



October 24, 2018

Secretary Alex M. Azar II
The U.S. Department of Health & Human Services
200 Independence Ave., SW
Washington, DC 20201

Dear Secretary Azar:

According to a memo obtained by *The New York Times* on October 21, the Department of Health and Human Services is seeking to establish a legal definition of sex under Title IX based on “a biological basis that is clear, grounded in science, objective and administrable.” The proposed definition would allow only a binary classification that is immutable and based on genitalia at birth. The American Sociological Association is writing to express strong objection to this proposal which fails to reflect the findings from extensive sociological literature on this subject. Indeed, this definition is *not* grounded in science.

Sociologists have long understood that sex exists on a spectrum, rather than as a binary. The scientific community, including both social and biological scientists, recognizes intersex people and has denounced attempts to force intersex children into binary sex categories through nonconsensual surgeries.

Moreover, sociologists and other members of the scientific community have long recognized that gender identity is not determined by the sex one is labeled at birth or by chromosomal configuration. Scientific organizations, from the American Medical Association to the American Psychological Association, have a consensus view that gender identity is a spectrum that reflects a person’s felt sense of self. The definition proposed by the Department of Health and Human Services goes against decades of scientific research. In making this definitional shift, the DHHS will not only deny the rights of the 1.4 million Americans who identify as transgender, but their very existence.

To use a definition based on the outdated understanding of sex as a rigid binary that can be determined by a chromosome test is to legitimate discrimination on the basis of gender identity. Such a policy stands to have detrimental impacts on the physical and mental health of transgender and intersex individuals. It was the demonstrated magnitude of these impacts that led the American Medical Association to issue a statement against policies that limit transgender people’s access to public facilities, such as bathrooms. As Title IX is a law aimed at protecting students, the proposed change threatens to imperil a particularly vulnerable population: children.

We urge you to reconsider this proposal. To do otherwise would be a failure to accomplish your stated mission of “enhancing and protecting the health and well-being of all Americans.”

Sincerely,

Mary Romero, President