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**Sent:** Fri, 11 Jun 2021 14:20:33 +0000  
**To:** T9PublicHearing  
**Subject:** Written Comment: Title IX Public Hearing (Protect Women and Girl's Sex-based Rights).

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As a woman, feminist, former student athlete, and now teacher, I am concerned over how changes to Title IX to comply with President Biden's Executive Order would affect the sex-based rights of women and girls.

While I am in general support of the abolition of gendered norms as a form of sex-based oppression, this does not mean we should ignore the reality of sex and the existence of sex based oppression itself. In fact, most actual transphobia, discrimination against trans people, IS sex based oppression, which punishes people for violating gender norms on the basis of their birth sex.

Distinct from this is recognition that women and girls face physical and societal disadvantages related to their sex. For example, in sporting competitions the current text of Title IX, women and girls are allowed to have their own division based on their female sex, to facilitate fair competition due to the s inborn differences between male and female humans. Accommodating trans students, no matter their path in their transition, should not disregard the need for women's sports to be female only for the sake of fairness. The physical and athletic differences between males and females, I often take it into account when dividing my classroom into teams for competitive physical activities. Male people, including transwomen, have male bodies and should not be allowed to tip the scale of fairness with their proven advantages in tests of the athletic ability of their bodies. Pitting males against females in sports would be unfair, and so women fought and campaigned for their own space.

Another area in which women and girls face disadvantages which Title IX seeks to mitigate is in the area of sexual harassment. Part of facilitating an environment that is free of sexual harassment is one's right to privacy and freedom from unwanted sexual advances. One of the most vulnerable moments one can be in in this regard is in states of undress, like within restrooms and changing rooms. Before restrooms were divided into men's rooms and women's rooms, the singular unisex restrooms effectively served as men's rooms due to the harassment and violence targeted at women in such spaces. This caused a phenomenon called the "urinary leash", where women who wish to participate in public life limited they went so they would not put themselves into known high risk situations. Separating these intimate spaces by sex helped to open up the world to women's participation. #NotAllMen are a threat, not all male people will harm women, but enough have demonstrated the aim and intentions to do so that women have no means of distinguishsing which male stranger poses increased risk. And so women fought and campaigned for their own space.

Much like how women have fought in the past to make exclusive spaces for their own groups, transpeople would be better served by having their own equitable spaces in the examples of sports, restrooms, and other spaces where sex-based delineations are important. Please consider the impact upon women and girl's sex-based rights when making accommodations and protections for trans people. It is possible to equitably protect all groups from discrimination and unfair practices.