

From: M. Lynette Hartsell
Sent: Thu, 10 Jun 2021 11:29:11 -0400
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.

The original intention of Title IX was to prohibit educational institutions that receive federal funding from discriminating "on the basis of sex" which clearly refers to the biological differences between males and females. Gender refers to socially constructed characteristics of women and men, such as norms, roles, and relationships of and between groups of women and men. These are two distinct and different terms.

However, as the result of Supreme Court decisions and guidance formulated by the US Department of Education, a biological fact – sex- has been conflated to mean the same as “gender,” a social construct. Thus, the original intention of Title IX has steadily drifted away from eliminating institutional barriers to educational opportunity for women and girls toward changing the way we think about sex differences, gender roles, and sexuality in general.

The 2016, Dear Colleague Letter (DCL) destroyed the mandate of Title IX. This letter required schools to allocate access to **sex-segregated facilities** such as bathrooms, showers, and dorm rooms on the **basis of students' gender identity** rather than their biological sex, thus conflating the two distinct terms. A mere DCL cannot change the biological differences between the sexes and it does not eliminate the necessity for the prohibition of discrimination on the “basis of sex.”

Title IX sexual-harassment guidance has been diluted such that an off-color joke or wayward look can seriously threaten a trans-identified female student's educational opportunities. But having a person with male anatomy walking around a women's locker room should never be considered threatening.

The intention of Title IX was to eliminate the ever-present and continuing discrimination of the female sex. It was not intended to change the way we perceive or think about the biology of sex. Separate sex sport has always been an exception to our general non-discrimination laws. This exception is justified by real physical sex-linked differences that emerge from the onset of male puberty and that have significant implications for athletic performance and playing safety. The lawfulness of this long-standing exception should be reaffirmed. <https://scholarship.law.duke.edu/cgi/viewcontent.cgi..>

Thank you for taking this comment.
Lynette

From: M. Lynette Hartsell
Sent: Fri, 11 Jun 2021 15:32:15 -0400
To: T9PublicHearing
Subject: Written Comment: Title IX - Public Hearing (about discrimination on the basis of sex)

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