

Legal Update Article

Biden Administration to Review Title IX Policies and Regulations and Establish Gender Policy Council

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March 9, 2021

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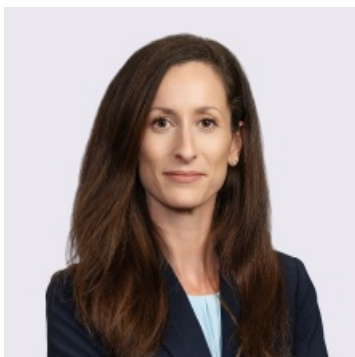
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The Department of Education has been directed to review all policies on sex and gender discrimination (including sexual violence) in schools under an [executive order](#) issued by the Biden administration on March 8, 2021.

The order further reiterates the administration's position that laws such as Title IX of the Education Amendments of 1972, which prohibits sex discrimination, bars discrimination on the basis of gender identity and sexual orientation.

The order calls on the Secretary of Education to consult with the Attorney General to conduct a review within the next 100 days of all existing regulations, orders, guidance documents, policies, and any similar agency actions, including the final rule issued [May 19, 2020](#) ("Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance," 85 Fed. Reg. 30026). The order expressly directs the Secretary to consider whether existing agency rules and policies conflict with the current administration's policies. It also directs the department to consider suspending, revising, or rescinding any existing agency directives that it finds during its review to be inconsistent with the Biden administration's policies.

On the same day, the Biden administration issued [another executive order](#) establishing a Gender Policy Council within the Executive Office of the President. The council will work to advance gender equality in domestic and foreign policy development, combat systemic bias and discrimination (including sexual harassment), and focus on increasing female participation in the labor force and decreasing wage and wealth gaps. President Joe Biden will designate two co-chairs to lead the council, which also will include other cabinet secretaries. The order establishing the council also creates two council staff positions: Special Assistant to the President and Senior Advisor on Gender-Based Violence. It further requires the council to develop and submit a government-wide strategy for advancing gender equity and equality to the president within 200 days of the order.

The Jackson Lewis [Higher Education](#) Team is well-versed in Title IX issues and continues to analyze ongoing developments in this area. Please contact the Jackson Lewis attorney with whom you regularly work with any questions about the recently issued executive orders and any other Title IX developments.

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