

## The Biden Administration's New Title IX Rules and Regulations

On the 50th anniversary of Title IX of the Education Amendments of 1972, the Department of Education (ED) released a [proposed rule, ED-2021-OCR-0166](#), that guts [Title IX's protections for women](#) and girls and redefines "sex" to include "sex stereotypes, sex-related characteristics, sexual orientation, and gender identity." The ED is required to take written comments from the public into consideration when promulgating a new rule of any kind, the [public comment period](#) on Title IX will close on September 12<sup>th</sup>, 2022. Because the rule won't be published until after the public comment period has been completed, the 2020 version of Title IX regulations are still currently in effect.

This new proposed rule will:

- Allow biological males who identify as female to access girl's bathrooms, locker rooms, showers, and athletic facilities – creating a high-risk environment that violates women's basic right to privacy.
- Allow biological males to compete in women's sports at any federally funded educational institution – once again putting women at a disadvantage when competing for scholarships by ignoring the biological advantage men have over women.
- Allow federally funded educational institutions to weaponize woke ideology and undermine free speech through a broadened definition of sexual harassment – creating a situation where students may be charged with sexual harassment for failing to use another student's preferred pronouns, a mark that will stay on their permanent record and follow them for years to come.
- Deprive those accused of sexual assault or harassment of due process protections by requiring the adjudication of claims by a single investigator – gutting the 2020 Title IX rule establishing those protections, including the introduction of evidence, representation by counsel, and cross-examination of witnesses, which was intended to protect both the accused and accuser.
- Remove protections for federally funded religious educational institutions that follow traditional beliefs on sexuality, gender, and marriage by eliminating previous clarifications on Title IX's religious exemption.

Although the administration's proposed rule hasn't been published yet, the U.S. Department of Agriculture (USDA) already announced that it will [interpret the prohibition on discrimination](#) based on sex found in Title IX of the Education Amendments of 1972 and in the Food and Nutrition Act SNAP Program to include sexual discrimination based on gender identity. Schools that fail to comply could potentially lose federal funding for school lunch programs.

USDA requirements for compliance:

- State and local agencies, program operators and sponsors that receive funding from FNS must investigate allegations of discrimination based on gender identity or sexual orientation.
- Those organizations must also update their non-discrimination policies and signage to include prohibitions against discrimination based on gender identity and sexual orientation in order to be compliant.