

From: (b)(6)
Sent: Thu, 10 Jun 2021 20:01:16 -0400
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing (Protect women's and girls' rights)

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I wish to submit my comment anonymously because the debate around rights based on the newly defined characteristics of "gender identity" and "gender expression" conflict with women's rights in ways that are already having severe negative consequences for women.

This is a unique opportunity because when women raise the issue of the rights conflict between women's rights (which are based on biological sex) and rights based on the categories of gender identity and gender expression, they risk harassment, from accusations of bigotry and hatred to outright threats and slander.

Women and girls deserve to have their rights remain distinctive within the law. They experience inequity and discrimination not based on beliefs held or identities expressed but based on their biological sex.

Biological sex is inscribed in every cell of the human body, not merely in the reproductive system. In order for women and men -- among them those who "identify" by other gender categories than female and male -- to receive appropriate and adequate healthcare, healthcare providers need to know the actual sex of the patient.

In order to be able to compete in sports with a chance to win, women and girls need to be able to compete in female-exclusive categories as sex-based physiological differences give men an athletic advantage.

Women and girls deserve to have access to facilities such as restrooms and changing rooms and services such as rape counseling and shelters for victims of violence that are exclusive to women and girls. The newly-minted insult of being "exclusionary" belittles and pathologizes the needs of and distress experienced by women and girls who are denied privacy and safety. This insult is often leveled at those who advocate for the most vulnerable women in our society: victims of violence and young girls.

Another group whose interests are at stake are women in prison. There have already been documented cases of assault on female prisoners by male prisoners who reported having a female gender identity and who were transferred to women's prisons on that basis. Organizations such as Woman II Woman (<https://womaniwoman.org/>) have raised alarm about the consequences of allowing this to happen.

A rights conflict needs to be first given due recognition before it may be addressed and, hopefully, resolved. Gender identity and gender expression are new categories, and they deserve exploration and recognition within our laws. These, however, should come with specificity and attentiveness to their legal framing, which cannot be done by dissolving protections for other protected groups, whose rights are formulated on a different basis.

In sum, women's rights and rights based on and related to the category of gender are distinct and should *not* be conflated and confused within our law because we can already identify serious conflicts that arise on the basis of such confluations.