

CLIENT ALERTS

How the End of Title IX Rule Affects Your Institution

Client Alert

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Educational institutions are no longer required to consider gender identity when enforcing Federal prohibitions against sex discrimination. On January 9, 2025, a federal court vacated a Final Rule called “*Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*” (the “Final Rule”) made by the U.S. Department of Education. This was not the first blow to the Final Rule—a salvo of prior court injunctions prohibited its enforcement in 26 states—but it appears to be the decisive one.

Title IX is the federal law that bars discrimination based on gender in educational institutions that receive federal funding. The Final Rule, issued in April 2024, attempted to extend Title IX’s protections to gender identity, broaden its definition of sexual harassment, and widen its jurisdiction. However, the Federal District Court in the Eastern District of Kentucky held that the Department of Education exceeded the scope of its authority in issuing the Final Rule, and that the rule itself was unconstitutional, arbitrary, and capricious.

The ruling has a nationwide effect, and the Final Rule was vacated entirely. Given the recent change in presidential administration, new leadership at the Department of Education will not appeal the decision, making the court’s order the final word on the matter. In fact, the Department of Education recently clarified that it will now revert to enforcing the 2020 regulations, the most recent Title IX rules prior to the 2024 Final Rule.

As institutions subject to Title IX also have duties under state law, Title VII, and other federal laws, this ruling does not mean that institutions should ignore discrimination based on gender identity or transgender status. The appropriate response for institutions will vary on a case-by-case basis, depending upon each state’s non-Title IX law. For information on how your

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institution can maintain its Title IX compliance in the wake of this change, contact the authors of this Client Alert or your Butzel attorney on our Education Industry Team.

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