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Sent: Thu, 10 Jun 2021 03:49:23 +0000 (UTC)
To: T9PublicHearing
Subject: Written Comment: Title IX Public Hearing (preserve the goal of Title IX by maintaining protections for women and girls)

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Written Comment by:
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The entire point of Title IX is lost if self-declared "gender identity" is allowed to trump "sex." The rights provided in Title IX were rights provided to females - women and girls - to rectify long standing institutional impediments to females in accessing education based on their sex. This DOJ report from 2012 (not even 10 years ago) [titleixreport.pdf \(justice.gov\)](#) is illustrative in describing the clear understanding of the goal and purpose of Title IX.

In this 14 page document, the word "woman" is used 63 times. For example, like this:

"Title IX has improved access to educational opportunities for millions of students, helping to ensure that no educational opportunity is denied to **women** on the basis of sex and that **women** are granted "equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities.""

And, like this: "Congress passed Title IX in response to the marked educational inequalities **women** faced prior to the 1970s."

On page 9, the DOJ report discusses "Enforcement to Ensure Equal Opportunity in Athletics." Again, the goal was to provide women with access and opportunity.

Protection against discrimination on the basis of gender non-conformance is entirely consistent with the original goals and text of the Act. This means a student who doesn't conform to gender expectations, for example, is protected from being harassed on the basis of their gender non-conformance. This is described in the attached document with examples at page 7. It does not, however, mean that because someone is gender non-conforming that they are no longer in their sex class and can jump to a different one. Permitting male student to do this denies female students (the original beneficiaries of the law) their right to equal opportunity and access.

Male students who, because of self-declared gender identity, participate in female sports are taking away opportunities from female students. Sports are not an unlimited pie. For every male who participates on a female team or takes a female slot, one more female student is denied an opportunity to compete. Studies have shown that an extraordinarily high percentage of women who succeed in professional life played sports. (80% of female Fortune 500 Executives [65% of the most powerful women in business played sports | Fortune](#))

In terms of success at sports, again not being an unlimited pie, male students who compete on female teams are in a position to take away scholarships which would otherwise be available for female students. This disproportionately impacts lower income female athletes, denying them needed scholarship opportunities which would otherwise provide them access to expensive educations. (Note that female students are not in a

position to be on the boys' teams and take scholarships away from them, evening the score, so to speak.)

For students who are religious and practice modesty, having males on a women's team or housed in women's dorms or otherwise accessing private spaces means these women are not able to fully participate in educational life as they cannot share a locker room or bathroom with men. These religious women are being denied their right to participate. For female students who are not religiously modest, they may simply be uncomfortable, or have experienced sexual or other physical violence from men that makes them unwilling to be unclothed with males or have males unclothed with them. These women too have a right to access facilities which enable them to participate fully in the educational experience.

Requiring that educational institutions permit males to participate in educational environments (whether it be bathrooms, locker rooms, dorms, sports teams) as though they are actually female because of self declared gender identity results in taking away access and opportunities for women and girls. Gender nonconforming students have a right to be treated without harassment and to fully access educational institutions consistent with their sex. Anything else hurts women and girls and is contrary to goal and purpose of the law.