



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
ADMINISTRATIVE COMPLAINT

January 22, 2026

United States Department of Education  
Office for Civil Rights  
Lyndon Baines Johnson Department of Education Building  
400 Maryland Avenue, SW  
Washington, DC 20202-1100

Via Email: OCR@ed.gov

To Whom It May Concern:

This is a federal civil rights complaint pursuant to the U.S. Department of Education's (Department) Office for Civil Rights' (OCR) discrimination complaint resolution procedures.

Defending Education (DE) brings this complaint against Yale University for discrimination on the basis of sex in programs or activities that receive federal financial assistance in violation of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et. seq.*

DE brings this complaint as an interested third-party organization with members who are parents and students throughout the country. DE and its members oppose policies that discriminate between students on the basis of sex in America's K-12 schools and institutions of higher education. Title IX prohibits discrimination based on sex in any education program or activity receiving federal financial assistance. This includes female students' rights to sex-segregated intimate spaces.<sup>1</sup>

Yale University is one of the United States' most prestigious educational institutions. It is one of nine American colleges that pre-existed the Declaration of Independence.<sup>2</sup> But this rich history only makes Yale's apparent Title IX violations all the more tragic.

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<sup>1</sup> In *United States v. Virginia*, 518 U.S. 515 (1996), the Supreme Court held that parties who seek to defend sex-based government action must demonstrate an "exceedingly persuasive justification" for that action.

<sup>2</sup> *Colleges in the Colonial Times*, The Harvard Crimson (Apr. 20, 1883), <https://www.thecrimson.com/article/1883/4/20/colleges-in-the-colonial-times-prof/>.

Title IX prohibits discrimination on the basis of *sex*,<sup>3</sup> but Yale’s Title IX Office states that its mission is “to both prevent and respond to sex- *and gender-based* discrimination.”<sup>4</sup> Gender discrimination is not the same as sex discrimination under Title IX, and the Supreme Court has never held otherwise.<sup>5</sup> But that has not stopped Yale from violating its students’ Title IX rights in its pursuit of ideological goals.

### **Yale Misreads Title IX to Cover “Gender Identity”**

Yale’s “Policy Against Discrimination, Harassment, and Sexual Misconduct” treats gender identity or expression” as a protected characteristic.<sup>6</sup> Yale Divinity School defines gender as “[a] set of social, psychological, or emotional traits, often influenced by societal expectations that classify an individual as either feminine or masculine,”<sup>7</sup> and Yale’s LGBTQ Resource Center defines *gender identity* as “a person’s internal sense of self.”<sup>8</sup>

Yale’s Title IX office apparently (and wrongly) believes that Title IX applies to discrimination on the basis of both sex and *gender*.<sup>9</sup> According to Yale’s website, the Title IX Office works “to both prevent and respond to sex- *and gender-based* discrimination.”<sup>10</sup> The Office’s “Title IX Resources Poster” invites students to report any concerns that are “related to sex- or *gender-based* discrimination.”<sup>11</sup> Similarly, Yale’s Office of Institutional Equity and Accessibility directs students to visit the Title IX office if the students are concerned about “gender discrimination.”<sup>12</sup>

### **Yale’s Bathroom Policies Likely Violate Title IX**

Yale’s bathroom policies likely violate Title IX because they provide male and gender-neutral bathrooms on some coed undergraduate dormitory floors without also providing female bathrooms on the same

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<sup>3</sup> 20 U.S.C. § 1681(a).

<sup>4</sup> *Title IX at Yale*, Yale University (accessed Dec. 11, 2025), <https://titleix.yale.edu/about/title-ix-office>; *Title IX Resources Poster*, Yale University (July 14, 2025), <https://bit.ly/4pDixSo> (emphasis added).

<sup>5</sup> See *United States v. Skrametti*, 145 S. Ct. 1816, 1831-32 (2025). And *Bostock v. Clayton County*, 590 U.S. 644 (2020), does not hold otherwise. Quite the opposite, in fact. *Bostock* confirms that “sex” refers “only to biological distinctions between male and female.” *Id.* at 655. And to the extent *Bostock* could be read to confuse gender identity with biological sex, its logic is confined to Title VII. See, e.g., *Skrametti*, 145 S. Ct. at 1834 (explaining that *Bostock*’s rationale does not necessarily “reac[h] beyond the Title VII context”); *Department of Education v. Louisiana*, 603 U.S. 866, 867 (2024) (“all Members of the Court” agreed to enjoin a federal rule that extended *Bostock*’s reasoning to Title IX).

<sup>6</sup> *Frequently Asked Questions Related to the Policy Against Discrimination, Harassment, and Sexual Misconduct: What protected classes are covered by Yale’s Policy*, Yale University Office of Institutional Equity and Accessibility (accessed Dec. 11, 2025), <https://oiea.yale.edu/frequently-asked-questions>.

<sup>7</sup> *A Gender Glossary*, Yale University Divinity School (archived Dec. 11, 2025), <https://tinyurl.com/3myn784>.

<sup>8</sup> *Gender, Sexuality, and Sexual Misconduct*, Yale University Office of LGBTQ Resources, 66, 69 (archived Dec. 11, 2025), <https://bit.ly/4pD8EnK>.

<sup>9</sup> *Title IX at Yale*, Yale University (accessed Dec. 11, 2025), <https://titleix.yale.edu/about/title-ix-office>.

<sup>10</sup> *Title IX at Yale*, Yale University (accessed Dec. 11, 2025), <https://titleix.yale.edu/about/title-ix-office> (emphasis added); see also *Title IX Resources Poster* (July 14, 2025), <https://bit.ly/4pDixSo>.

<sup>11</sup> *Title IX Resources Poster*, Yale University (July 14, 2025), <https://bit.ly/4pDixSo>.

<sup>12</sup> *Discrimination and Harassment Resource Coordinators*, Yale Office of Institutional Equity and Accessibility (accessed Dec. 11, 2025), <https://oiea.yale.edu/contact-us/dhrc>.

dormitory floors. Yale has converted many campus bathrooms into “gender inclusive” bathrooms.<sup>13</sup> Recently, this effort has extended to Yale’s undergraduate dormitories. In dormitories with common bathrooms (as opposed to dormitories where each student room has a private bathroom), each residential floor provides only two of three options: Male, Female, and Gender-Neutral.<sup>14</sup> This means that some coed dormitory floors have male and gender-neutral bathrooms, but not female bathrooms.

Although Yale does not have an explicit policy of granting access to bathrooms based on gender identity, the university does admit that “[m]any dormitory restrooms are mixed-gender.”<sup>15</sup> Similarly, the Trans@Yale survival guide listed on Yale’s website states that “*most* bathrooms throughout Yale’s housing facilities are gender-neutral and shared amongst students in any given entryway.”<sup>16</sup>

Yale’s bathroom policy likely violates Presidential Executive Order 14168 regarding sex discrimination in federally funded programs.<sup>17</sup> It also contravenes this Department’s stakeholder guidance on Title IX and the prevention of sex discrimination in federally funded programs.<sup>18</sup>

The Education Department’s guidance on Title IX clarifies that covered educational programs and activities include “all the operations of a school that receives financial assistance.” The law “applies to all operations of a school, including those that take place in the facilities of the school, on a school bus, or in a class or training program sponsored by the school at another location.”<sup>19</sup>

As a result, Yale’s bathroom policy appears to violate Title IX. Accordingly, we ask that the Department promptly investigate all the allegations in this complaint, act swiftly to remedy unlawful policies and practices, and order appropriate relief.

Thank you for your prompt assistance with this request for investigation and resolution. Please contact me for further information.

Sincerely,



<sup>13</sup> The University website promotes a map with these bathrooms’ locations. See <https://www.google.com/maps/d/u/0/viewer?ll=41.3195273636384%2C-72.92179989747052&z=14&mid=19iHelKu2YL3A7smpJmerSSuVfD-Ohr4>.

<sup>14</sup> *Yale Housing: Additional Resources*, Yale University (accessed Dec. 13, 2025), <https://housing.yale.edu/undergraduate-housing/room-draw/additional-resources>.

<sup>15</sup> *Prospective Student FAQs*, Yale LGBTQ Center (accessed Dec. 13, 2025), <https://lgbtq.yale.edu/prospective-students>.

<sup>16</sup> *Bathrooms*, Trans@Yale Survival Guide (archived Dec. 13, 2025), <https://bit.ly/4iQSCny> (emphasis added).

<sup>17</sup> See Executive Order 14168, “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” (Jan. 20, 2025), <https://shorturl.at/23B1o>.

<sup>18</sup> United States Department of Education, Press Release: “U.S. Department of Education to Enforce 2020 Title IX Rule Protecting Women” (accessed Sept. 15, 2025), <https://shorturl.at/jNYhL>.

<sup>19</sup> *Frequently Asked Questions: Sex Discrimination*, U.S. Department of Education (accessed Oct. 20, 2025), <https://www.ed.gov/laws-and-policy/civil-rights-laws/frequently-asked-questions-sex-discrimination>.

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