

## Title IX's Domain

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This presentation considers mobilization by private groups to implement civil rights goals in the administrative state, with a particular focus on Title IX. Unexpectedly, Title IX has evolved into the primary location for addressing claims of campus sexual violence. Some commentators have questioned whether Title IX is the appropriate statutory home for these matters, while others challenge the efficacy and fairness of specific responses by the federal government and universities. My interest is in tracing the legal journey and political economy that has led Title IX to play this role. The story of Title IX's new relevance for questions of campus sexual assault begins with traditional forms of judicial and agency enforcement. These include private lawsuits that resulted in the Supreme Court rulings defining the scope of Title IX's prohibition of peer-on-peer sexual harassment, and the use of Title IX's administrative complaint process by students to highlight the inadequacies of the response to sexual assault by higher education institutions. Regulatory enforcement is also catalyzed by efforts such as [knowyourix.org](http://knowyourix.org), which seeks to increase student engagement in Title IX enforcement – democratizing statutory enforcement. This presentation will examine the multilayered response by administrative agencies and higher education institutions which extend from the promulgation of informal guidance by federal agencies to the adoption of potentially transformative practices by institutions well beyond what is needed to secure compliance with Title IX. In sum, I will discuss how interaction of private enforcement and administrative governance helps spur important forms of regulatory innovation.