

Integrating *Bostock v. Clayton County*: Protections for LGBTQ+ Individuals on College Campuses and the Challenges of Reciprocity

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A 2019 study by the Gay, Lesbian, and Straight Education Network (GLSEN) reports a staggering 86% of LGBTQ college students faced identity-based harassment or assault, with over half enduring sexual harassment.¹ College campuses continuously struggle to create environments where LGBTQ+ students feel safe, supported, and free from discrimination.² *Bostock v. Clayton County* 2020 marked progress in this effort, with the 2019 6-3 Supreme Court decision ruling that “An employer who fires an individual merely for being gay or transgender violates Title VII.”³ The Civil Rights Act of 1964 includes protections against workplace discrimination in Title VII and “[protection] from sexual harassment in educational programs or activities operated by recipients of federal funding” in Title IX.⁴ These powerful legal frameworks are difficult to navigate, but students must understand their rights to ensure they can advocate for themselves during times of harrowing discrimination. Recognizing the ruling of *Bostock* and its preservations for LGBTQ+ students contributes to a safer and more inclusive campus environment. *Bostock* strengthened workplace protection for LGBTQ+ individuals and offered the landmark decision that affirmed the precedent for broader civil rights advancements through combatting discrimination in higher education. That said, the expansion of legal protections presents both opportunities and challenges. College campuses must adapt to these evolving legal frameworks while navigating social, cultural, and institutional tensions to create a truly inclusive environment for LGBTQ+ students.

Bostock stands to strengthen various protections against discrimination in addition to employment protections. The Justice Department states that Title VII precedent serves as a key guide for interpreting Title IX, as both statutes establish a contractual obligation toward prohibiting discrimination in exchange for federal funding.⁵ The precedent affirms that LGBTQ+ students are protected from discrimination in academic settings. Title IX’s protections against sexual harassment, when combined with the extended protections under Title VII, thus ensure that discrimination based on sexual

¹ GLSEN. (n.d.). *The 2019 National School Climate Survey*. Retrieved February 23, 2025 from <https://www.glsen.org/research/2019-national-school-climate-survey>.

² Tillewein, H., et al. (2023). Silencing the Rainbow: Prevalence of LGBTQ+ Students Who Do Not Report Sexual Violence. *International Journal of Environmental Research and Public Health*, 20(3), 2020. <https://doi.org/10.3390/ijerph20032020>

³ *Bostock v. Clayton County*, 590 U.S. ____ (2020) https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf

⁴ U.S. Department of Justice. (2015, August 6). *Title IX*. <https://www.justice.gov/crt/title-ix#Bostock>.

⁵ Ibid.

orientation or gender identity is not only illegal but can be challenged within academic environments through a threat of revoking federal funding and grants. A contractual obligation on universities allows LGBTQ+ students and staff to expect a higher level of legal support regarding their right to freely exist without worry of prejudice or impartiality. The ruling affirms that discrimination against LGBTQ+ individuals in areas such as admissions, housing, sports, and employment is unlawful, giving students an effective platform to stand against unjust practices from their university.

Beyond merely legal protections, the *Bostock* ruling encourages increased inclusivity throughout academic institutions. Anti-harassment safeguards are the bare minimum; as college students navigate their identities and social networks, *Bostock* sets a strong legal precedent for integrating LGBTQ+ students into all aspects of campus life. This legal shift from preventing exclusion to actively promoting inclusion is essential to promoting environments where LGBTQ+ individuals are seen, heard, and supported. This allows for LGBTQ+ students to thrive academically and socially.

While the *Bostock* decision has undoubtedly advanced LGBTQ+ rights, its integration into heated campus environments poses a new set of challenges. Though expectations are defined through Article VII and Article IX, the difficulty in continuing this growth is prevalent. Addressing these challenges while maintaining an inclusive atmosphere requires unwavering accountability and careful attention toward social dynamics, institutional responsibility, and supportive resources. The challenges faced include likely resistance from both students and faculty who may feel uncomfortable or express hostility towards increased protection and advocacy for LGBTQ+ students. Due to the contrary nature of inclusivity efforts with conservatism and some religious views, LGBTQ+ students are at risk of experiencing targeted discrimination within academic spaces despite the expectations of Article VII and Article IX. Universities must assess the delicate balance between securing additional legal protections for LGBTQ+ students and respecting the freedom of dissent in individuals who oppose inclusive policies.

Resistance from students can occur through protests, the formation of student organizations that oppose LGBTQ+ inclusion, or vocal campaigning. The *Bostock* ruling provides a strong legal precedent, but it does not automatically resolve the persistent cultural and social tensions both within and outside of university settings. Cultural pushback through housing, sports, clubs, and social events can create polarizing environments where LGBTQ+ students feel marginalized or outcasted despite existing legal provisions. In some cases, the legal statutes designed to protect LGBTQ+ students only augment

tensions and spark backlash threatening the guidance of Article VII within the campus climate.

Furthermore, even faculty members who may not overtly oppose LGBTQ+ rights may inadvertently perpetuate discrimination through biased teaching and grading practices. Take the study from UCLA's School of Law, which found that "LGBTQ people were more than twice as likely to report unfair treatment by faculty, staff, or school administrators, compared to non-LGBTQ people (33.8% and 14.8%, respectively)."⁶ This data presents the necessity for training on LGBTQ+ issues and approaches. Faculty and staff must recognize both the legal impact of *Bostock* and Title IX and their responsibility to create an inclusive, unbiased classroom. Faculty training is crucial to help facilitate discussion on sensitive subjects and promote a more supportive environment. Many LGBTQ+ students seek active allyship; proper training programs encourage faculty to publicly advocate for LGBTQ+ students by reporting discrimination, supporting policy changes, and promoting inclusivity. Ongoing training allows faculty to stay informed and remain committed to an institutional leadership that enforces inclusive policies and accountability. These efforts will curate a safe and empowered environment where LGBTQ+ students can thrive free from bias throughout their academic journey.

As universities integrate the protections from *Bostock*, they must also navigate future implications. *Bostock* establishes both a clearer legal framework and specific expectations for both workplace and academic environments, but resistance to these policies is inevitable. Conservative or religious groups, for instance, may feel that these protections infringe on their freedoms or personal beliefs. This may lead to litigation or public protest, drawing negative attention to a university's social standing. Such disagreements make it increasingly more difficult for universities to foster inclusive environments and avoid hostile behavior toward LGBTQ+ students. Moreover, universities must weigh the risk of integrating inclusive policies at the expense of support from generous donors, alumni, and other students who might oppose LGBTQ+ protections. This creates an ethical dilemma where the implementation of protective practices initiated by the Justice Department risks funding. This dilemma will be influenced by the political environments surrounding college campuses, alumni demographics, and the desire for potential diversity within student bodies. This risk of backlash discourages universities from integrating the protections established by *Bostock*, increasing the risk of a dangerous environment for LGBTQ+ students where their protections are dismissed and resources are depleted in exchange for

⁶ Conron, K., et al. (2022, May). *Experiences of LGBTQ People in Four-Year Colleges and Graduate Programs*. UCLA School of Law Williams Institute. <https://williamsinstitute.law.ucla.edu/publications/lgbtq-colleges-grad-school/>

the preservation of financial support and social harmony.

The integration of the legal precedent established in *Bostock v. Clayton County* on college campuses presents significant opportunities for both unity and conflict. Though the ruling posits clear protection against discrimination, universities must acknowledge potential implications and broader tensions surrounding LGBTQ+ inclusion. Despite these challenges, universities must be held accountable, as they have a responsibility to implement and preserve *Bostock's* protections and ensure that LGBTQ+ students are safe, supported, and able to thrive without fear of discrimination. Integrating the principles of *Bostock* and Article VII is not merely a legal obligation but an ethical duty to foster inclusive environments that promote diversity, equality, and safety for all students.