



How the Biden Administration's Unlawful Title IX Regime Affects Women's Sports

What's At Stake

- The Biden administration, despite claiming otherwise, is using Title IX to require schools to allow males who identify as women to compete on women's sports teams and to receive athletic awards for females. In fact, the Biden administration has already used its interpretation of Title IX to claim, in court, that state laws protecting women's athletics are illegal.
- The Title IX Omnibus Rule, released on April 19, 2024, codifies the Biden administration's unlawful dissolution of women's sports by demanding that spaces for female athletes, like locker rooms, be assigned based on gender identity. And, the Rule creates a sweeping reinterpretation of sex discrimination to mean gender identity discrimination.
- In fact, the Rule states explicitly that schools receiving federal funding must open up women's and girls' locker rooms to biological males who identify as female.
- This sweeping Rule encourages schools to discipline females who don't consent to such practices. Schools could lose federal funding if they allow biologically male students to be treated as male.
- Not only is this unfair to female athletes, it is an inversion of the very purpose of Title IX, which was to protect educational opportunities, including athletic ones, for female students by protecting them from discrimination.

A Better Way Forward

- Rather than twisting the statute beyond recognition, the Department of Education should focus its efforts on ensuring equal opportunities for women in federally funded education programs—what Title IX was designed to achieve.
- 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](#).

Addressing Misperceptions

MISPERCEPTION	FACT
<p>The administration's interpretation of Title IX has no impact on women's sports.</p>	<p>In addition to undermining parental rights, squelching free speech, and encouraging schools to discipline students and faculty without basic due process, the Title IX Omnibus Rule requires schools to allow any male to self-identify into female spaces and to <i>prioritize</i> males who identify as female over women and girls. The plain reading of the regulations' inclusion of gender identity as "protected" under Title IX means that recognizing a male student's biological sex in the locker room, bathroom, OR sports field is a potential violation and could result in a loss of federal funding. In fact, the administration has already used this exact interpretation of Title IX to claim in federal court that state laws that prevent males from participating in female sports are illegal and in conflict with Title IX.</p>
<p>Allowing male athletes to participate in women's sports won't disadvantage females.</p>	<p>Policies and decisions regarding athletic participation must follow the science. It is undisputed that physiologically, the average male is stronger, bigger, and faster than the average female. Without separate teams for women and men, men will dominate women in competitive sports where strength, size, or speed are relevant factors.</p>
<p>This isn't a big problem.</p>	<p>This is already a serious and growing problem. Over the past several years, there has been a deliberate effort to redefine "sex" to mean "gender" or "gender identity," allowing biological males to self-identify into women's spaces. To date, males have stolen over 913 trophies, medals, and titles from women and girls across 441 different competitions and over 30 different sports. More than 639 female athletes have been displaced by males in women's sporting events and other types of competitions expressly for women.</p>