



June 2, 2022

Dear Members of the Pennsylvania Senate:

The Pennsylvania Coalition Against Domestic Violence (PCADV) is the statewide collaborative membership organization committed to ending intimate partner violence and all forms of violence and oppression across the Commonwealth. Each year, PCADV's network of 59 local domestic violence programs provides free and confidential direct services to nearly 90,000 victims of domestic violence and their children in all 67 counties of Pennsylvania.

**PCADV writes to request you oppose HB 972.** By excluding transgender girls and women from sports, the bill directly counters PCADV's organizational vision: to collectively create a community that supports all Pennsylvanians in the human right to live healthy, stable, and rewarding lives free from intimate partner violence and all forms of violence and oppression.

PCADV understands that at the core of intimate partner violence and all forms of violence and oppression lies an imbalance of power and an inequity in access to a variety of social supports. Much like how the imbalance of power in intimate relationships leads to abuse and isolation, societal and systemic imbalances of power and inequity create risk factors for exposure to violence and oppression. In 1972, Congress passed Title IX of the U.S. Higher Education Act to correct one of these societal and systemic imbalances by prohibiting sex discrimination in educational programming, including sports.

In 2021, the U.S. Department of Education ("Department") issued clear guidance<sup>1</sup> in light of the Supreme Court's decision in *Bostock v. Clayton County* interpreting Title IX to prohibit "discrimination on the basis of sexual orientation and gender identity." The Department emphasized that the purpose of Title IX is to ensure equal opportunity and to protect individuals from the harms of sex discrimination. It further noted, "numerous courts have recognized a school's policy or actions that treat gay, lesbian, or transgender students differently from other students may cause harm."<sup>2</sup> Research consistently reveals transgender people experience shocking amounts of violence and discrimination, including domestic violence victimization, despite often being misrepresented as threats or perpetrators of harm. According to the 2015 U.S. Transgender Survey, the largest survey examining the experiences of transgender people in the United States, "more than half (54%) experienced some form of intimate partner violence, including acts involving coercive control and physical harm."<sup>3</sup>

**If passed, not only would HB 972 violate Title IX and clear guidance from the Department, but it would also serve as an endorsement by the Commonwealth of Pennsylvania of inequity and an imbalance of power that we know leads to increased exposure to violence and oppression, including domestic violence victimization. As such, PCADV urges you to oppose HB 972.**

Respectfully,

Deanna Dyer, J.D.  
Policy Director  
Pennsylvania Coalition Against Domestic Violence

<sup>1</sup> <https://www.federalregister.gov/documents/2021/06/22/2021-13058/enforcement-of-title-ix-of-the-education-amendments-of-1972-with-respect-to-discrimination-based-on>

<sup>2</sup> See, e.g., *Grimm*, 972 F.3d at 617-18 (describing injuries to a transgender boy's physical and emotional health as a result of denial of equal treatment); *Adams*, 968 F.3d at 1306-07 (describing "emotional damage, stigmatization and shame" experienced by a transgender boy as a result of being subjected to differential treatment); *Whitaker ex rel. Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1044-46, 1049-50 (7th Cir. 2017) (describing physical and emotional harm to a transgender boy who was denied equal treatment); *Dodds v. U.S. Dep't of Educ.*, 845 F.3d 217, 221-22 (6th Cir. 2016) (describing "substantial and immediate adverse effects on the daily life and well-being of an eleven-year-old" transgender girl from denial of equal treatment); *Doe*, 2020 WL 5993766, at \*\*1-3 (describing harassment and physical targeting of a gay college student that interfered with the student's educational opportunity); *Harrington ex rel. Harrington v. City of Attleboro*, No. 15-CV-12769-DJC, 2018 WL 475000, at \*\*6-7 (D. Mass. Jan. 17, 2018) (describing "'wide-spread peer harassment' and physical assault [of a lesbian high school student] because of stereotyping animus focused on [the student's] sex, appearance, and perceived or actual sexual orientation").

<sup>3</sup> <https://transequality.org/sites/default/files/docs/usts/USTS%20Full%20Report%20-%20FINAL%201.6.17.pdf>