

## COMMENT ON PROPOSED TITLE IX REGULATION

# Editorial Opposition to Draft Title IX Regulation

Submitted by SAVE<sup>1</sup>

Date: July 18, 2022

The Office for Civil Rights conducted a Public Hearing June 7-11, 2021 to seek public input into the upcoming Title IX regulation.<sup>2</sup>

During the course of the Hearing, SAVE submitted the following:

1. Oral Testimony<sup>3</sup>
2. Petition signed by over 5,000 persons calling for impartial campus investigations<sup>4</sup>
3. Statement in Support of Due Process in Campus Disciplinary Proceedings – Signed by 309 leading professors, attorneys, and others<sup>5</sup>
4. Key Documents Detailing the Elements of Campus Due Process<sup>6</sup>
5. Appellate and Trial Court Courts Define the Elements of Due Process<sup>7</sup>

SAVE's last document noted on page 1:

The following six regulatory provisions were upheld by 20 or more court decisions:

1. Section 160.45(b)(1)(iii): Bias Towards Complainant – 30 decisions
2. Section 106.45(b)(6)(i): Cross Examination – 29 decisions
3. Section 106.45(b)(1): Impartial Investigations – 29 decisions
4. Section 106.45: Institutional Sex Bias – 24 decisions
5. Sections 106.45(b)(2)(i)(A), 106.45(b)(2)(i)(B), and 106.45(b)(5)(v): Notice – 23 decisions
6. Sections 160.45(b)(5)(iii) and 160.45(b)(5)(vii): Access to Evidence – 21 decisions

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<sup>1</sup> [www.saveservices.org](http://www.saveservices.org)

<sup>2</sup> <https://www2.ed.gov/about/offices/list/ocr/public-hearing.html>

<sup>3</sup> <https://www.saveservices.org/2021/06/save-oral-testimony-to-the-office-for-civil-rights/>

<sup>4</sup> <https://www.change.org/p/congress-stop-sham-believe-the-victim-investigations>

<sup>5</sup> <https://www.saveservices.org/wp-content/uploads/2021/06/1.-Due-Process-Statement-Attachment-5.27.2021.pdf>

<sup>6</sup> <https://www.saveservices.org/wp-content/uploads/2021/06/3.-Key-Documents-Attachment-6.9.2021.pdf>

<sup>7</sup> <https://www.saveservices.org/wp-content/uploads/2021/06/5.-Elements-of-Due-Process-Attachment-A-6.11.2021.pdf>

The draft Title IX regulation<sup>8</sup> weakens all six of these due process protections:

1. Bias Towards Complainant – The draft rule condones false statements made by the complainant: Schools must "not discipline a party, witness, or others participating in a recipient's grievance procedures for making a false statement." *See: 106.45(h)(5).*
2. Cross Examination – The draft rule would render hearings and cross-examination optional, allowing adjudicators to ask their questions "during individual meetings with the parties." *See: 106.46(f)(3).*
3. Impartial Investigations – The Title IX proposal allows the same person to serve as investigator and decision-maker, an obvious conflict of interest. *See 106.45(b)(2).*
4. Institutional Sex Bias – The draft rule's dramatic expansion of "sex-based harassment" to include any "unwelcome" conduct that is "severe or pervasive" and is "evaluated subjectively and objectively" repudiates the Supreme Court *Davis v. Monroe* definition, and will worsen the problem of institutional sex bias against male students. *See: 106.2.*
5. Notice – The draft rule only requires the recipient to provide a "reasonable opportunity" to the parties to review and respond to the evidence. The vagueness of this requirement affords broad discretion to schools to implement this standard, resulting in inadequate time to review the evidence. *See: 106.46.*
6. Access to Evidence – The draft rule proposes that the parties would have access only to a "description" of the evidence — not the actual evidence — which could be provided either "orally or in writing." *See: 106.45(f)(4).*

Following the June 2021 Public Hearing, the body of Title IX case law has continued to expand. Currently, the following numbers judicial decisions against universities and colleges have been recorded:<sup>9</sup>

1. Impartial Investigations: 48 decisions
2. Bias Towards Complainant: 45 decisions
3. Institutional Sex Bias: 43 decisions
4. Notice: 39 decisions
5. Cross Examination: 38 decisions
6. Access to Evidence: 27 decisions

SAVE is not alone in our concerns about the draft regulation. Over 40 editorials – listed below – have come out in opposition to the proposal.

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<sup>8</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/t9nprm.pdf>

<sup>9</sup> <https://www.saveservices.org/wp-content/uploads/2022/04/Analysis-of-Title-IX-Regulation-3.24.2022.pdf>

The Department of Education’s apparent disregard of SAVE’s extensive comments provided during the 2021 Public Hearing, and of the extensive body of relevant case law, suggests an inexplicable pattern of arbitrary and capricious behavior.

SAVE strongly urges the Department of Education to not move forward with the proposed Title IX regulation. The 2020 regulation is based on sound principles of fairness and due process, and should be allowed to remain in force without modification.

Each statement in this comment, and every link cited this comment, should be made part of the Administrative Record.

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## **STRONG EDITORIAL OPPOSITION TO DRAFT TITLE IX REGULATION**

### **MEDIA OUTLETS**

1. *New York Post* -- Team Biden’s plan to restore Obama-era Title IX kangaroo courts nixes fairness-- “Obama-era rules governing sexual-harassment complaints opens the door once again to the possibility that students who are wrongly charged won’t be given a fair chance to refute accusations against them and will suffer consequences such as expulsion and a ruined reputation.”<sup>10</sup>
2. *Wall Street Journal* – Back to the Title IX Legal Steamroller – “Title IX proposed Title IX rule is concerning because this would allow a single Title IX adjudicator to investigate the cases, levy charges, and decide the outcome. This proposed rule offers no right to cross-examine witness, so the same single investigator could determine which questions are relevant.”<sup>11</sup>
3. *Washington Examiner* -- Biden’s Radical Attack on Due Process, Free Speech, and Women’s Sports – “Under Biden’s new proposed regulations, once a man is accused of sexual assault, a single school-appointed bureaucrat will act as his judge, jury, and executioner. Under Biden’s kangaroo courts, accused men will have no right to counsel or any ability to cross-examine their accusers. These assaults on due process, free speech, and women’s rights would have been unthinkable even a decade ago.”<sup>12</sup>
4. *Cornell Review* – Title IX Proposed Rule Denies Students Due Process – “To the credit of the DoE, the proposed rule does not require that women must be believed over men. As proposed, the revised Title IX procedures do not offer any benefits (students are accused of committing crimes that are not well-defined, due process is not followed for male accused students.”<sup>13</sup>

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<sup>10</sup> <https://nypost.com/2022/07/04/team-bidens-obama-era-title-ix-kangaroo-court-nixes-fairness/>

<sup>11</sup> [https://www.wsj.com/articles/back-to-the-title-ix-legal-steamroller-11656110445?mod=opinion\\_major\\_pos2](https://www.wsj.com/articles/back-to-the-title-ix-legal-steamroller-11656110445?mod=opinion_major_pos2)

<sup>12</sup>

[https://www.realclearpolitics.com/2022/06/24/bidens\\_attack\\_on\\_due\\_process\\_free\\_speech\\_and\\_womens\\_sport\\_s\\_573104.html](https://www.realclearpolitics.com/2022/06/24/bidens_attack_on_due_process_free_speech_and_womens_sport_s_573104.html)

<sup>13</sup> <https://www.thecornellreview.org/title-ix-proposed-rule-denies-students-due-process/>

5. *Cornell Review* -- Proposed Title IX Rule Endangers All Cornell Students – “In sum, the Biden administration’s proposed rule would void any policies or protections that colleges offer students to defend their free expression rights and subject students accused of misconduct to highly unfair procedures. The proposed rule strikes at the heart of the educational process and puts every college student at serious risk of unfair treatment.”<sup>14</sup>

## COMMENTATORS

1. Teresa Manning-- The Biden Admin’s Title IX Rule Should Be Stopped Dead in its Tracks – “Last but not least, the proposal’s attempt to redefine ‘sex’ to include gender ideology and sexual orientation is already meeting fierce resistance. Obviously, Congress could have amended Title IX if it wanted a change as momentous and fundamental as the redefinition of sex in federal law.”<sup>15</sup>
2. Margaret Kelly-- Even Liberal Journalists Warn Biden’s Proposed Title IX Regulations Violate Due Process – “Biden’s new Obama-redux Title IX rules will return to the ‘single investigator’ model, which will allow one campus administrator to serve as detective, prosecutor, judge and jury on a Title IX complaint.”<sup>16</sup>
3. Jeremy Bauer-Wolf-- Biden’s Draft Title IX Rule Would Allow the Single-Investigator Model. Should It? – “Hundreds of students have taken to courts to allege institutions had bungled their cases. Often colleges were accused of violating due process and constitutional rights. Some courts agreed, pinning these issues on single-investigator models.”<sup>17</sup>
4. Mary Julia Koch-- Biden’s Title IX Overhaul Raises Fears of Flawed Sexual Misconduct Investigations – “President Biden’s Title IX overhaul would lower the legal threshold for reporting and investigating Title IX abuses from that established in 2020 by the Trump administration education secretary”<sup>18</sup>
5. Greg Piper-- Democratic Governors Undermine Biden Title IX Rulemaking by Expanding Due Process for Students – “Biden proposal could endanger “viewpoints that are mildly offensive to progressive civil rights bureaucrats,” while “comments by different students could apparently be lumped together in finding that the comments collectively amount to harassment, even if each individual comment is mild and not intended to harass.”<sup>19</sup>

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<sup>14</sup> <https://www.thecornellreview.org/proposed-title-ix-rule-endangers-all-cornell-students/>

<sup>15</sup> <https://dailycaller.com/2022/07/08/opinion-biden-admins-title-ix-rule-should-be-stopped-dead-in-its-tracks-manning/>

<sup>16</sup> <https://www.thecollegefix.com/biden-administration-title-ix-regulations-violate-due-process-liberal-journalists-claim/>

<sup>17</sup> <https://www.highereddive.com/news/bidens-draft-title-ix-rule-would-allow-the-single-investigator-model-shou/626407/>

<sup>18</sup> <https://www.nysun.com/article/bidens-title-ix-overhaul-raises-fears-of-flawed-sexual-misconduct-investigations>

<sup>19</sup> <https://justthenews.com/government/state-houses/democratic-governors-undermine-biden-title-ix-rulemaking-expanding-due>

6. Anjeli Macaranas and Mayesha Soshi-- Proposed Title IX Regulations Roll Back Trump-Era Policies, Raising Concerns Among Higher Education Experts – “Harvard Law School professor emeritus Elizabeth Bartholet: *“However, I am concerned with the reduction of fair process for those accused, including the elimination of a live hearing requirement, and I am concerned with the proposed standard of proof.”*”<sup>20</sup>
7. Paul Du Quenoy-- Biden’s New Title IX Rules Double Down on Bad Ideas – “If Biden's new rules stand, the next Republican president is sure to repeal them. Any Democratic successor will almost certainly then restore them. Rather than play that dismal game, Republicans might reasonably decide to repeal Title IX altogether and get creepy university administrators out of people's private lives for good.”<sup>21</sup>
8. Micah Hart-- (Gender) Identity Crisis -- “The Tumultuous Battle Over Title IX -- The Biden proposal will also allow for a single-investigator approach. In a single-investigator approach, a lone official can serve as the investigator and decision-maker. Some suggest that it violates an individual's right to due process, outlined in the 14th Amendment.”<sup>22</sup>
9. Scott Greenfield-- Beyond Due Process, The Title IX Attack On Free Speech -- “Free speech would be violated: Whether it involves students talking about a student not present, but within earshot of someone who notes the improper use of a pronoun, or the pronoun of an otherwise ordinary student who assumes the “nonbinary” identity and takes odd (xi/xir) or incoherent pronouns (they/them) to be hip and edgy. But should another student fail to use them, a Title IX complaint for sexual harassment could well occur.”<sup>23</sup>
10. Robert Franklin-- Biden DOE Proposals Would Violate Existing Law – “Whatever one’s take on the handling of allegations of sexual impropriety on campus, the Biden’ Administration’s proposals look very much like a lose-lose proposition for schools and the students who rely on them to provide both safety and fairness.”<sup>24</sup>
11. KC Johnson-- Expect the Title IX Inquisition – “A decade ago, the Obama administration surprisingly embraced it as a means of encouraging more Title IX reports on campuses. The resurrection of this core hostility to civil liberties under a still more progressive administration remains one of the great ironies of the Title IX debate.”<sup>25</sup>
12. Sarah Parshall Perry-- Biden’s New Title IX Rule Puts Women in Danger – “It likewise muzzles students and professors by elevating “misgendering” or a failure to use their preferred pronouns as a sufficient basis to launch a Title IX investigation, creating a heckler’s veto of the highest order.”<sup>26</sup>
13. Josh Moody-- What Biden’s Title IX Rules Mean for Due Process – “Sokolow believes that as the Biden administration collects feedback on the proposed rules, certain aspects of

<sup>20</sup> <https://www.thecrimson.com/article/2022/7/2/new-title-ix-regs/>

<sup>21</sup> <https://www.newsweek.com/bidens-new-title-ix-rules-double-down-bad-ideas-opinion-1720072>

<sup>22</sup> <https://www.newsmax.com/newsfront/title-ix-identity-crisis-battle-50-years/2022/06/30/id/1076850/>

<sup>23</sup> <https://blog.simplejustice.us/2022/06/27/beyond-due-process-the-title-ix-attack-on-free-speech/>

<sup>24</sup> <https://thewordofdamocles.com/blogs/most-recent-blog-posts/biden-doe-proposals-would-violate-existing-law>

<sup>25</sup> <https://www.tabletmag.com/sections/news/articles/expect-the-title-ix-inquisition>

<sup>26</sup> <https://m.washingtontimes.com/news/2022/jun/29/fox-henhouse-bidens-new-title-ix-rule-puts-women-d/>

the regulations will likely shift, meaning what has been proposed now is far from final.”<sup>27</sup>

14. Jennifer Braceras and Heather Madden-- Title IX on a Collision Course with the First Amendment -- “...Encourages schools to investigate and punish speech about sex or sex roles any time an individual is severely offended by the speech. Indeed, schools are encouraged to investigate students or faculty for speech crimes, even where the speech in question is neither pervasive nor objectively offensive.”<sup>28</sup>
15. Joe Schoffstall-- Biden’s Title IX Proposal Mirrors Action Memo from Soros-Funded Group Pushing Gender Identity Into Rules – “Parker Thayer, an investigative researcher at the Capital Research Center, told Fox News Digital that "Governing for Impact is the ultimate example of the 'dark money' the Left pretends to hate. It works totally in secret, it's funded by one billionaire, it's run by that billionaire's cronies, and it directly influences policy from the shadows.”<sup>29</sup>
16. Jeremiah Poff-- Betsy DeVos Blasts Biden Administration’s ‘Unfair’ Title IX Proposal -- "How could they claim that?" DeVos asked. "It is totally bizarre to say that one individual is going to be the investigator, the judge, and the jury in these situations ... it defies common sense.”<sup>30</sup>
17. Edward Bartlett-- Soviet Show Trials Come to American College Campuses – “The release then refers to "women" and "girls" three times. But no mention of "men" or "boys." This with open disregard for the fact that numerous judicial decisions found institutional sex bias against the male student. In other words, the Department of Education cares about "all" students, as long as they identify as female or some other gender. So what about male students?”<sup>31</sup>
18. Jacob Becker-- Deja Vu for Title IX – “...Today Title IX has become a political ping-pong ball batted around by successive administrations, which is unfortunate given the important nature of its mission. Students need clarity as to their rights and responsibilities.”<sup>32</sup>
19. Jerry Coyne-- Emily Yoffe on Biden’s Rollback of Title IX Regulations – “I’m a Democrat, and I voted for Biden. But I am not going to lionize everything that his administration does. The return to the old Title IX regulations for trying cases of sexual misconduct is one of the Biden administration’s clear mistakes.”<sup>33</sup>
20. Christian Post-- Sports Is Exposing Harms Of Gender Ideology, Women’s Advocate Says – “People really get it and they understand it. And it makes it really clear that, sadly, what

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<sup>27</sup> <https://www.insidehighered.com/news/2022/06/30/new-title-ix-rules-raise-concerns-accused>

<sup>28</sup> <https://www.iwf.org/2022/06/29/legal-policy-focus-title-ix-on-a-collision-course-with-first-amendment/>

<sup>29</sup> <https://www.foxnews.com/politics/bidens-title-ix-proposal-mirrors-soros-funded-group-gender-identity-rules>

<sup>30</sup> <https://www.washingtonexaminer.com/restoring-america/fairness-justice/betsy-devos-blasts-unfair-title-ix-proposal>

<sup>31</sup>

<https://www.americanthinker.com/blog/2022/06/soviet-show-trials-come-to-american-college-campuses.html>

<sup>32</sup> <https://thedispatch.com/p/deja-vu-for-title-ix>

<sup>33</sup> <https://whyevolutionistrue.com/2022/06/27/yoffe/>

Joe Biden, who I voted for, is doing is throwing girls and women under the bus. I'm so disappointed and pissed off about it."<sup>34</sup>

21. Olivia Hajicek-- Left And Right Unite To Oppose Transgender Destruction Of Women's Sports – ““This is not inclusion, this is misogyny,” said Amanda Houdeschell, a member of the feminist nonprofit Women's Liberation Front. “Women fought hard for the protections of Title IX, the promise of equal opportunity.””<sup>35</sup>
22. LifeSite News-- Biden admin proposes expanded Title IX protections to include 'gender identity' -- “Because the Biden Administration's attempt to change the focus and meaning of Title IX is an attack on the rights of girls and women and will make them less safe and cause them to lose vital opportunities, we will fight your proposed changes to Title IX with every available tool in our arsenal.”<sup>36</sup>
23. Emily Yoffe-- Biden's Sex Police “Then there is human nature itself. Young men and women are going to engage in sexual exploration. Sometimes it's going to go badly. In many cases, no matter how many hundreds of pages of regulations are churned out by the federal government, turning to Title IX bureaucrats is not going to make things better.”<sup>37</sup>
24. Kate Scanlon-- How the Biden administration's expansion of Title IX could end up hurting women -- “This move will set up legal challenges in terms of the privacy and safety of students in single-sex facilities (bathrooms, locker rooms, etc.) where people will now have access to enter based upon how they 'identify,' not based on their biological sex.”<sup>38</sup>
25. Jeremiah Poff-- 'Conduit for the Left's Woke Agenda'-- Republicans Blast Biden Administration's New Title IX Rule -- "Thanks to unelected bureaucrats, male students who merely 'identify' as female will have a 'right' to access female dorms, bathrooms, lockers, and showers. This rejection of obvious differences between men and women, boys and girls, will rob young people across this country of their innocence."<sup>39</sup>
26. George Leef-- How Bad Is the Rewrite of Title IX Sexual Harassment Rules? – “The revision is an attack on freedom of speech that opens the door for campus administrators to bring complaints against anyone who says things that upset the militants.”<sup>40</sup>
27. Reagan Reese-- 'Total Rejection Of Fairness And Safety'-- Biden Admin Proposes Reinterpreting Decades-Old Civil Rights Law To Include Protections For 'Gender Identity'

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<sup>34</sup> <https://www.iwf.org/2022/06/25/sports-is-exposing-harms-of-gender-ideology-womens-advocate-says/>

<sup>35</sup> <https://thefederalist.com/2022/06/28/this-is-not-inclusion-this-is-misogyny-left-and-right-unite-to-oppose-transgender-destruction-of-womens-sports/>

<sup>36</sup> <https://www.lifesitenews.com/news/biden-admin-proposes-expanded-title-ix-protections-to-include-gender-identity/>

<sup>37</sup> <https://www.commonsense.news/p/bidens-sex-police>

<sup>38</sup> <https://www.catholicnewsagency.com/news/248151/how-the-biden-administrations-expansion-of-title-ix-could-end-up-hurting-women>

<sup>39</sup> <https://www.washingtonexaminer.com/policy/education/gop-conservative-activists-blast-radical-title-ix-rule>

<sup>40</sup> <https://www.nationalreview.com/corner/how-bad-is-the-rewrite-of-title-ix-sexual-harassment-rules/>



-- "It means that female students will be forced to use the same restroom as biologically male classmates and staff members, who identify as girls and women, and will likely be forced to compete in the same athletic events."<sup>41</sup>

28. Robby Soave-- Title IX's 50th Anniversary Is a Dark Day for Due Process on Campus --

"Title IX is supposed to ensure fairness for both parties in a campus sexual assault adjudication, and not solely the accuser," says KC Johnson, a history professor at Brooklyn College and expert on campus sexual misconduct adjudication.<sup>42</sup>

29. Hans Bader-- Education Department Proposes Title IX Regulation to Restrict Free Speech

-- "The Biden administration's proposed definition of sexual harassment disregards the Supreme Court's *Davis* decision. It adopts a definition of harassment that is even broader in some respects than the broad harassment definition used in workplaces, which the Supreme Court rejected as impractical for schools, because of the fact that "schools are unlike" the workplace, and because students "regularly interact in a manner that would be unacceptable" among adult workers."<sup>43</sup>

30. Robby Soave-- 5 Ways Biden's New Title IX Rules Will Eviscerate Due Process on Campus

-- "They authorize institutions to forego live hearings, returning to a single investigator model that is incompatible with the basic requirements of fundamental fairness. In allowing a return to the single investigator model, the proposed regulations also eliminate the right to meaningful cross-examination, and thus the current right to have legal counsel conduct a cross-examination. It's clear that students accused of sexual misconduct cannot rely on this Department of Education to ensure their basic rights are respected."<sup>44</sup>

31. Sarah Perry-- The Department of Education's Intended Revision of Title IX Fails

Regulatory and Civil Rights Analyses -- "For the women's movement, Title IX was a watershed. It has successfully changed the lives of girls and young women in America by broadening their educational horizons and setting them up for success in later life. On its 50th anniversary, a revision of the kind proposed by the Department of Education makes a mockery of all that Title IX's champions worked to achieve."<sup>45</sup>

32. Petula Dvorak-- Anti-trans groups hitch their cause to Title IX on 50th anniversary --

"Recent polling from The Post showed that a majority of Americans oppose allowing transgender female athletes to compete in women's divisions. But it wouldn't be right -- or legal -- to ban trans athletes from all sports."<sup>46</sup>

33. Robert Franklin-- Just Say 'No' to Biden's Title IX Rule Changes -- "Anyone who enjoys women's sports, anyone who wants to see women succeed in athletics and anyone with

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<sup>41</sup> <https://dailycaller.com/2022/06/23/joe-biden-education-department-title-ix-transgender-identity/>

<sup>42</sup> <https://reason.com/2022/06/23/title-ix-due-process-50th-anniversary-biden-campus/>

<sup>43</sup> <https://libertyunyielding.com/2022/06/24/education-department-proposes-title-ix-regulation-to-restrict-free-speech/>

<sup>44</sup> <https://reason.com/2022/06/23/title-ix-rules-cardona-biden-sexual-misconduct-campus/>

<sup>45</sup> <https://www.heritage.org/civil-rights/report/the-department-educations-intended-revision-title-ix-fails-regulatory-and-civil>

<sup>46</sup> <https://www.washingtonpost.com/dc-md-va/2022/06/23/title-ix-trans-sports-lia-thomas/>



a clue about the natural differences between men and women will loudly oppose Biden's proposed changes to Title IX rules."<sup>47</sup>

34. Josh Christenson-- No Girls Allowed-- Biden Education Department Proposes Radical Title IX Changes – “The regulations also deliver on President Joe Biden's campaign promise to bring about a "quick end" to the Trump administration's Title IX ruling. The Trump-era regulations preserved due process protections for students accused of sexual misconduct, which Education Department has now reversed.”<sup>48</sup>
35. Greg Piper-- Biden Title IX Rule Snubs SCOTUS Precedent, Would Let Colleges Hide Evidence -- "Without separation of the judge and jury roles, the proposed process risks increased prejudicial outcomes," Title IX consultant Marybeth Sydor wrote in a tweet. By not requiring live hearings or access to evidence itself, "Title IX due process protections have been eroded significantly.”<sup>49</sup>
36. Terzel Ron-- Biden proposes changes to Title IX to ban transgender discrimination – “There is growing concern about how this change will cover athletics, particularly in lieu of transgender athletes like Lia Thomas gaining prominence in women's sports. Thomas was the first transgender athlete to win an NCAA Division I national championship. The governing body of world swimming decided to ban transgender women from competing in women's events earlier this month. Instead, they adopted a new “gender inclusion policy” to allow swimmers who transitioned before the age of 12 to compete.”<sup>50</sup>
37. Madeleine Kearns-- Tulsi Gabbard-- Congress Must Stop Biden from Undermining Title IX – “My hope is that the more people speak up, the more others will feel inspired and almost feel a sense of duty to do the same if not for themselves then for their daughters, their sisters, their moms, their friends. Because if we don't take a stand, then the consequences will be very serious and long-standing.”<sup>51</sup>
38. Jarrett Stepman-- By Inserting Gender Identity, Team Biden Muddies Title IX's Protections for Girls, Women at School – “The demolition of women's sports is coming whether you like it or not. They know you probably won't like it, so they will do what they can to avoid electoral consequences. What enlightened policymaking.”<sup>52</sup>
39. Kelsey Koberg-- Female Athletes, Women's Sports Advocates, Sound Off on Biden's New Title IX regulations-- ‘180 for the Worst’ -- "Definitely the more voices, the better, it's important in exposing who the silent majority is, which is the people who understand that this is wrong and can use common sense rather than just define sides.”<sup>53</sup>

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<sup>47</sup> <https://thewordofdamocles.com/blogs/most-recent-blog-posts/just-say-no-to-biden-s-title-ix-rule-changes>

<sup>48</sup> <https://freebeacon.com/biden-administration/no-girls-allowed-biden-education-department-proposes-radical-title-ix-changes/>

<sup>49</sup> <https://justthenews.com/government/federal-agencies/biden-title-ix-rule-evades-scotus-precedent-would-let-colleges-hide>

<sup>50</sup> <https://www.revolt.tv/article/2022-06-23/176205/biden-eyes-changes-to-title-ix-to-ban-transgender-discrimination-in-education/>

<sup>51</sup> <https://www.nationalreview.com/2022/06/tulsi-gabbard-congress-must-stop-biden-from-undermining-title-ix/>

<sup>52</sup> <https://www.dailysignal.com/2022/06/23/by-inserting-gender-identity-team-biden-muddies-title-ixs-protections-for-girls-women-at-school/>

<sup>53</sup> <https://www.foxnews.com/media/female-athletes-womens-sports-advocates-bidens-title-ix-regulations>

40. Scott Greenfield-- Lhamon's Whiplash – “Over the past decade, bureaucrats have seized the opportunity to “reinvent” the social dynamic between boys and girls on campus by turning women into “survivors” and any accusation into their irrefutable “truth,” no matter what.”<sup>54</sup>
41. Ashley St. Clair-- Biden moves to remove Title IX rights for women in favor of gender identity protections – “The proposal comes after an executive order from Joe Biden signed in January of 2021 which would allow biological men to compete against women in sports. The Biden admin has prioritized the erasure of biological sex and has been a staunch supporter of gender theory.”<sup>55</sup>

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<sup>54</sup> <https://blog.simplejustice.us/2022/06/24/lhamons-whiplash/>

<sup>55</sup> <https://thepostmillennial.com/breaking-biden-moves-to-remove-title-ix-rights-for-women-in-favor-of-gender-identity-protections>