

25-183 CROWTHER V. BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA

DECISION BELOW: 121 F.4th 855

LOWER COURT CASE NUMBER: 23-12475, 23-11037

QUESTION PRESENTED:

Title IX of the Education Amendments of 1972 prohibits federally funded educational institutions from discriminating "on the basis of sex." In *Cannon v. University of Chicago*, 441 U.S. 677 (1979), this Court held that Title IX is privately enforceable by "victims of discrimination" through an implied right of action. And in *Jackson v. Birmingham Board of Education*, 544 U.S. 167 (2005), this Court held that employees of federally funded educational institutions may invoke Title IX's implied private right of action to bring claims for retaliation.

Following *Jackson*, and until the decision below, "every ... circuit[] that has considered whether a teacher may sue under Title IX" for sex discrimination in their employment "has found they may." Pet App. 124a (Rosenbaum, J., dissenting from denial of rehearing *en banc*). Splitting with eight courts of appeals, the Eleventh Circuit held in the decision below that Title IX "do[es] not embrace a private right of action for employees." Pet. App. 21a. In so holding, the Eleventh Circuit joined pre-*Jackson* decisions from the Fifth and Seventh Circuits in an 8-3 split.

The question presented is: Whether Title IX provides employees of federally funded educational institutions a private right of action to sue for sex discrimination in employment.

CERT. GRANTED 5/18/2026