



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

November 18, 2020

brett.sokolow@atixa.org

Dear Mr. Sokolow:

Thank you for your email to the U.S. Department of Education's (Department) Office for Civil Rights (OCR). In your message, you inquire about the applicability of Title IX of the Education Amendments of 1972 (Title IX) to a scholarship program administered by a campus in the United Kingdom that accepts Title IV funding, with respect to a pregnant student attending the foreign campus outside the United States. As a long-standing practice, OCR does not offer advisory opinions about specific facts, circumstances, or compliance with federal civil rights laws, including Title IX, without first conducting an investigation. However, we hope the below information will assist you. We apologize for our delay in responding to your request.

As you know, OCR is responsible for enforcing, among other civil rights laws, Title IX, 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106, which prohibit sex discrimination in education programs or activities operated by recipients of Federal financial assistance.

Title IX provides that "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..." 20 U.C. § 1681(a). On May 6, 2020, the Department released its Final Rule under Title IX of the Education Amendments of 1972 (Final Rule). The Final Rule was published in the Federal Register on May 19, 2020 and went into effect on August 14, 2020. *See* 85 Fed. Reg. 30,026 (May 19, 2020). The Final Rule makes clear that Title IX does not apply to conduct against persons outside of the United States stating that "by its plain text, the Title IX statute does not have extraterritorial application." *Id.* at 30,205. The Final Rule explains that "[t]he Department believes that a plain meaning interpretation of a statute is most consistent with fundamental rule of law principles, ensures predictability, and gives effect to the intent of Congress." *Id.* Further, the Final Rule notes that the Department believes "the jurisdictional limitation on extraterritoriality contained in the final regulations is wholly consistent with the text of the Title IX state and with the presumption against extraterritoriality recognized numerous times by the Supreme Court." *Id.* at 30,206.

Correspondence issued by OCR in response to an inquiry from the public does not constitute a formal statement of OCR policy and should not be construed as creating or articulating new policy. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

We hope this information is of assistance. Thank you for contacting us.

Program Legal Group
Office for Civil Rights
U.S. Department of Education

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202-1100
www.ed.gov

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.