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% President Charlie Baker
National Collegiate Athletics Association
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To the NCAA Board of Governors,

We, the undersigned members of academic and research communities, write to express our deep concerns with the recent approval by the NAIA of a restrictive policy regarding the participation of transgender women athletes. We urge the Board of Governors to refrain from further impeding transgender athletes from accessing NCAA sports and to adopt an approach guided by current research on the factors that directly impact the mental and physical well-being of all athletes.

We are startled by the prospect of the 2024 Board actively discriminating, marginalizing, and denying access to the lifesaving power of sport to a minute group of athletes based on their identities. The National Collegiate Athletic Association is a member-led organization that purports to be dedicated to the well-being and lifelong success of college athletes.

A policy shift that targets a specific marginalized identity group is in direct violation of the mission and organizational priorities of the NCAA. In its [mission](#), the NCAA purports to be committed to providing “a world-class athletics and academic experience for student-athletes that fosters lifelong well-being”. As its first priority, the Association lists a commitment to coordinating and delivering “safe, fair and inclusive competition” and “excellent and inclusive championships”. Further, in the [NCAA Inclusion Statement](#) adopted in April 2010, and amended by the Board of Governors in April 2017, the Association writes:

As a core value, the NCAA believes in and is committed to diversity, inclusion and gender equity among its student-athletes, coaches and administrators. We seek to establish and maintain an inclusive culture that fosters equitable participation for student-athletes and career opportunities for coaches and administrators from diverse backgrounds. Diversity and inclusion improve the learning environment for all student-athletes and enhance excellence within the Association... The NCAA will provide or enable programming and education, which sustains foundations of a diverse and inclusive culture across dimensions of diversity including, but not limited to ... sex ... gender identity ... gender

expression [and] sexual orientation ... Programming and education also will strive to support equitable laws and practices, increase opportunities for individuals from historically underrepresented groups to participate in intercollegiate athletics at all levels, and enhance hiring practices for all athletics personnel to facilitate more inclusive leadership in intercollegiate athletics.

A sincere commitment to the Association's mission, priorities, and Inclusion Statement and severe limitations of transgender athletes in NCAA athletics are mutually exclusive.

Restricting the participation of transgender women in intercollegiate athletics is in stark opposition to the guidelines established by the International Olympic Committee, which affirm that transgender athletes do not have an inherent advantage in sport and that inclusivity and non-discrimination should be the cornerstone of athletic policies. Severely restricting transgender women from intercollegiate athletics would be a clear violation of these principles.

The IOC policy underscores that eligibility criteria must not be implemented in a manner that systematically excludes athletes based on their gender identity. Any restrictions that are implemented must be based on robust, peer-reviewed research, not assumptions about presumed advantages. The IOC therefore calls on sport organizations to prioritize the principles of equality, dignity, and non-discrimination in the determination of eligibility. As the primary purveyor of intercollegiate athletics, the NCAA must do the same. Prohibiting transgender women from competing in NCAA sport is harmful and a violation of the IOC's Framework; widely considered the gold standard approach to issues of gender diversity in sport on a global scale.

Beyond being a concerted and systematic effort to exclude certain athletes, the widespread adoption of policies like the NAIA's is not an isolated or new strategy of political violence. Similar dehumanizing policies and punitive restrictions were mobilized by scientists, coaches, school boards, public and government officials during the Civil Rights Movement, Women's Liberation Movement, Gay Rights Movement, and Disability Rights Movement, to name a few.

Such policies are not only transphobic in their implementation; they are inextricably rooted in a history of racism, sexism, ableism, and misogyny. Their ongoing impact can be seen through the previous abusive sex testing practices and resulting physical and mental trauma, particularly on athletes in the Global South. These policies are being wielded by institutions and sport governing bodies against and toward racially diverse, gendered, and sexed physical bodies – privileging the misconception and socially constructed idea that the standardized body is white, cisgender, and able-bodied and that all other bodies will be measured against this coercive normalization.

These constructed categories are at the root of the problem, not trans women or gender diverse athletes. As such, this policy perpetuates racist and sexist myths regarding not only the

performance of a human body, but additionally obscures the realities that variations of gendered and sexed bodies participate in sport and have historically existed in all facets of life. While policies of this nature claim to “protect” cis girls and women, these policies ultimately rely upon sexist notions of the “biologically female body” not being as athletic or competitive in sport.

With no mention of transmasculine athletes, these policies create an inherent double standard focused on fearmongering and maintaining the status quo rather than promoting the wellness of all athletes, the rigor of the sport, or fostering an environment for true competition to occur.

Sport policies focused exclusively on sidelining transgender athletes do not create a sense of belonging, rather a sense of fear, isolation, and uncertainty with far and wide implications for trans youth, trans women, and their communities.

We are disconcerted that the NAIA selected the well-paved path of grotesque discrimination, rather than confronting the hierarchical structures of harm that impact both transgender women and cisgender women within sport. While the NAIA suggests they create an inclusive culture which encourages participation, their decision stands in stark contrast.

We call for you to use your power to pave the less traveled road for sport governing bodies to publicly challenge this decision, which upholds the status quo in sport and society, rather than shifting it in a transformative manner that will allow sport to move toward being an institution that truly embodies characteristics of access, diversity, justice, inclusion, and fairness.

The NCAA is positioned to be a leader in addressing the real threats to women’s sports. Research consistently finds unequal treatment of women’s sports in: participation opportunities, funding and resources, access to facilities and infrastructure, and media coverage. Moreover, the lack of oversight of Title IX and accountability for non-compliance makes identifying and addressing these inequities a challenge.

Participation Opportunities: According to the National Federation of State High School Associations most recent participation data (2022-23), over 4.5 million boys participate in high school athletics compared to just over 3.3 million girls (58% vs 42%). This gender gap also exists at the collegiate level where women comprise 44% of all NCAA athletes. This gap is even more considerable when considering the overall proportion of women enrolled in college (59.5% women vs 40.5% men).

With respect to gender diverse athletes, reports show when policies support transgender athletes, cisgender women fare better. Shoshanna Goldberg reported in 2021:

[sport] participation among high school girls remained static from 2011 to 2019 in states with fully transgender-inclusive sports policies, whereas participation among girls in

states with outright bans or trans-exclusive policies [decreased] ... In California, where a statewide ... policy has allowed transgender youth to participate in sports since 2014, high school girls' sports participation [increased] by almost 14 percent [while] participation among boys increased by less than 2 percent (paras. 28 - 30).

Funding and Resources: According to a 2023 *USA Today* investigation of financial data submitted to the NCAA by 107 FBS public schools, only 30% of schools meet Title IX's requirements for equitable distribution of scholarship money. The investigation also found: more than one-third of the \$1.1 billion spent on athletic scholarships in 2020-21 went to football players. This is in part due to the cap on the NCAA's own rules that allow schools to provide full scholarships to 100 football players while limiting scholarships in other sports to 20. This creates funding inequities for women's sports as many field more than 20 athletes.

Access to Facilities and Infrastructure: Over the past few decades, federal and state funding cuts to education have led to the reduction or outright elimination of opportunities to participate in sports. These cuts disproportionately impact girls' sports given they often receive less funding. At the collegiate level, women athletes receive fewer resources for travel, equipment, recruitment, and training.

Media Coverage: Despite what has been a monumental year for women's collegiate basketball – shattering viewership records and TV ratings – research consistently finds the focus of media coverage and content is on men's sports. Most studies on print, online, linear, and social media data find women's sports are ignored by the media and content rarely exceeds 10% of overall coverage. Even an ESPN-funded report with flawed research methodology found only 15% of all media content focused on women's sports.

We urge the Board of Governors to consider how in this current moment, it has “become near impossible to isolate the issue of transgender athlete participation from the broader legislative attack on LGBTQ+ people in the United States” (Barnes, *Fair Play*, p. 260).

The NCAA's own inclusion statement asserts its belief and commitment to diversity, equity, and inclusion, including as it pertains to sex, gender, gender identity, and gender expression, among other identities. The Board of Governors' last update to the transgender participation (in January of 2022), although supposedly aligned with policies of the United States Olympic and Paralympic Committees and the International Olympic Committee, is antithetical to the NCAA's statements on inclusion. Any further restrictions to the NCAA's policy would represent a deviation from these governing bodies and impose further burdens on athletes and institutions. As noted in the 2022 update, 80% of Olympic athletes are current or former NCAA athletes. A more restrictive policy would not align with IOC's policy and may create unintended consequences for Olympic hopefuls.

During a moment when federal policy interpretations of Title IX remain unresolved, and legal contestation of the state laws and policies aimed at restricting the rights of transgender athletes in school-sponsored competition remains on-going, a move to enact policy that formalizes exclusion is rash and unfounded. The courts have blocked the enforcement of exclusionary laws in Idaho (*Hecox v. Little*, August 2020), West Virginia (*B.J.P. v. West Virginia*, July 2021), Utah (*Roe v. Utah HSAA*, August 2022), and Arizona (*Doe v. Horne*, July 2023). Cases are still active in the judicial system and pending further review. In Montana, the college-level ban has been ruled unconstitutional and permanently blocked (*Barrett v. Montana*, September 2022).

Furthermore, 20 states and the District of Columbia have laws protecting against gender identity discrimination at school (Movement Advancement Project, 2024). Restricting the participation of transfeminine women from participation in the women's category of NCAA sport would place member institutions in those states in legal jeopardy, requiring them to discriminate against athletes, a violation of their state laws. Athletes competing for member institutions in these states would have strong legal cases against their universities and the NCAA. Even without a formal federal interpretation of Title IX, trans athletes in many states have formal legal rights.

We are also concerned that any rushed decision by the Board of Governors in regard to the participation of transgender athletes will be made with disregard to typical organizational processes. Most notably, the consultation of the NCAA membership, Association-wide committees, as well as key external stakeholders and internal experts (including the Committee on Competitive Safeguards' [recommendation in December of 2023](#) to extend Phase Two of the Transgender Student-Athlete Participation policy through the 2024-25 academic year).

As the highest-ranking body in the NCAA, the Board of Governors has the authority to implement policies that affect the entire Association – and we call on the Board to use that power responsibly. In the past, the Board has set policies advancing that commitment, such as relocating NCAA championship games in response to a contentious North Carolina law that curbed anti-discrimination protections for lesbian, gay, bisexual, and transgender people in 2016. At a time when the existence and humanity of transgender people are heavily politicized and under attack, the Board must assume a similar leadership position and demonstrate its unwavering commitment to well-being by rejecting any attacks on transgender athletes.

If the Board of Governors were to make decisions in ways that were consistent with the implementation and enactment of previous policies, we hope you would consider the most up to date research and data on transgender athletes, and especially transgender women.

In 2021, E-Alliance and the Canadian Centre for Ethics in Sport conducted a thorough analysis of the latest science regarding transgender women athlete's participation in elite sport. Seven main findings came from the scientific review ([E-Alliance, 2022](#)):

- (1) Biological data are severely limited, and often methodologically flawed;
- (2) There is limited evidence regarding the impact of testosterone suppression (through, for example, gender-affirming hormone therapy or surgical gonad removal) on transgender women athlete's performance;
- (3) Available evidence indicates trans women who have undergone testosterone suppression have no clear biological advantages over cis women in elite sport;
- (4) Biomedical studies are overvalued in sports policies in comparison to social sciences studies;
- (5) Policies that impact trans women's participation in elite sport are the continuation of a long history of exclusion of women from competitive sport - an exclusion that resulted in the introduction of a women's category of sport in the first place;
- (6) Many trans "inclusion" sport policies use arbitrary bounds that are not evidence based;
- (7) Cissexism, transphobia, transmisogyny, and overlapping systems of oppression need to be recognized and addressed for trans women to participate in elite sport.

The detailed scientific review concludes, "there is currently no substantial research evidence of any biological advantages that would impede the fairness of trans women competing in elite women's sport" (E-Alliance, 2022, p. 40). The review further concludes, "in the dearth of positivist evidence (evidence which anticipates one objective truth), research indicates that people tend to not only fall back to socio-cultural, historical, geopolitical systems, but are actively engaged in political practices of non-knowledge and active ignorance within these systems when it comes to the topics of gender, sex, and trans women's participation in elite sport" (E-Alliance, 2022, p. 41). As people deeply concerned for the transgender community, we endorse the E-Alliance and the Canadian Center for Ethics in Sports' research and recommendations on these complex and difficult issues.

Moreover, we endorse the research and recommendations of people focused on the well-being, safety, and opportunity to access sport. We view sport as one form of education. While adjacent to the NCAA, we are also educators and as scholars (most at higher education institutions that are affiliated with the NCAA) have served in our own ways – as FARs, coaches, athletic administrators, consultants to the NCAA, on committees, and advisory groups. Many of us were NCAA athletes ourselves and believe in the power of sport to help young people find themselves and have an enriching educational experience. We cannot remain silent as practices that unfairly target transgender athletes are prioritized within the NCAA under the guise of biomedical or research-based rationales. We call on you, representatives of the entire NCAA membership – including your transgender athletes, to act as educators and champions of the NCAA's values.

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Rev. Keller Hawkins, United Methodist Clergy

Rev. Marie B. Tracy, Authorized Minister, United Church of Christ

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Sara Steinman, Doctoral Candidate, Drexel University

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