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To: T9PublicHearing
Subject: Protect girls' rights

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Firstly, I'd like to thank you kindly for overlooking the false/unhelpful rumors postulated by today's ill-informed media as to what many people are actually asking for – which, in truth, is to uphold laws that are already in place to protect the rights and safety of women and girls while simultaneously providing trans people with the utmost support, respect and safety. The two are not and should not be at odds. *Both* groups require and deserve respect and safety.

The fact is that no single woman is campaigning to support any form of discrimination or bullying toward trans people. Not one. That isn't what this is about. To be absolutely clear, we are *against* bullying.

I'd like to emphasize that “self-ID” is the main aspect that troubles us. Wherein fully intact, male-bodied people who've completed puberty can enter sex-protected spaces - locker rooms, showers, student housing dorms - after merely declaring that they have an “internal sense of femaleness.” An undefined feeling which many women do not relate to.

We support people feeling and expressing themselves in any way that feels genuine to them! But misrepresentations of the equalities act allow for people (many who clearly do not even have gender dysphoria) to take advantage of women's and girls' protected spaces. This is *already* happening. It is also necessary for safety and equality purposes that we recognize the physical disadvantages and vulnerabilities of female bodies compared to male bodies.

I support the extension of Title IX's protections to claims of discrimination on the basis of sexual orientation and transgender status. I also agree, as eloquently stated in E.O. 14021:

[A]ll students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity.

Bostock v. Clayton County ([140 S.Ct. 1731 \(2020\)](#)), the primary legal authority for E.O. 13988, clearly demonstrates how **transgender people can be protected from discrimination without disturbing single sex classifications** whose application and enforcement do *not* constitute discriminatory actions under existing law.

According to *Bostock*, neither transgender status nor sexual orientation may operate as legal substitutes for the concept of sex as “biological distinctions between male and female” (140 S.Ct. at 1739). **It is therefore 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.**

Title IX and its implementing regulations stipulate that **sometimes sex matters**. Existing statutory and regulatory provisions therefore permit schools to maintain single-sex admissions policies ([20 U.S.C. § 1681\(a\)\(1\)](#)), single sex housing ([34 C.F.R. § 106.32\(b\)](#)), athletic scholarships ([34 C.F.R. § 106.37\(c\)](#)), gym and health classes ([34 C.F.R. § 106.34\(b\)](#)), sports teams ([34 C.F.R. § 106.41\(b\)](#)), and locker rooms and bathrooms ([34 C.F.R. § 106.33](#)).

As highlighted in ongoing litigation such as *Soule v. Connecticut Association of Schools*, misinterpretation of sex-separated sporting competition as *gender-identity-separated* competition has caused the unfair displacement of female athletes by male transgender athletes from titled rankings in the female sports category. Once the male body has gone through puberty, reductions in testosterone do not decrease lung capacity, limb length, overall larger stature, or reduce muscle mass in any significant way to make their strength comparable to female-bodied athletes.

Furthermore, the existing discrimination gap between male and female athletic scholarship awards is estimated at a shocking \$1 billion per year, according to Champion Women’s 2020 analysis. The cost of displacing sex with the concept of gender identity in Title IX’s implementing regulations is also the displacement of women and girls from opportunities that are already more easily available to male students. It’s simply not fair.

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.

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