



Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity

Executive Order 14021

On March 8th 2021, President Biden signed an executive order directing the secretary of education to review existing Title IX regulations and “consider suspending, revising, or rescinding” policies that are inconsistent with one crucial function of Title IX – to ensure an educational environment free from sexual violence.

Background:

In May 2020, the Trump administration issued new federal regulations that adversely affected Title IX protections for survivors and expanded privileges for the respondents. The final rule narrowed the definition of sexual harassment, as well as the types of cases schools would be responsible for addressing; the regulations restricted off-campus sexual harassment from coverage under Title IX, such as sexual assaults in study abroad programs or in off-campus housing. These regulations also created new barriers for survivors to participate in the Title IX process, such as mandated live hearings and cross examinations.

This Executive Order:

Directs the Secretary of Education to:

- Review all current regulations, orders, guidance documents, policies, and any agency actions that are inconsistent with the Biden-Harris administration’s interpretation of Title IX regarding sex, sexual orientation, and gender identity, including sexual harassment within **100 days (by June 16, 2021)**. The order explicitly mentions the 2020 Title IX regulations to be included in the rules that the Department of Education must review and to issue new guidance, as needed, to implement the 2020 Title IX rules.
- Consider “suspending, revising, or rescinding – or publishing for notice and comment proposed rules suspending, revising, or rescinding – agency actions,” including the 2020 Title IX regulations, if they are found to be inconsistent with the Biden-Harris administration’s stated policy **and** if they are appropriate and consistent with applicable law.
- Take additional actions to enforce the Biden-Harris administration’s policy on sex discrimination. This includes enforcement actions that address intersecting forms of discrimination that can affect access to resources and support for student survivors.
- Identify steps to address the significant prevalence of sexual violence experienced by students who identify as LGBTQ+.
- Ensure that educational institutions are providing proper support to students who have experienced sex discrimination and that school procedures are “fair and equitable for all”.

Why This Order is Important:

- This executive order is the first concrete step toward addressing the 2020 Title IX regulations.
- Sexual violence seriously impacts students’ ability to equally participate in education.
 - 39% of survivors who reported sexual violence to their schools experienced substantial disruption in their educations¹.

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¹ Source: KnowYourIX Report: The Cost of Reporting: Perpetrator Retaliation, Institutional Betrayal, and Student Survivor Pushout

OAESV's Legislative Fact Sheet Series is funded by a generous grant from the George Gund Foundation, a private Ohio non-profit organization that has donated \$722 million dollars since 1952 to projects that advance human welfare and society.

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