



FOR IMMEDIATE RELEASE

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New Biden Administration Materials Clarify Title IX Protects Intersex Students

Washington, D.C. — Commemorating the 49th anniversary of Title IX, the US Department of Education (ED) and Department of Justice (DOJ) yesterday released two new resources clarifying the scope and application of the federal law prohibiting sex discrimination in education. [“Confronting Anti-LGBTQ+ Harassment in Schools”](#) is a new fact sheet presented jointly by the ED Office for Civil Rights and the DOJ Civil Rights Division, while the [“Dear Educator” letter](#) was authored by ED Acting Assistant Secretary for Civil Rights Suzanne B. Goldberg. Both resources explicitly affirm that intersex students -- those born with physical sex characteristics that differ from stereotypical notions of male or female bodies -- are entitled to protection from discrimination and harassment in educational settings, and that ED is encouraging intersex students to file complaints if they have faced discrimination. In addition, ED [has clarified](#) that Title IX’s coverage extends to school employees, making yesterday’s releases a clear statement on the workplace rights of school faculty and staff with intersex traits.

According to the fact sheet, “Many students face bullying, harassment, and discrimination based on sex stereotypes and assumptions about what it means to be a boy or a girl. Students who are lesbian, gay, bisexual, transgender, queer, intersex, nonbinary, or otherwise gender non-conforming may face harassment based on how they dress or act, or for simply being who they are.” One of the specific listed examples of incidents that the ED Office for Civil Rights and the Educational Opportunities Section of the Civil Rights Division at the DOJ can investigate involves discrimination against an intersex student. The “Dear Educator” letter further confirms that Title IX’s protections against sex-based harassment encompass “treatment of lesbian, gay, bisexual, transgender, queer, and intersex” individuals, and that educators have the responsibility “to ensure that the education environment [they] provide is free from sex discrimination in all forms.”

This welcome clarity comes right on the heels of focused federal advocacy by [interACT](#), the nation’s oldest and largest organization dedicated to advancing the rights of youth born with intersex traits. Despite making up to an estimated 1.7% of the population, intersex people have often been overlooked in the past when it comes to public policy and civil rights enforcement. Because of the medical trauma that many intersex people live with as the result of

non-consensual childhood surgeries, facing discrimination and harassment in school -- including discrimination in restroom access or sports participation -- is especially devastating.

interACT is proud to have participated in many conversations with ED and DOJ personnel in recent months, taking these opportunities to share information about the needs of intersex individuals -- particularly intersex youth -- and the obstacles they face to enjoying equal civil and human rights. interACT additionally provided oral and written testimony as part of ED's recent public hearing on Title IX earlier in June.

"interACT applauds the clear signals by the Biden Administration that mistreatment on the basis of intersex traits is unacceptable and unlawful. In announcing that the doors of DOJ and ED are open to intersex complainants, these Departments have become committed partners in our efforts to ensure that the dignity, autonomy, and civil rights of intersex people are finally centered and safeguarded.. This Pride month, we are grateful for the meaningful inclusion of the 'I' in LGBTQI+ and the difference it will make for our community in all 50 states." said Kimberly Zieselman, interACT Executive Director.

Bria Brown-King, an intersex young adult and interACT's Director of Engagement reflects, "As an intersex person who faced discrimination starting as early as elementary school, I know what it feels like to be singled out, bullied, and denied opportunities because of other people's fears and biases. I hope that today, students with intersex variations feel empowered to be who they are and to speak up for themselves. No one should have to experience being excluded or harassed because of their sex characteristics, but if it does happen, knowing the protection of Title IX is there intersex kids and their families can speak up and reach out for help."

interACT encourages intersex students and their families who believed they have faced discrimination file a complaint at <https://ED.gov/OCR> or contact interACT for help.

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InterACT: Advocates for Intersex Youth is the largest organization in the world dedicated to policy advocacy on behalf of intersex youth. Committed to ending stigma against intersex people in media, law, and policy, interACT partners with organizations and thought leaders across the country to raise up the voice of this vulnerable population. Learn more or donate to our work at <https://interactadvocates.org/>