

May 2, 2024

Last month finally saw new rules that will mean safer schools and workplaces, better pay, and better jobs for millions of women. The U.S. Department of Education (ED) issued final rules that take a big step toward fulfilling the promise of Title IX in providing a safe, harassment-free educational environment for all students. ED also released a draft proposal to address student debt. Other new rules also address workplace harassment, overtime pay and non-compete clauses.

In solidarity,
Meghan Kissell
Senior Director, Policy & Member Advocacy

Title IX

On April 19, the U.S. Department of Education issued strong and comprehensive protections against discrimination in school through [final Title IX rules](#). The new regulations clarify that student survivors of sexual harassment, pregnant and parenting students, and LGBTQ+ students have equal educational opportunities free from sex discrimination.

The rules make significant changes to how schools respond to sexual harassment and discrimination claims, including:

- Eliminating the requirement for live hearings with cross examination
- Requiring schools to inform students of their Title IX rights and how to access them after being informed a student is pregnant
- Emphasis on supportive measures and training for school personnel

The new rules take effect August 1, 2024. A separate rule clarifying Title IX's protections for transgender, nonbinary, and intersex student athletes is not expected until later this year. AAUW joined a gender justice [coalition letter](#) in support of the athletics rule.

There are already several legal challenges to the new regulations. The attorneys general of Louisiana, Mississippi, Montana and Idaho filed a lawsuit in district court along with the Defense of Freedom Institute (a group founded by former Trump Education Department officials who were key in crafting former Secretary Betsy DeVos' Title IX rule on campus sexual misconduct). Texas has filed a separate lawsuit. Several states, including Louisiana, Montana, Florida, South Carolina, and Oklahoma, have said they will not comply with the new rule.

Webinars: There are several upcoming webinars about Title IX from our partners. End Rape On Campus, Clery Center and It's On Us are holding a virtual town hall on [Thursday, May 2, from 4-5:30 p.m. ET](#). Know Your IX (a project of Advocates for Youth), GLSEN, NCTE, and National Women's Law Center, are holding a webinar "Advocate Perspectives on Title IX Regulatory Updates" on [Friday, May 3, from 12-1 p.m. ET](#).

Student Debt Relief

On April 16, ED [released](#) a draft proposal to address the student debt crisis. The plans follow a series of sessions as part of a negotiated rulemaking process and focus on the ED's authority under the Higher Education Act. A previous plan that used COVID-related emergency powers was overturned by the U.S. Supreme Court last year. The public comment period is open through May 17.

The draft announced nine proposals designed to provide new pathways to address student debt, including:

- Partial relief for borrowers who have been in repayment over 20 years. This would assist the 3.5 million Americans ages 66+ with student debt that currently threatens their economic security;
- Canceling "runaway interest," referring to the fact that many borrowers now owe a higher balance than they started with, even after years of repayment; and
- Assisting borrowers who took out debt to attend "programs or institutions that failed to provide sufficient financial value."

A separate draft rule focused on relief for borrowers experiencing hardship is slated for the coming months. That rule is expected to include proposals targeting borrowers who "show hardship due to other indicators" like high medical and caregiving expenses.

Stay tuned for opportunities join the effort to improve college affordability and relieve the disproportionate student debt burden on women. To make sure you don't miss out on calls to action, [sign up to be a Two-Minute Activist with AAUW!](#)

Workplace Rules

Pregnant Workers Fairness Act (PWFA): The U.S. Equal Employment Opportunity Commission (EEOC) issued [final regulations](#) for how to implement PWFA on April 19. The

rules require that employers provide "reasonable accommodations" to employees related to pregnancy, childbirth or related medical conditions, including abortion. There are several efforts to obstruct the law's implementation, including a lawsuit filed April 25 by 17 states. A Texas federal district court ruled in February that state employees are not covered by PWFA.

Webinar: The National Employment Lawyers Association is holding a webinar on [Tuesday, May 21 at 2 p.m. ET](#) covering key takeaways from the new PWFA regulations, including best practices for securing accommodations.

Workplace Harassment: On April 29, the EEOC published [Enforcement Guidance on Harassment in the Workplace](#). The guidance is a comprehensive resource providing best practices for preventing and remedying harassment. It includes examples illustrating unlawful harassment, including situations involving older workers and survivors of gender-based violence. The guidance also addresses recent updates in the legal landscape of harassment claims, such as the U.S. Supreme Court's decision in *Bostock v. Clayton County* (2020), in which the court held that Title VII's protections extend to discrimination based on a person's gender or sexual orientation. A summary of key provisions can be found [here](#).

Overtime Rules: On April 23, the Biden administration issued a final rule [Restoring and Extending Overtime Protections](#). The rule provides additional protections for 2.4 million women workers (about the population of Kansas) who are overrepresented in low-paid jobs, working long hours for often near-poverty wages. The rule goes into effect on July 1, 2024; legal challenges are expected.

Noncompetes: On April 23, the Federal Trade Commission (FTC) issued a [final rule](#) which bans contracts known as noncompete agreements, which prevent workers from leaving for a competitor for a certain amount of time. In the rulemaking process, FTC considered evidence that noncompete clauses negatively impact racial and gender wage gaps. The final rule will become effective 120 days after publication in the Federal Register. The U.S. Chamber of Commerce has filed a challenge to the rule in federal court.

Engage

- Watch the latest [It's My Vote! webinar](#) for a discussion on AAUW priorities in the 2024 national elections. The nonpartisan [AAUW Action Fund Voter Issue Guide](#) provides information about key gender equity issues and questions for candidates

to help people determine which candidates share their values.

- The Supreme Court of the United States held oral argument on a case regarding emergency abortion care in [*Moyle v. United States, Idaho v. United States*](#) on April 24. Idaho's near-total abortion ban conflicts with the right to access emergency care under the federal Emergency Medical Treatment and Labor Act (EMTALA). A decision is expected at the end of the term in June.