



CAMPUS COUNSEL

A legal blog written for administrators, HR professionals, in-house counsel, and deans at colleges and universities

Impact of Title IX Preliminary Injunctions on Massachusetts Colleges & Universities

BY BOWDITCH & DEWEY • JULY 15, 2024

UPDATE

On Monday, July 15, the plaintiff organizations Young America's Foundation and Female Athletes United filed the list of schools attended by their members. Moms for Liberty received an extension until July 26, 2024 to file their list of schools.

Many public and private colleges and universities are on this list – including those in Massachusetts – and many more may be added as the court clarified in a ruling on Friday, July 19 that more schools could be added to these lists by the plaintiff organizations. We know that Young America's Foundation, for example, is actively recruiting new members with the promise to “exempt your school from the Biden Administration's radical rewrite of Title IX.”

As to what to do as a campus counsel or Title IX Coordinator if your Massachusetts college or university is “on the list” – we have not yet heard that any Massachusetts colleges or universities are hesitating in moving forward with compliance with the 2024 Title IX regulations by the August 1, 2024 deadline. The court's July 2, 2024 preliminary injunction memorandum explains that colleges are free to “adopt or follow its own policies, or otherwise comply with applicable state or local laws or rules” on Title IX. The impact of the preliminary injunction then is that the Department of Education is prohibited from forcing schools “on the list” to comply with the 2024 Title IX regulations.

Please reach out to your Bowditch attorney if your college or university is “on the list” and you have questions about your ongoing Title IX compliance.

As of July 15, 2024, fifteen states are under a preliminary injunction blocking enforcement of the 2024 Title IX regulations slated to take effect on August 1:

- Alaska
- Idaho
- Indiana
- Kansas
- Kentucky
- Louisiana
- Mississippi
- Montana
- Ohio
- Tennessee
- Texas
- Utah
- Virginia
- West Virginia
- Wyoming

For colleges and universities in these states, they should continue complying with the 2020 Title IX regulations until the cases are decided or (although unlikely) the preliminary injunction is lifted or successfully challenged in the Circuit Courts.

On July 2, 2024, the preliminary injunction announced by the U.S. District Court for the District of Kansas – affecting enforcement in Alaska, Kansas, Utah, and Wyoming – also impacts colleges and universities attended by any member of the **Young America’s Foundation**, **Female Athletes United**, or attended by the minor child of a member of **Moms for Liberty**.

As a result, this preliminary injunction could impact colleges and universities beyond these fifteen states currently enjoined.

The plaintiff organizations – **Young America’s Foundation**, **Female Athletes United**, and **Moms for Liberty** – are required to provide a list of schools attended by their members by July 15, 2024. Schools *do not* need to proactively determine whether their students are affiliated with those organizations. The federal judge – Judge John Broomes – will issue a ruling after that submission officially enjoining those particular schools from enforcing the 2024 Title IX regulations.

Three other lawsuits against the regulations remain pending in courts in Alabama, Missouri, and Oklahoma. The Supreme Court’s [June decision in *Loper Bright v. Raimondo*](#) is likely to impact how the lower courts will rule on cases challenging the 2024 Title IX regulations.

Bowditch is watching these cases closely for any impact on our clients and colleges and universities in Massachusetts. But the August 1, 2024, deadline, for compliance with the Title IX regulations is fast approaching – colleges not under

preliminary injunctions should be moving towards compliance by updating their policies and procedures, revising their notices of nondiscrimination, planning for training for all employees and for the Title IX team, and updating websites and templates.

Please contact your Bowditch attorney if you have any questions about the impact of injunctions on your school and how to ensure your ongoing Title IX compliance ahead of the August 1 deadline.