



Back to School: Supporting Educational Environments Free from Discrimination

A Resource Collection for
Postsecondary Institutions

September 2021



U.S. Department of Education
Office for Civil Rights

Message from the Acting Assistant Secretary for Civil Rights

As we look forward to the promise of a new academic year, amidst our nation's ongoing efforts to emerge from the COVID-19 pandemic, the Department of Education's Office for Civil Rights (OCR) offers this collection of resources to assist postsecondary institutions in planning for a successful and equitable return to campus. Ensuring that these resources are easily accessible to colleges and universities is a top priority for OCR, particularly now, as postsecondary educators, staff, and postsecondary leaders across the country prepare for the 2021-2022 academic year.

In this collection, you will find fact sheets, Q&As, letters to educators and postsecondary leaders, and other materials about institutions' responsibilities to provide educational environments free from discrimination under the federal civil rights laws enforced by OCR. These laws guarantee all students equal access to educational opportunities, free from discrimination based on race, color, national origin, disability, sex, and age.¹

OCR recognizes that students and others may experience overlapping forms of discrimination, and we encourage you to consider all of these materials together, even as the materials are organized into the following three sections:

- **Title VI:** Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin;
- **Section 504 and Title II of the ADA:** Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibit discrimination on the basis of disability; and
- **Title IX:** Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.

¹ The laws and related regulations enforced by OCR that prohibit discrimination in education by all recipients of federal financial assistance are: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; 34 C.F.R. part 100 (the Department of Education's regulations implementing Title VI); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; 34 C.F.R. part 104 (the Department of Education's regulations implementing Section 504); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; 34 C.F.R. part 106 (the Department of Education's regulations implementing Title IX); and the Age Discrimination Act, 42 U.S.C. § 6101 et seq.; 34 C.F.R. part 110 (the Department of Education's regulations implementing the Age Discrimination Act). Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and the Department of Justice's (DOJ) regulations implementing Title II, 28 C.F.R. part 35, also prohibit discrimination in education by state and local governments, regardless of whether they receive federal funds. OCR is responsible for administrative enforcement of Title II with regard to public educational institutions. For more information about Title II, see DOJ's [ADA.gov](https://www.ada.gov) website. DOJ also enforces laws prohibiting discrimination in educational opportunities. For more information, see DOJ's website for the [Educational Opportunities Section](#) of DOJ's Civil Rights Division.

Here are some highlights of the materials that you will find in the collection:

- 1 – Confronting COVID-19-Related Harassment in Schools: A Resource for Families**
- 2 – Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment**
- 3 – Questions and Answers on the Title IX Regulations on Sexual Harassment (July 2021)**
- 4 – Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families**
- 5 – Dear Colleague Letter on Retaliation**

We also encourage all educators, staff, and postsecondary leaders to review OCR’s recent report: [Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students](#). The report features data snapshots and 11 observations about how the pandemic has widened existing disparities in educational opportunity, particularly for students of color, students with disabilities, and LGBTQI+ students.

OCR provides technical assistance and support to postsecondary institutions, educators, families, and students. You can learn more by visiting us at www.ed.gov/ocr or by contacting OCR at 800-421-3481 (TDD: 800-877-8339) or at ocr@ed.gov. You can also stay up to date on OCR’s latest resources by following [OCR’s blog](#).

As we look forward to the upcoming academic year, the Department of Education remains ready and available to support postsecondary institutions in meeting students’ needs during this critically important time.

Suzanne B. Goldberg
Acting Assistant Secretary for Civil Rights
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YOUR GUIDE TO THIS RESOURCE COLLECTION

This resource collection features a selection of OCR guidance and resources that may be useful to postsecondary institutions throughout the 2021-2022 academic year. For each resource, you will find a brief description and a link to full information online.

Here is some additional information about this collection:

- Each topic area includes a combination of specific and general resources. For your convenience, general resources are included in each area where they are relevant. This means that you will find some resources listed in multiple locations.
- This resource collection is also available on OCR's website. We will update the online version of this document periodically as OCR issues additional resources and guidance.
- Some of the resources in this collection are issued jointly by OCR and other federal offices and agencies.
- Additional questions? Please note that this collection includes many OCR resources but is not comprehensive. You can find all OCR guidance resources on OCR's [website](#). We also recognize that you might have additional questions and invite you to send them to us at ocr@ed.gov.
- Please note that OCR guidance and other resources, including the materials in this collection, are designed to provide clarity on existing requirements under the law. These OCR resources do not have the force or effect of law and do not bind postsecondary institutions or others. However, the statutes and regulatory requirements described in the guidance are binding.
- On request, this publication and other publicly available Department of Education resources are available in alternate formats, such as Braille or large print. For more information, please contact the Department of Education's Alternate Format Center at 202-260-0818 or e-mail alternateformatcenter@ed.gov. The Department of Education also offers language assistance services for all publicly available Department of Education information free of charge. For more information about interpretation or translation services, please see this [Notice to Persons with Limited English Proficiency](#).

GUIDANCE ON TITLE VI:

Key Guidance on Discrimination Based on Race, Color, or National Origin

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities operated by recipients of federal funds, including nearly all colleges, universities, and vocational rehabilitation programs. It says:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

You can find the full text of Title VI at [42 U.S.C. § 2000d](#).

The materials below provide a general overview of Title VI and address postsecondary institutions' obligations under Title VI on the following topics: Bullying and Harassment; COVID-19 response; Religion and Shared Ancestry; and Retaliation.

General Overview of Title VI

Starting points for learning about Title VI include:

- [OCR's Overview](#), including the [Title VI statute](#) and its [implementing regulations](#)
- [Frequently Asked Questions on Race and National Origin Discrimination](#)

Bullying and Harassment

- [Fact Sheet on Harassment and Bullying](#): This fact sheet explains institutions' responsibilities under Title VI to respond to student-on-student harassment and bullying. For more detail, see OCR's [Dear Colleague Letter on Bullying and Discriminatory Harassment](#).
- [Confronting COVID-19-Related Harassment in Schools](#): This resource from OCR and the Department of Justice's Civil Rights Division (DOJ) includes examples of harassment and other discrimination against students during the COVID-19 pandemic, particularly Asian American and Pacific Islander students, and outlines the responsibilities of institutions to investigate and address discrimination based on race or national origin. For additional information, see OCR's [Dear Educator Letter on Discrimination Against Asian American and Pacific Islander Students](#), which explains the responsibilities of institutions to address bullying and harassment of students based on actual or perceived race, color, or national origin and provides links to additional resources.

COVID-19

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 2 of this resource answers key questions about discrimination based on race, color, or national origin in the context of the COVID-19 pandemic,

including how institutions must respond to harassment. This Q&A also includes links to other resources regarding COVID-19 and school reopening.

- [Confronting COVID-19-Related Harassment in Schools](#): This resource from OCR and DOJ includes examples of harassment and other discrimination against students during the COVID-19 pandemic, particularly Asian American and Pacific Islander students, and outlines the responsibilities of institutions to investigate and address discrimination based on race, color, or national origin.

Religious and Shared Ancestry Discrimination

- [Know Your Rights: Title VI and Religion](#): This resource explains when discrimination against students who are, or are perceived to be, members of a religious group falls within Title VI's prohibition of discrimination based on race, color, or national origin.
- [Fact Sheet: Combating Discrimination Against Asian American, Native Hawaiian, and Pacific Islander \(AANHPI\) and Muslim, Arab, Sikh, and South Asian Students \(MASSA\)](#): This joint resource from OCR, DOJ, and the White House Initiative on Asian Americans and Pacific Islanders provides examples of discrimination against Asian American, Native Hawaiian, Pacific Islander, Muslim, Arab, Sikh, and South Asian students that could violate Title VI.
- [Fact Sheet: Combating Discrimination Against Jewish Students](#): This resource provides examples of discrimination against Jewish students that could violate Title VI.

Retaliation

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title VI prohibits retaliating against any person to interfere with their rights under Title VI or because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding.

GUIDANCE ON SECTION 504 OF THE REHABILITATION ACT AND TITLE II OF THE ADA:

Key Guidance on Discrimination Based on Disability

OCR enforces two federal laws that protect the rights of individuals with disabilities.

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination based on disability in any program or activity operated by recipients of federal funds, including nearly all colleges, universities, and vocational rehabilitation programs. Section 504 says:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . .

You can find the full text of Section 504 at [29 U.S.C. § 794](#).

Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits discrimination based on disability by public entities, regardless of whether they receive federal financial assistance. Title II says:

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

You can find the full text of Title II at [42 U.S.C. § 12132](#). The U.S. Department of Justice enforces Title II in all contexts, while OCR administratively enforces Title II specifically in the context of public schools, including institutions of higher education, and libraries.

The materials in this section describe Section 504 and Title II, provide a general overview of both laws, and address institutions' obligations under these disability laws on the following topics: Accessibility of Programs and Facilities; Auxiliary Aids and Services; Bullying and Harassment; COVID-19 response; Equal Access; Retaliation; Specific Illnesses and Medical Conditions; Student Veterans with Disabilities; and Transition to Postsecondary Education.

General Overview of Section 504 and Title II

Starting points for learning about Section 504 and Title II include:

- [OCR's Overview](#), including the [Section 504 statute](#) and [implementing regulations](#) and the [Title II statute](#) and [implementing regulations](#)
- [Frequently Asked Questions on Disability Discrimination](#)

Accessibility of Programs and Facilities

- Accessibility and usability of physical facilities: OCR's [Notice of Interpretation of Section 504 of the Rehabilitation Act of 1973](#) explains OCR's interpretation of Section 504 and its implementing regulations concerning the standards OCR allows recipients to use to ensure accessibility and usability of physical facilities by people with disabilities. The

Department of Justice's Civil Rights Division (DOJ) also provides information about the Americans with Disabilities Act and accessibility, including on the [2010 ADA Standards for Accessible Design](#).

- Web Accessibility: For assistance or questions about web accessibility, you can reach OCR's Web Accessibility Team at ocr@ed.gov. Although not a Department of Education or other federal resource, you may also find helpful information and resources from the [National Center on Accessible Educational Materials for Learning at CAST](#).

Auxiliary Aids and Services

- [Auxiliary Aids and Services for Postsecondary Students with Disabilities: Higher Education's Responsibilities Under Section 504 and Title II of the ADA](#): This resource explains the responsibilities of postsecondary institutions to provide effective auxiliary aids and services to students with disabilities, includes examples of the various types of auxiliary aids and services (such as notetakers and electronic readers), and answers commonly asked questions. For more information about electronic book readers, see OCR's and DOJ's [Dear Colleague Letter on Electronic Book Readers](#), OCR's [Frequently Asked Questions about the Dear Colleague Letter on Electronic Book Readers](#), and OCR's [Questions and Answers about the Law, the Technology, and the Population Affected](#).

Bullying and Harassment

- [Fact Sheet on Harassment and Bullying](#): This fact sheet explains postsecondary institutions' responsibilities under Section 504 and Title II to respond to student-on-student harassment and bullying. For more detail, see OCR's [Dear Colleague Letter on Bullying and Discriminatory Harassment](#).

COVID-19

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 1 of this resource answers key questions about the rights of students with disabilities in the context of the COVID-19 pandemic, including academic adjustments, auxiliary aids and services, and modifications for students during remote or hybrid learning. This resource also includes links to other resources regarding COVID-19 and school reopening. For information about the rights of students with disabilities to individualized assessment and civil rights concerns about statewide bans on universal masking in the elementary and secondary school setting, please see this description of OCR's [directed investigations](#) in this area.
- [Supporting and Protecting the Rights of Students at Risk of Self-Harm in the Era of COVID-19](#): This resource explains the Federal civil rights laws that protect students with mental health disabilities, provides crisis resources, and explains how postsecondary institutions should respond to pandemic related traumas including examples of incidents OCR investigates. For more detail, see OCR's [Dear Colleague Letter on Students at Risk for Self-Harm or Suicide](#).

- [Long COVID under Section 504 and IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#): This resource from OCR and the Department of Education’s Office of Special Education and Rehabilitative Services explains the rights of students who are experiencing long-term adverse health effects of COVID-19, commonly referred to as long COVID. The resource provides information about long COVID as a disability and about schools and public agencies’ responsibilities to address long COVID under Section 504 and the Individuals with Disabilities Education Act (IDEA), which applies to students in early childhood, elementary, and secondary education.

Equal Access

- [Background and Fast Facts on Schools’ Obligation to Provide Equal Opportunity to Students with Disabilities to Participate in Extracurricular Athletics](#): This resource explains institutions’ responsibilities under Section 504 to enable students with disabilities to participate in extracurricular athletics, including intercollegiate, club, and intramural athletics. For more detail, including examples of how OCR analyzes whether a student has received an equal opportunity to participate, see OCR’s [Dear Colleague Letter on Students with Disabilities in Extracurricular Athletics](#).

Retaliation

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title II and Section 504 prohibit retaliating against any person to interfere with their rights under these laws or because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding.

Specific Illnesses and Medical Conditions

- [Long COVID under Section 504 and IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#): This resource from OCR and the Department of Education’s Office of Special Education and Rehabilitative Services explains the rights of students who are experiencing long-term adverse health effects of COVID-19, commonly referred to as long COVID. The resource provides information about long COVID as a disability and about schools and public agencies’ responsibilities to address long COVID under Section 504 and the Individuals with Disabilities Education Act (IDEA), which applies to students in early childhood, elementary, and secondary education.
- [Fact Sheet on Addressing the Risk of Measles in Schools while Protecting the Civil Rights of Students with Disabilities](#): This fact sheet provides information about the rights of students with disabilities with respect to measles, especially those who are medically unable to receive vaccines due to a disability or who may be unable to attend classes for extended periods.
- [Participation of Students with Hepatitis B in Health-Related Schools and Programs](#): This letter from OCR, DOJ, and the Department of Health and Human Services provides guidance on the responsibilities of health-related schools and programs not to discriminate against students and applicants who have hepatitis B, including how

institutions must analyze whether an individual with a disability would pose a direct threat to others' health or safety. This letter also explains that a policy, practice, or procedure regarding hepatitis B may violate Title VI if it has a disproportionate and unjustified effect on people of a particular race, color, or national origin.

Student Veterans with Disabilities

- [So You Want to Go Back to School](#): This resource for students explains the rights of student veterans with disabilities and the responsibilities of postsecondary institutions to provide academic adjustments, auxiliary aids, and reasonable modifications to policies and practices. For more information, see OCR's [Dear Colleague Letter on Postsecondary Students with Disabilities](#).

Transition to Postsecondary Education

- [Transition of Students with Disabilities to Postsecondary Education: A Guide for High School Educators](#): This guide, although directed to high school educators, answers frequently asked questions about requirements for postsecondary institutions under Title II and Section 504 concerning the transition of students with disabilities to postsecondary education, including the admissions process and the provision of academic adjustments and auxiliary aids and services to enrolled students.
- [Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities](#): This resource explains the rights of students with disabilities who are preparing to attend postsecondary institutions, as well as the responsibilities of postsecondary institutions to provide academic adjustments to students with disabilities, including auxiliary aids and services.

GUIDANCE ON TITLE IX:

Key Guidance on Discrimination Based on Sex

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in all education programs and activities operated by recipients of federal funds, including colleges, universities, and vocational rehabilitation programs. Title IX says, subject to certain exceptions:

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...

You can find the full text of Title IX at [20 U.S.C. § 1681](#).

OCR enforces Title IX to ensure that students have equal access to educational opportunities and can go to school free from sex discrimination. This includes protection against discrimination based on sexual orientation or gender identity, which the Department of Education recently explained in a [public notice](#). For more on this, see the resources below.

In 2020, the Department of Education amended Title IX's implementing regulations and added specific requirements for how institutions must respond to allegations of sexual harassment, which includes sexual violence. These amended regulations are in effect now. OCR is currently undertaking a comprehensive review of these regulations, which has included holding a week-long public hearing in June 2021. (The hearing transcript is available [here](#).) Following this review, the Department of Education anticipates making additional changes to the regulations.

The materials here provide a general overview of Title IX and address institutions' obligations under Title IX on the following topics: Athletics; COVID-19 response; Pregnant or Parenting Students; Retaliation; Sexual Harassment, including Sexual Violence; and Sexual Orientation and Gender Identity.

General Overview of Title IX

Starting points for learning about Title IX include:

- [OCR's Overview](#), including the [Title IX statute](#) and the [2020 amendments](#) to its implementing regulations and OCR's [Notice of Interpretation of Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*](#), which clarifies Title IX's coverage of discrimination based on sexual orientation and gender identity.
- [Sex Discrimination Frequently Asked Questions](#)
- [Exemptions from Title IX](#): This resource explains how, when, and why an institution may be exempt from one or more of Title IX's requirements. This includes, for example, exemptions for the membership practices of certain youth organizations (such as Girl Scouts and Boy Scouts), private institutions controlled by religious organizations to the extent that application of Title IX would be inconsistent with the organization's religious tenets, and the admissions practices of specific types of institutions, such as private undergraduate colleges.

Athletics

- [Policy Interpretation on Title IX and Intercollegiate Athletics](#): This Policy Interpretation provides comprehensive guidance on Title IX and intercollegiate athletics, including equal opportunity in scholarships and other athletic program areas. The Policy Interpretation also sets out a three-part test that OCR uses to assess whether an institution is effectively accommodating the interests and abilities of its students under Title IX. For more information on the three-part test, see OCR's [Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test](#), [Dear Colleague Letter on Intercollegiate Athletics Policy: Three-Part Test—Part Three](#), and [Questions and Answers on Accommodating Students' Athletic Interests and Abilities: Standards for Part Three of the "Three-Part Test."](#)
- [Dear Colleague Letter on Athletic Activities Counted for Title IX Compliance](#): This letter explains how OCR determines whether an athletic activity of an educational institution is a sport that can be counted as part of the institution's athletics program for the purpose of determining compliance with Title IX, including whether the institution provides equal opportunity in its athletics programs.
- [Dear Colleague Letter on Funding of Athletic Scholarships](#): This letter explains how OCR's Policy Interpretation on Title IX and Intercollegiate Athletics applies to athletic scholarships and provides information on how OCR will determine whether a disparity in athletic scholarship budgets is discriminatory under Title IX.
- [Dear Colleague Letter on Nondiscriminatory Treatment of Pregnant Students in Athletic Scholarships](#): This letter explains institutions' nondiscrimination responsibilities under Title IX concerning students who are or may be pregnant or parenting, including, among other forms of unlawful discrimination, the prohibition on terminating or reducing athletic scholarships based on a student's pregnancy or pregnancy-related condition.

COVID-19

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 3 of this resource answers key questions about investigating and resolving complaints about discrimination based on sex, including sexual and gender-based harassment, in the context of the COVID-19 pandemic. This resource also includes links to other resources regarding COVID-19 and school reopening.

Pregnant or Parenting Students

- [Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School](#): This resource provides information about the Title IX rights of students who are pregnant or parenting, including the right to continue participating in academic and extracurricular programs and students' rights concerning excused absences and medical leave, harassment, and institution policies and procedures. Please note that the 2020 amendments to the Title IX regulations and OCR's [Questions and Answers on the Title IX Regulations on Sexual Harassment \(July 2021\)](#) provide more recent information about an institution's obligation to respond to discrimination and harassment under Title IX.

- [Dear Colleague Letter on Nondiscriminatory Treatment of Pregnant Students in Athletic Scholarships](#): This letter explains institutions' nondiscrimination responsibilities under Title IX concerning students who are or may be pregnant or parenting, including, among other forms of unlawful discrimination, the prohibition on terminating or reducing athletic scholarships based on a student's pregnancy or pregnancy-related condition.

Retaliation

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title IX prohibits retaliating against any person because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding. Please note that the 2020 amendments to the Title IX regulations include additional details on the types of retaliation prohibited by Title IX—such as charging a person with a code of conduct violation that does not involve sex discrimination or sexual harassment in order to interfere with their rights under Title IX—and the responsibilities of institutions regarding confidentiality and complaints alleging retaliation.

Sexual Harassment, including Sexual Violence

- 2020 Amendments to the Title IX regulations: These regulations specify how institutions must respond to allegations of sexual harassment. The complete set of amendments is available here: [Final Rule on Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#). The regulations are currently under review, as described in a [Letter to Students, Educators, and other Stakeholders](#) regarding President Biden's [Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity](#). The regulations remain in effect and apply to all alleged sexual harassment occurring on or after August 14, 2020, the date the existing regulations took effect.
- [Questions and Answers on the Title IX Regulations on Sexual Harassment \(July 2021\)](#): This Q&A answers common questions about how institutions must respond to allegations of sexual harassment under the 2020 Amendments to the Title IX regulations and includes an appendix with examples of policy provisions from various institutions.
- [Fact Sheet on Supporting Intersex Students](#): This fact sheet provides information about how students, families, and educators can support intersex students in key issues intersex students face. This resource also includes information on what students can do if they experience discrimination at school.

Sexual Orientation and Gender Identity

- [Resources for LGBTQI+ Students](#): OCR's website provides useful resources for LGBTQI+ students that institutions may also find helpful, including resources from OCR, the White House, other federal agencies, and recent federal court decisions on LGBTQI+ rights.
- [Confronting Anti-LGBTQI+ Harassment in Schools](#): A resource from OCR and the Department of Justice's Civil Rights Division concerning harassment against students who are lesbian, gay, bisexual, transgender, queer, intersex, nonbinary, or otherwise gender non-conforming, including the responsibilities of institutions to investigate and

address discrimination on the basis of sexual orientation and gender identity, which is a form of sex discrimination.

- Title IX's protection against discrimination based on sexual orientation or gender identity: OCR explains that the Department of Education interprets Title IX's prohibition on sex discrimination to include discrimination based on sexual orientation and gender identity in this [Notice of Interpretation of Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of *Bostock v. Clayton County*](#).