

NEWS & INSIGHTS

The current state of Title IX: Updates and policy guidance for colleges and universities

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It's understandable that colleges and universities are currently confused about how to enforce Title IX regulations at their schools.

In the last decade, administration changes in the White House have brought new and occasionally conflicting interpretations of Title IX, the 1972 law that among other things leveled the playing field for women in college

athletics. Through the years, Title IX has also been used as a vehicle to protect women against sexual harassment and sexual assault on college campuses.

As interpretations of the law have changed over those 50 years, colleges and universities have understandably struggled to establish consistent Title IX compliance and enforcement policies – but there are ways for higher education institutions to create an evergreen compliance program, while still being prepared for changes in the law.

Where it started

The law's fundamental intentions haven't changed. Tucked into the omnibus education law are just 37 words, which manage to spell out the core of its purpose: *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

But because the wording is so short, it's been dissected and reframed time and time again.

What isn't up for debate, however, is that the law has worked to achieve portions of its purpose. While inequities remain, women's athletics is in its golden era. In 1971, the year before it was founded, fewer than 295,000 girls participated in high school athletics, representing just 7% of the total athletes. Even at this tiny fraction of the total number of athletes, women's sports received just 2% of the budget.

By 2019, 43% of all high school varsity athletes were women, and 43.9% of college athletes were women, according to a 2022 [“The State of Women in College Sports”](#) from the NCAA, recognizing the 50th anniversary of Title IX. While still not total equality, this was an incredible and undeniable positive impact. Making funds available to female athletes had a marked and direct impact on participation rates.

While women's college athletics have steadily risen in popularity thanks to the parameters of Title IX, the law also is used to prohibit sex-based discrimination or retaliation – including sexual harassment and sexual assault. Educational institutions are required to both safeguard their students and make certain that student victims of sexual misconduct remain a viable part of the school and continue to enjoy the benefits of, and participation in, educational, athletic, and other extracurricular activities.

Where we are

In its lifetime, Title IX has accomplished many different objectives as courts and politicians have interpreted the law differently. Notably, in the past five or so years, one of those objections became protecting rights for trans students.

Under the Democratic leadership of President Joe Biden, Title IX was interpreted to protect the rights of trans students, including the potential for protection from things such as misuse of pronouns and dead-naming. It also seemed to suggest protections in athletics for a student's gender identity.

These expansions of protection were quickly challenged in court, and ultimately barred by an injunction. When President Donald Trump took office in January of 2025, he set aside Biden's interpretations and reverted to the

interpretations he had established in 2020.

That has now required three different Title IX interpretations for higher education institutions to comply with in just six years. As administrations use Title IX as a political football, the unintended consequence is that it places great strain on higher education compliance.

Where we're going

The overarching message from our clients and schools is clear: They are fundamentally focused on protecting and fostering their students, while complying with Title IX. The changing interpretations of the law haven't made that effort impossible, but they have made it more complex and, at times, more uncertain.

We have found the most effective path forward is not to chase every political shift or regulatory headline. Focus on a well-developed compliance backbone that starts with well-trained employees who understand the mechanics of Title IX — including hearing procedure and investigation — and can adapt policies and procedures as guidance evolves.

To create a resilient evergreen structure for Title IX programs, colleges, universities, and other educators should:

- Invest in high-quality, up-to-date training for their investigators, administrators, and coordinators to ensure consistency and defensibility
- Maintain (and follow) clearly written, well-articulated policies that align with current regulations while allowing flexibility for future updates
- Remember the rights of those accused of violating Title IX to safeguard due process and institutional integrity. This is often where Title IX litigation begins.
- Create a transparent system, where Title IX violations can be reported and addressed in real-time

No one can predict what Title IX enforcement will look like in 10 or 20 years. Institutions that treat compliance as a living, strategic function rather than a reactive or static obligation will be far better positioned when interpretations and enforcement priorities shift.

Now is the time to assess whether your Title IX framework is adaptable, defensible, and aligned with your institution's mission. If you would like to evaluate or strengthen your Title IX compliance system, we welcome the opportunity to partner with you. Please [contact me](#) or any member of the [Saxton & Stump Title IX Group](#) to start the conversation.

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