

MOTION BY SUPERVISORS SHEILA KUEHL  
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**Oppose Changing the Definition of Gender Under Title IX**

On October 21, 2018 Americans learned that the Trump administration is considering changing the definition of gender under Title IX, so as to patently exclude and effectively erase people who identify as transgender, non-binary, or gender non-conforming. The Department of Health and Human Services is leading the effort to narrowly define gender as a biological, fixed state of existence established by genitalia at birth. The other agencies that also enforce provisions of Title IX—the Departments of Education, Justice, and Labor—would be required to adopt this definition in their regulations as well, thereby changing current policies that officially recognize gender identity as an expansive and self-determined category.

The Obama administration made significant strides in expanding rights and protections for trans and non-binary individuals by acknowledging gender as a complex and deeply personal matter related to one’s own understanding of their identity and how they choose to be in the world. Gender identity and expression cannot and should not be defined by or limited to mere biology. The proposed revisions to Title IX reduce the definition to a view of gender that will have dangerous implications for those who cannot

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locate themselves in it. The Trump administration's proposal is an attempt to invalidate and render invisible an entire group of people—their experiences, their truths, their humanity.

If the federal government were to redefine gender in this way, the discrimination and violence that trans people already face, in numbers grossly disproportionate to their representation in the population, would not only be more socially acceptable, but would also be legally sanctioned. This is profoundly alarming and unacceptable. It is important for those who represent millions of people in one of the most diverse jurisdictions in the country to reject this administration's endeavors to strip away the rights of those in our communities who are already intensely marginalized. We unequivocally condemn this proposed policy change and its wide ranging, devastating implications for our trans and gender non-conforming community members.

**WE, THEREFORE, MOVE** that the Board of Supervisors send a five signature letter to Alex M. Azar II, the United States Secretary of Health and Human Services, expressing its opposition to the Trump administration's proposed gender policy change.

S:AJY/Oppose Changing the Definition of Gender Under Title IX