

.....  
(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend title IX of the Education Amendments of 1972 to establish standards of liability for harassment on the basis of sex, and for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mrs. DINGELL introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend title IX of the Education Amendments of 1972 to establish standards of liability for harassment on the basis of sex, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Title IX Take Respon-  
5       sibility Act of 2026”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

1           (1) As the Supreme Court has held in Franklin  
2       v. Gwinnett County Public Schools, 503 U.S. 60, 75  
3       (1992), and Davis v. Monroe County Board of Edu-  
4       cation, 526 U.S. 629, 633 (1999), covered entities  
5       are liable for harassment on the basis of sex under  
6       their education programs and activities under title  
7       IX of the Education Amendments of 1972 (20  
8       U.S.C. 12681 et seq.) (referred to in this Act as  
9       “title IX”).

10          (2) As courts have properly recognized, experi-  
11       encing the effects of sexual harassment under an  
12       education program or activity, whether perpetrated  
13       by employees or agents of the program or activity,  
14       by peers of the victim, or by others, can be a form  
15       of unlawful and intentional discrimination that in-  
16       flicts substantial harm on beneficiaries of the pro-  
17       gram or activity and violates the obligation of a cov-  
18       ered entity to maintain a nondiscriminatory environ-  
19       ment.

20          (3) Title IX protects persons, of any gender,  
21       from discrimination on the basis of sex in education  
22       programs and activities that receive Federal funding.  
23       Supreme Court opinions have established that under  
24       title IX, schools are responsible for addressing sex-  
25       ual harassment, regardless of the location of the

1 harassment, when it impacts a person's access to an  
2 educational program or activity.

3 (4) Perpetrators of sexual harassment and vio-  
4 lence at school are not limited to students. Incidents  
5 have also involved faculty, administrators, coaches,  
6 and other staff members.

7 (5) A school culture that tolerates inappropriate  
8 verbal and physical contact and that intentionally or  
9 unintentionally discourages reporting these behaviors  
10 undermines the emotional, intellectual, and profes-  
11 sional growth of millions of young people.

12 (6) Sexual harassment of students, especially  
13 among women and girls, students of color, disabled  
14 students, and LGBTQ students, is widely prevalent  
15 in K–12 and higher education, for example:

16 (A) Nearly two in five LGBTQ+ young  
17 people (39 percent) reported that they had ever  
18 been forced to do “sexual things” that they did  
19 not want to do.

20 (B) Historically marginalized and under-  
21 represented groups are more likely to experi-  
22 ence sexual harassment than their peers, with  
23 Native American, Black, and Latina girls being  
24 more likely than White girls to be forced to  
25 have sex when they do not want to do so.

1 (C) In college, 1 in 4 women, 1 in 15 men,  
2 and 1 in 4 transgender, nonbinary, and gender-  
3 nonconforming students are sexually assaulted  
4 during their time as undergraduates.

5 (D) One in 3 college women and 1 in 6 col-  
6 lege men are survivors of dating violence or do-  
7 mestic violence.

8 (7) Few students report harassment to their  
9 schools, often because of shame or self-blame, fear  
10 of retaliation, fear of being ignored or disciplined,  
11 fear of police or immigration officials, or lack of  
12 knowledge of services schools can offer to help.

13 (8) Failure to meaningfully enforce title IX  
14 leads to discrimination by creating a hostile learning  
15 environment that impedes educational attainment,  
16 damages rights to equal access to education, and un-  
17 dermines learning for all.

18 (9) When schools fail to protect survivors, in-  
19 cluding by offering supportive measures that are de-  
20 signed to preserve and to restore their equal access  
21 to education, survivors often suffer in the form of  
22 lower academic achievement, lost scholarships, and  
23 lost degrees.

24 (10) Current title IX regulations issued by the  
25 Secretary of Education entitled “Nondiscrimination

1 on the Basis of Sex in Education Programs or Ac-  
2 tivities Receiving Federal Financial Assistance” (85  
3 Fed. Reg. 30026, May 19, 2020) have made it more  
4 difficult for student survivors to report harassment  
5 and receive help and pose uniquely burdensome pro-  
6 cedures for cases of sexual harassment that are not  
7 required for any other type of student or staff mis-  
8 conduct, only further sweeping sexual violence under  
9 the rug.

10 (11) Title IX’s language is broad and sweeping,  
11 making clear Congress’ intent to open the court-  
12 house doors to victims of a wide range of sex dis-  
13 crimination in schools. However, since title IX’s pas-  
14 sage, courts have created barriers that make it ex-  
15 traordinarily difficult for survivors to obtain redress  
16 from schools through private litigation.

17 (12) In a 5 to 4 opinion in *Gebser v. Lago*  
18 *Vista Independent School District*, 524 U.S. 274  
19 (1998), the Supreme Court held that students sub-  
20 jected to sexual harassment may receive a damages  
21 remedy under title IX only when school officials have  
22 “actual notice” of the harassment and are “delib-  
23 erately indifferent”, or respond in a clearly unrea-  
24 sonable manner, to it.

1           (13) Although they do not affect the relevant  
2 standards for individuals to obtain injunctive and  
3 equitable relief for harassment on the basis of race,  
4 color, sex, national origin, age, or disability under  
5 covered programs and activities, Gebser and similar  
6 opinions severely limit the availability of remedies  
7 for such individuals by imposing new, more stringent  
8 standards for recovery of damages under title IX.  
9 Yet in many cases, damages are the only remedy  
10 that would effectively rectify past harassment.

11           (14) These limitations on effective relief thwart  
12 Congress' underlying purpose to protect students  
13 from harassment, and they create prohibitively high  
14 standards for title IX sexual harassment lawsuits  
15 that are more onerous than those applicable to work-  
16 place sexual harassment lawsuits under title VII of  
17 the Civil Rights Act of 1964 (42 U.S.C. 2000e et  
18 seq.). As a result, schools are required to do less to  
19 address harassment against their students than to  
20 address the same harassment of their employees,  
21 meaning that students, who are children and young  
22 adults, must suffer worse harassment than adult em-  
23 ployees before they are entitled to a remedy in court.

24           (15) Some lower courts have added additional  
25 onerous barriers under which a school is only liable

1       for its failure to address known sexual harassment  
2       if the victim later experiences further actionable sex-  
3       ual harassment.

4           (16) A Federal court of appeals opinion in  
5       Kollaritsch v. Michigan State University Board of  
6       Trustees, 944 F.3d 613, 621–24 (6th Cir. 2019),  
7       went so far as to foreclose money damages if a vic-  
8       tim of sexual harassment does not experience further  
9       actionable harassment as a result of the recipient’s  
10      deficient response to a complaint, even if the recipi-  
11      ent’s conduct causes educational injuries under title  
12      IX.

13          (17) Gebser and subsequent opinions create an  
14      incentive for covered entities to insulate themselves  
15      from knowledge of harassment on the basis of sex  
16      rather than adopting and enforcing practices that  
17      will minimize the danger of such harassment. The  
18      opinions thus undermine the purpose of prohibitions  
19      on discrimination in the civil rights laws to induce  
20      covered programs or activities to adopt and enforce  
21      practices that will minimize the danger that vulner-  
22      able students or other persons will be exposed to  
23      such odious behavior.

24          (18) Legislative action is necessary and appro-  
25      priate to reverse Gebser and other court opinions

1 and restore the availability of a full range of rem-  
2 edies for harassment based on sex.

3 (19) Restoring the availability of a full range of  
4 remedies for harassment will—

5 (A) ensure that students and other persons  
6 of federally funded programs and activities have  
7 protection from harassment on the basis of sex;

8 (B) encourage covered entities to adopt  
9 and enforce meaningful policies and procedures  
10 to prevent and remedy harassment;

11 (C) deter incidents of harassment; and

12 (D) provide appropriate remedies for dis-  
13 crimination.

14 **SEC. 3. PROHIBITION OF HARASSMENT.**

15 (a) PROHIBITION OF HARASSMENT.—Section 901 of  
16 the Education Amendments of 1972 (20 U.S.C. 1681) is  
17 amended by adding at the end the following:

18 “(d) PROHIBITION OF HARASSMENT.—

19 “(1) If an agent or an employee of a covered  
20 entity engages in harassment, regardless of where  
21 the harassment occurs, on the basis of sex, which is  
22 enabled or assisted by the authority exercised as an  
23 employee or agent of the covered entity, against a  
24 person who is participating in or receiving benefits,  
25 services, or opportunities from an education program

1 or activity, or who is attempting to do so, and the  
2 harassment alters the aggrieved person's ability to  
3 do so, including by creating an intimidating, hostile,  
4 or offensive environment, the covered entity is liable  
5 for sex discrimination.

6 “(2)(A) If a person who is an agent or em-  
7 ployee of a covered entity engages in harassment, re-  
8 gardless of where the harassment occurs, on the  
9 basis of sex against a person who is participating in  
10 or receiving benefits, services, or opportunities from  
11 an education program or activity or who is attempt-  
12 ing to do so—

13 “(i) the harassment is not enabled or as-  
14 sisted by the authority exercised as an employee  
15 or agent of the covered entity;

16 “(ii) the harassment alters the aggrieved  
17 person's ability to participate in or receive bene-  
18 fits, services, or opportunities from an edu-  
19 cation program or activity, including by cre-  
20 ating an intimidating, hostile, or offensive envi-  
21 ronment; and

22 “(iii) the covered entity knew, or in the ex-  
23 ercise of reasonable care should have known, of  
24 the harassment,

1       then the covered entity is liable for sex discrimina-  
2       tion unless it can demonstrate that it exercised rea-  
3       sonable care to promptly prevent and correct the ef-  
4       fects of any harassment based on sex.

5               “(B) If a person who is not an agent or em-  
6       ployee of a covered entity engages in harassment, re-  
7       gardless of where the harassment occurs, on the  
8       basis of sex against a person who is participating in  
9       or receiving benefits, services, or opportunities from  
10      an education program or activity or who is attempt-  
11      ing to do so, and the harassment alters the ag-  
12      grieved person’s ability to do so, including by cre-  
13      ating an intimidating, hostile, or offensive environ-  
14      ment, and the covered entity knew, or in the exercise  
15      of reasonable care should have known, of the harass-  
16      ment, then the covered entity is liable for sex dis-  
17      crimination unless it can demonstrate that it exer-  
18      cised reasonable care to promptly prevent and cor-  
19      rect the effects of any harassment based on sex.

20              “(C) A covered entity shall exercise reasonable  
21      care in response to harassment based on sex if any  
22      of the following individuals knew, or in the exercise  
23      of reasonable care should have known, about the  
24      harassment:

1           “(i) An agent or employee who has the au-  
2           thority to take action to redress the harass-  
3           ment.

4           “(ii) An agent or employee who has the  
5           duty to report to an administrator harassment  
6           or any other misconduct by others.

7           “(iii) An individual who a harassment vic-  
8           tim or reporting party could reasonably believe  
9           has this authority or responsibility.

10          “(D) A showing that the covered entity has ex-  
11          ercised reasonable care to promptly prevent and cor-  
12          rect the effects of any harassment based on sex in-  
13          cludes a demonstration by the covered entity that it  
14          has—

15               “(i) established, adequately publicized, and  
16               enforced an effective and comprehensive harass-  
17               ment prevention policy and complaint procedure  
18               that is likely to provide redress and avoid harm  
19               without exposing the person subjected to the  
20               harassment to undue risk, effort, or expense;

21               “(ii) if requested by the aggrieved person  
22               or otherwise deemed necessary to protect the  
23               aggrieved person or other persons within the  
24               program or activity from a significant ongoing  
25               threat, undertaken a prompt, thorough, and im-

1 partial investigation, unless the allegations are  
2 patently frivolous;

3 “(iii) provided supportive measures that  
4 had the purpose and effect of preserving and  
5 restoring the aggrieved person’s equal access to  
6 the education program or activity, regardless of  
7 whether the aggrieved person requested an in-  
8 vestigation; and

9 “(iv) after receiving notice, taken other  
10 necessary, immediate, and appropriate correc-  
11 tive action designed to stop the harassment that  
12 occurred and correct its effects, regardless of  
13 whether the aggrieved person experienced sub-  
14 sequent harassment.”.

15 (b) CIVIL ACTION.—Section 902 of the Education  
16 Amendments of 1972 (20 U.S.C. 1682) is amended—

17 (1) by inserting “(a)” before “Each Federal de-  
18 partment and agency which is empowered”; and

19 (2) by adding at the end the following:

20 “(b) Any person aggrieved by the failure of a covered  
21 entity to comply with this title, including any regulation  
22 promulgated pursuant to this title, may bring a civil action  
23 in any court of competent jurisdiction to enforce such per-  
24 son’s rights.”.

1 (c) ACTIONS BROUGHT BY AGGRIEVED PERSONS.—

2 Title IX of the Education Amendments of 1972 (20

3 U.S.C. 1681 et. seq.) is amended by inserting after section

4 902 the following:

5 **“SEC. 902A. ACTIONS BROUGHT BY OR ON BEHALF OF AG-**

6 **GRIEVED PERSONS.**

7 “In an action brought against a covered entity by (in-

8 cluding on behalf of) an aggrieved person who has been

9 subjected to discrimination prohibited under this title (in-

10 cluding its implementing regulations), the plaintiff may re-

11 cover equitable and legal relief (including compensatory

12 and punitive damages), and attorney’s fees (including ex-

13 pert fees).”.