

**From:** Sarah Axelson  
**Sent:** Fri, 11 Jun 2021 20:32:41 +0000  
**To:** T9PublicHearing  
**Cc:** Deborah Antoine  
**Subject:** Written Comment for Title IX Public Hearing Inclusion of Transgender Athletes  
**Attachments:** WSF Title IX Hearing Written Comment 6.11.21 Final.pdf

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Good afternoon,

Please find WSF's written comments on the inclusion of transgender athletes attached to this email.

Thank you,

**Sarah J. Axelson, MPA** (she/her/hers) • Vice President, Advocacy • Women's Sports Foundation

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*Let's challenge the inequities faced by female athletes. [Sign our letter](#) to the NCAA.*

*#KeepAdvocating*

Submitted via [T9PublicHearing@ed.gov](mailto:T9PublicHearing@ed.gov)

June 11, 2021

The Honorable Miguel Cardona  
Secretary  
Rights  
Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

Suzanne B. Goldberg  
Acting Assistant Secretary for Civil

Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

***Re: Written Comment for Title IX Public Hearing (Inclusion of Transgender Athletes)***

Dear Office for Civil Rights, U.S. Department of Education:

We write today on behalf of the Women's Sports Foundation and the 56 undersigned organizations and individuals in response to the Federal Register Announcement of a Public Hearing on Title IX of the Education Amendments of 1972 as it relates to Executive Order 14021, *Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity*.

Over the last few years there has been a concerning increase in the number of attacks on transgender athletes' ability to access sport consistent with their gender identity, almost exclusively targeting transgender youth in particular. In 2021 alone, nine states have enacted transgender athlete bans and many more are considering similar legislation which prohibits transgender girls and women from participating on girls' and women's sports teams. We find these state-level bans deeply concerning and counter to what Title IX requires.

Far too often, this legislation is presented under the guise of "protecting" girls' and women's sports. There are many real threats to women and girls receiving equitable access and opportunity in sports, such as: the lack of Title IX understanding and compliance; girls in underserved communities facing inequity in sport access, resources and opportunity; the fight for equal pay; the lack of sponsorship support and media coverage; and the harassment and abuse of girls and women who play or work in sports. These are some of the many real challenges in sports for girls and women. *However, we wish to make it abundantly clear – the inclusion of transgender athletes is not a threat to girls' and women's sports.*

As the Women's Sports Foundation has said time and time again, we must remember the most valuable aspects of sport participation, which go well beyond the medals, include: instilling health and wellness, building camaraderie and belonging, and learning discipline and leadership. Long after the race, game or match concludes, these are the life-long benefits of sport. After all, this is exactly why sports are part of our educational system and subject to Title IX.

We ask you to clarify that Title IX *requires* transgender student-athletes to be able to access sports consistent with their gender identity. We must stop those attempting to use girls' and women's sports as a vehicle to discriminate.

Thank you for your time and attention to this matter.

Sincerely,

Women's Sports Foundation  
American Association of University Women (AAUW)  
Athlete Ally  
COLAGE  
Commonwealth Youth Sport for Development and Peace Network  
Dolphin Democrats  
Enough is Enough Voter Project  
Equality Federation  
Equality Florida  
Family Equality  
Freedom for All Americans  
Gender Justice  
Georgia Equality  
Georgia Women's Actions for New Directions  
Girls Inc.  
It's On Us  
Jane Doe Inc.  
Legal Aid at Work  
Legal Momentum, the Women's Legal Defense and Education Fund  
LGBTQ Center of Bay County  
Mazzoni Center  
Movement Advancement Project  
Movements for Violence Prevention  
National Black Justice Coalition  
National Center for Lesbian Rights  
National Center for Transgender Equality  
National Equality Action Team (NEAT)  
National Indian Education Association  
National LGBTQ Task Force  
National Women's Law Center  
Necessary Trouble  
One Orlando Alliance  
Out In Athletics  
Rainbow Democrats  
Social Justice Through Sport and Exercise Psychology  
SPLC Action Fund  
Stop Sexual Assault in Schools (SSAIS)  
The Institute for Diversity and Ethics in Sport  
The Institute for Sport and Social Justice  
The New Georgia Project Action Fund  
The Sport Ecology Group  
WeCOACH  
Women's Law Project

Women's March Florida  
Zebra Coalition

Dr. Anima Adjepong, Assistant Professor of Women's, Gender and Sexuality Studies,  
University of Cincinnati  
Cassie Comley PhD, Loyola Marymount University  
Vikki Krane Ph.D., Professor of Teaching Excellence, Bowling Green State University  
Valerie Moyer PhD Candidate, Stony Brook University  
Mateus Nagime, Athlete Ally  
Jaime Schultz, Professor, Pennsylvania State University  
Elizabeth Schwartz, Elizabeth F. Schwartz, PA  
Elizabeth Sharrow Ph.D., M.P.P., University of Massachusetts, Amherst  
Ellen J. Staurowsky Ed.D, Professor, Ithaca College  
Jacob K. Tingle, Director, Sport Management Minor, Trinity University  
Jack L. Turban MD MHS, Stanford University School of Medicine  
Eli Wolff, Director of the Power of Sport Lab, 2X Paralympian, Soccer