

**From:** C E  
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**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing Sex-Based Protections

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I am writing in defense of preserving Title IX sex-based protections for girls and young women. Eliminating sex-based protections from Title IX (and replacing it with “gender identity”) will effectively eliminate all protections for young women and girls for harassment, protection of their privacy and bodily integrity, and opportunities for equitable educational experiences.

First and foremost, which is something with which trans activists fundamentally disagree, women and girls are not oppressed on the basis of their gender identity but on the basis of their sex (as females). Removing sex-based protections means removing protection for young women and girls. “Gender” is defined alternately as either adherence to sex roles and stereotypes, or else an indescribable and highly individual internal feeling that has little to no relevance to one’s material and social condition.

How does this affect girls? Consider that this means that any girl who does not conform in some way to her “gender identity” (and this can, and often does, include being uncomfortable with the sexual objectification and oppression she faces as a girl), she has two options: either she can claim not to “really” be a girl and thus be subject to medical transition (as is evident by the imperative to transition gender non-conforming children), or she can conform to her proper “gender identity” with all the social and material disadvantages that entails. For example, a girl suffers harassment on the basis of having short hair and wearing pants to school every day. She cannot be protected from this harassment on the basis of her “gender identity”, unless she claims her *identity is something other than being a girl*. Why? Because having the gender identity of a girl means adhering to sex roles and stereotypes, and wearing traditionally masculine clothing is not part of the gender identity of a “girl.” In order to gain protection based upon this legislation, she has to ironically say that she is *not a girl*. “Girls”—since they are supposed to conform to sex roles and stereotypes—cannot be discriminated against for being gender non-conforming in any way. This is what happens when sex-based protections are replaced with “gender identity”; girls lose all protection as girls.

This also means that it becomes *completely legal* to discriminate against women and girls on the basis of their sex (once again, the proposed change eliminates all sex-based protections). We have already seen this become part of the law: it is legal to discriminate against breast-feeding women, because “not all people who breastfeed are women.” That is, even though all people who breast-feed are female, since sex is no longer a protected category and some female people “identify” as men, it is legal to discriminate against female people (that is, women in the original sense of the word). The ramifications for this cannot be understated: any biological female can now be discriminated against, harassed, and excluded from any educational opportunity because “not all women are female.” A math and science program could only permit biological males (after all, based upon “gender” girls aren’t supposed to be good at math anyway!), and claim that no discrimination is present because some of the males “identify” as women. Legally, *all biological females—that is, all women and girls—could be completely denied the right to any education whatsoever* without violating Title IX.

The material impacts of eliminating sex-based protections would be catastrophic for young girls in the educational system. Since there is absolutely no recognition of women and girls’ material reality, and in particular the fact that men and boys subject them to sexual harassment and violence at horrific rates, this completely eradicates and dismantles all efforts to protect women and girls from sexual harassment and violence. Given that underage boys are assaulting and raping girls at increasingly high rates, this is more than reprehensible: it denies women and girls their most basic right to bodily integrity and safety. Replacing sex-based protections with “gender identity” means that any male can enter into a girl’s bathroom or changing room and subject her to sexual harassment and violence while absolutely no effort is being made to *prevent* boys from inflicting serious trauma upon girls. The response to girls’

who are having their privacy and their safety completely violated by boys is to tell them that they are bigoted and that they must submit to this invasion. This is effectively telling all girls' that their safety does not matter, and that they are not entitled to any physical or sexual boundaries, since it is the authority figures that are telling them they are "wrong" for not wanting a male—knowing full well that males are overwhelmingly a danger to women and girls—in their private spaces when they are unclothed and vulnerable. This is absolutely reprehensible.

If we dismantle Title IX, all the while telling girls that they must submit to any and all violations of their privacy and bodily safety, we are miserably and massively failing to protect the most basic human rights of girls in this country.a