

**From:** The Dog Listener .  
**Sent:** Fri, 11 Jun 2021 21:31:13 +0000 (UTC)  
**To:** T9PublicHearing  
**Subject:** Written comment: Title IX public hearing about discrimination on the basis of sex

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

As the U.S. Department of Education's Office for Civil Rights (OCR) considers its responsibility to implement President Biden's "Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation" ([E.O. 13988](#)) and "Guaranteeing an Educational Environment Free From Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity" ([E.O. 14021](#)), **I urge you to provide guidance affirming the permissibility of sex-based classification in certain narrowly drawn circumstances** described in [Title IX of the Education Amendments of 1972](#) (20 U.S.C. § 1681) and its implementing regulations.

I support the extension of Title IX's protections to claims of discrimination on the basis of sexual orientation and transgender status. It is perfectly consistent to protect students from discrimination on the basis of transgender status or gender identity and sexual orientation while simultaneously recognizing biological sex *where sex is important*.

Single sex classification is sometimes reasonably necessary to ensure fairness, privacy, equality, safety, and/or dignity. Girls and women have valid legal interests in the continued legal permissibility of Title IX's sex-based classifications in educational settings including sports teams,<sup>[i]</sup> locker rooms, bathrooms, and student housing.

As OCR considers changes to and new interpretations of Title IX's regulations, female people must be remembered as the designated beneficiaries of the legislation.

Thank you,  
Lisa Trost

(b)(6)