



## What's at Stake

### Equal opportunity, privacy, and the right to consent

- New proposed Title IX rules require schools to allow males who identify as women to compete on women's sports teams and to receive academic and athletic awards for females.
- The proposed rules require schools to allow males who identify as women to share dorm rooms and locker rooms with females, join sororities, and access campus women's centers.
- The proposed rules pressure schools to discipline females who do not consent to such practices.

### Parental Rights

- The proposed rules encourage teaching young children that they can choose to be boys, girls, or something else entirely.
- The proposed rules force schools to socially transition children who say they are something other than their birth sex without parental consent or knowledge.

### Freedom of speech

- The proposed rules pressure schools to police and punish speech that does not conform to the teachings of gender ideology regarding sex, sex roles, gender, or gender identity.

### Due Process

- The proposed rules pressure colleges to utilize Kangaroo Courts that deny students and faculty the right to know the allegations against them, the right to test those allegations through cross examination, and the right to submit exculpatory evidence.

## The Way Forward

- The Department of Education should rescind its proposed regulations.
- Congress should pass the [Women's Bill of Rights](#), which clarifies the federal definition of 'sex' as a person's biological sex (either male or female) at birth.
- Congress should pass legislation protecting [women's sports](#).
- Congress should [clarify the definition of sexual harassment](#) under Title IX consistent with the standard articulated by the Supreme Court in [Davis v. Monroe Cty.](#)
- Congress should explicitly codify court precedent requiring colleges and universities to [provide basic due process protections](#) when investigating students and faculty under Title IX.
- Legislatures should prohibit schools from socially transitioning children without parental consent.

# Addressing Misperceptions

| MISPERCEPTIONS  | FACTS  |
|---|--|
| <p><b>Proposed Title IX regulations simply seek to protect trans-identified students from discrimination.</b></p> | <p>The proposed rules do not simply require schools to <i>accommodate</i> trans-identified people. They require schools to prioritize males who identify as female over women and girls. And they require schools to allow any male to self-identify into female spaces. They also undermine parental rights, squelch certain viewpoints, and encourage schools to discipline students and faculty without basic due process.</p> <p>In short, in the name of fighting discrimination, the proposed rules impose a woke agenda on all aspects of the educational experience from kindergarten through graduate school.</p>   |
| <p><b>The Department of Education has a legal right to expand Title IX protections.</b></p>                       | <p>The Department has no legal basis upon which to administratively expand the categories of people protected by Title IX beyond those designated by Congress. The Supreme Court recently reiterated this basic point in <a href="#"><i>West Virginia v EPA</i></a>, holding that executive agencies may not adopt regulations that go beyond the statute as written.</p> <p>Here, Title IX prohibits discrimination on the basis of ‘sex.’ It says nothing about ‘gender’ or ‘gender identity.’ Congress is free to add other categories to civil rights laws, but it has not done so. And the <a href="#"><i>Bostock</i></a> decision, which extended employment protections to trans-identified people, applies only to Title VII and the workplace, not to Title IX and the educational setting.</p> |