

Institutions' Title IX Compliance Under the Microscope: DOJ, ED Form Special Investigations Team to Enforce Gender Ideology EOs

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Takeaway

- The DOJ and ED are allocating resources to increase enforcement of Title IX concerning participation of transgender athletes, the use of intimate spaces, and “gender ideology” generally.

Article

Institutions should carefully review their policies and practices now that the Department of Justice (DOJ) and Department of Education (ED) have recently formed a special investigations team to increase and prioritize enforcement of the administration’s position under Title IX of the Education Amendments of 1972.

In February, President Donald Trump issued two executive orders on the administration’s position on Title IX’s application to gender identity and transgender students: “Keeping Men Out of Women’s Sports” and “Defending Women from Gender Ideology Extremism.”

On April 4, 2025, the DOJ and ED announced the creation of a “Title IX Special Investigations Team” for the purpose of “ensur[ing] timely, consistent resolutions to protect students, and especially female athletes, from the pernicious effects of gender ideology in school programs and activities.”

The Special Investigations Team includes:

- ED Office for Civil Rights investigators and attorneys
- DOJ Civil Rights Division attorneys
- ED Office of General Counsel attorneys
- ED Student Privacy Policy staff and an FSA Enforcement investigator

The Team appears to be a reallocation of current government resources rather than any addition of new positions or personnel.

What does this mean for institutions subject to Title IX?

The DOJ and ED are allocating resources to bolster enforcement of Title IX concerning participation of transgender athletes, the use of intimate spaces, and “gender ideology” generally. Complaints about transgender students participating in athletics or using intimate spaces based on their gender identity, as opposed to their biological sex at birth, likely will be prioritized for enforcement action. Policies and practices relating to pronouns and name changes based on gender identity also will be subject to increased

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What should institutions do now?

Institutions subject to Title IX should review their policies and practices to ensure compliance with current law, review their Title IX training materials, and consider the benefits of providing employees with additional training.

Jackson Lewis attorneys are continuously monitoring developments in this area and are available to assist institutions in navigating the evolving landscape.