 CFR Part 106 Prior to May 6, 2020 (old regulations) (</policy/rights/reg/ocr/edlite-34cfr106.html>)

On June 23, 2022, the U.S. Department of Education released for public comment its proposed amendments to the Department’s regulations implementing Title IX of the Education Amendments of 1972. The proposed amendments reflect the Department’s continued commitment to ensuring that federally funded education programs and activities are free from all forms of sex discrimination, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. The

proposed amendments also reflect the Department's continued commitment to secure equal opportunity, combat sexual harassment and sexual violence, and provide clear and fair procedures for students, educators, and others involved in America's education system to address sex discrimination in schools and on campuses. This notice (<https://www.federalregister.gov/documents/2022/07/12/2022-13734/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal> ) was published by the Department of Education, Office for Civil Rights at 87 Fed. Reg. 41390 (July 12, 2022). The Department's proposed Title IX regulations will be open for public comment for 60 days from the date of publication in the Federal Register. In addition, the Department has released a fact sheet (</about/offices/list/ocr/docs/t9nprm-factsheet.pdf>) and a summary of the major provisions of the Notice of Proposed Rulemaking (</about/offices/list/ocr/docs/t9nprm-chart.pdf>).

For additional information about the Department's current Title IX regulations, please see OCR's Questions and Answers (<https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>) resource and related appendix on the Title IX Regulations on Sexual Harassment. The Q&A clarifies how OCR interprets schools' existing obligations under the 2020 regulations, including the areas in which schools have discretion in their procedures for responding to reports of sexual harassment. The appendix provides examples of Title IX procedures that schools may find helpful in implementing the 2020 regulations and can adapt to their own circumstances. Please also note that OCR issued a *Letter to Students, Educators, and other Stakeholders re Victim Rights Law Center et al. v. Cardona* (<https://www2.ed.gov/about/offices/list/ocr/docs/202108-titleix-VRLC.pdf>) (Aug. 24, 2021) addressing one provision of the current regulations.

If you have questions or require technical assistance, please contact [ocr@ed.gov](mailto:ocr@ed.gov) (<mailto:ocr@ed.gov>).

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