

SENATE RESOLUTION #2787

TITLE: ASUW Opposition to Wyoming State Legislature SF#0051:
Fairness in Women's Sports Act

DATE INTRODUCED: February 8, 2022

AUTHOR: Senator Ewalt

SPONSORS: Senators Engel-Cartie, McGee and Rhymes; President Swilling;
Directors of Governmental and Community Affairs Brown and
Director of Diversity and Inclusion Sapien; First-Year Senator
Langford; Queer Community Coalition; Students-At-Large
Bradford, Cannaday, Cassidy, Kalb, Sandvik, and Skorcz



1. WHEREAS, the purpose of the Associated Students of the University of
2. Wyoming (ASUW) is to serve our fellow students in the best manner possible; and,
3. WHEREAS, Wyoming State Legislature SF#0051 the "Fairness in Women's Sports
4. Act" is summarized as "An act relating to school sports; prohibiting biological
5. males from athletic teams and sports designated for females in public schools;
6. establishing related causes of action and protections for individuals and educational
7. institutions; requiring rulemaking; and providing for effective dates." (Addendum A);
8. and,
9. WHEREAS, SF#0051 defines school sports and teams as, "Interscholastic,
10. intercollegiate, intramural or club athletic teams or sports that are sponsored by a public
11. primary or public secondary school, a public institution of higher education or any
12. institution whose students or teams compete against a public school or public institution
13. of higher education." (Addendum A); and,
14. WHEREAS, SF#0051 Section 21-25-103-2 states, "Not later than August 15, 2022, the
15. State Board of Education, the University of Wyoming and the Wyoming Community
16. College Commission shall promulgate rules to implement the provisions of this act."

17. (Addendum A); and,

18. WHEREAS, The American Civil Liberties Union (ACLU) of Wyoming and Wyoming

19. Equality (WE) opposes SF#0051 and their statement is as follows: "... a legislative

20. attack on transgender women and girls that violates both the United States Constitution

21. and Title IX of the Civil Rights Act, which protects all students, including those who are

22. transgender, from discrimination based on sex." (Addendum C); and,

23. WHEREAS, a prominent LGBTQIA+ student organization, Queer Community Coalition

24. (QCC) opposes SF#0051 "We believe that participation in athletics

25. is an opportunity that should be provided to all Wyoming youth regardless of

26. gender identity. Legislation like SF#0051 goes against the very values that

27. Wyoming was founded upon and delegitimizes Wyoming's standing as the

28. Equality State" (Addendum D); and,

29. WHEREAS, the University of Wyoming Campus Climate survey conducted in 2019

30. reported 30 (of 1032) respondents to be transgender and 103 (of 1032) respondents to be

31. genderqueer (Addendum F); and,

32. WHEREAS, when this data is extrapolated across campus, it can be roughly estimated

33. that there are at least 344 transgender or genderqueer students, if not more given

34. individual choices to retain anonymity at the University of Wyoming; and,

35. WHEREAS, survey data of transgender and genderqueer students at the University of

36. Wyoming indicate these students already experience and report gender discrimination;

37. and,

38. WHEREAS, the Campus Climate survey reported that 100% of transgender

39. respondents and 50% of genderqueer respondents view gender discrimination as

40. problematic at the University of Wyoming (Addendum F); and,

41. WHEREAS, the Campus Climate survey also reported 89% of transgender respondents

42. and 47% of genderqueer respondents denote their experiences of being treated in a

43. different manner than their peers due to their gender identity (Addendum E); and,

44. WHEREAS, the Multicultural Affairs LGBTQIA2S+ Student Circle Pre-Semester

45. Evaluation (Spring 2022) reports that only 66% of surveyed LGBTQIA2S+ respondents

46. see the University of Wyoming as “a safe environment for LGBTQIA2S+ students.”

47. (Addendum F); and,

48. WHEREAS, it is evident transgender and genderqueer students at the University of

49. Wyoming already experience discrimination based on their gender identity; and,

50. WHEREAS, the National Collegiate Athletic Association (NCAA) has regulations

51. regarding transgender student athletes in collegiate sports which the University of

52. Wyoming’s Athletic Department is legally required to follow (Addendum G); and,

53. WHEREAS, the University of Wyoming’s Athletic Department's diversity and inclusion

54. statement is as follows “UW does not discriminate against any employee,

55. applicant for employment, student, or applicant for admission on the basis of: gender,

56. sexual orientation, gender identity, or genetic information.” (Addendum H);

57. and,

58. WHEREAS, the University of Wyoming’s Athletic Department’s Transgender Inclusion

59. Policy is as follows, “ dedicated to diversity and inclusion and to providing safe and

60. equitable opportunities for all student-athletes. This best practices statement was created

61. to fairly and effectively address intercollegiate athletic participation by transgender

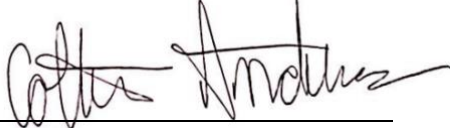
62. student-athletes as well as to provide information and education to all students, parents,

63. coaches, staff, administrators, and community members.” (Addendum H); and,
64. WHEREAS, the University of Wyoming’s Athletic Department’s diversity and
65. inclusion statement shows a commitment to the rights and inclusion of transgender and
66. genderqueer student athletes and,
67. WHEREAS, transgender athlete limitations such as that proposed in SF#0051 not only
68. violates the United States Constitution and Title IX of the Civil Rights Act, but also
69. would “... have devastating impacts on trans student-athletes' safety, well-being, and
70. performance in the classroom and on the field.” (Addendum I); and,
71. WHEREAS, legislation such as SF#0051 only exacerbates “... the many
72. challenges that transgender and nonbinary students face, these bills add further pressures
73. on transgender student-athletes, impacting their academic and athletic performances,
74. their ability and desire to persist in college, and their mental well-being.” (Addendum
75. I); and,
76. WHEREAS, SF#0051 would place undue and unacceptable pressure on transgender and
77. genderqueer student athletes.
78. THEREFORE, be it resolved that SF#0051 would not serve to make sports more fair, but
79. instead only exacerbate discrimination and preconceived notions for all transgender and
80. genderqueer students at the University of Wyoming; and,
81. THEREFORE, be it further resolved SF#0051 fundamentally disagrees with values such
82. as diversity, inclusion, and acceptance which the Associated Students of the University
83. of Wyoming (ASUW) Student Government strives to foster and uphold across the
84. University of Wyoming; and,
85. THEREFORE, be it further resolved SF#0051 would incur irreversible harm to

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86. transgender and genderqueer students at the University of Wyoming; and,
87. THEREFORE, be it further resolved that the ASUW Student Government unequivocally
88. opposes the introduction, passage, and potential implementation of SF#0051, the
89. "Fairness in Women's Sports Act".

Referred to: Advocacy, Diversity, and Policy

Date of Passage: February 15th, 2022 **Signed:** 

(ASUW Chairperson)

"Being enacted on February 15th, 2022 , I do hereby sign my name hereto

and approve this Senate action." 

ASUW President

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Addendum A

2022

STATE OF WYOMING

22LSO-0086

SENATE FILE NO. SF0051

Fairness in women's sports act.

Sponsored by: Senator(s) Schuler, French, Salazar and
Steinmetz and Representative(s) Gray,
Haroldson and Jennings

A BILL

for

1 AN ACT relating to school sports; prohibiting biological
2 males from athletic teams and sports designated for females
3 in public schools; establishing related causes of action
4 and protections for individuals and educational
5 institutions; requiring rulemaking; and providing for
6 effective dates.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 21-25-101 through 21-25-103 are
11 created to read:

12

13

CHAPTER 25

14

FAIRNESS IN WOMEN'S SPORTS ACT

15

1 **21-25-101. Short title.**

2

3 This chapter shall be known and may be cited as the
4 "Fairness in Women's Sports Act."

5

6 **21-25-102. Designation of athletic teams or sports.**

7

8 (a) Interscholastic, intercollegiate, intramural or
9 club athletic teams or sports that are sponsored by a
10 public primary or public secondary school, a public
11 institution of higher education or any school or
12 institution whose students or teams compete against a
13 public school or public institution of higher education
14 must be expressly designated as one (1) of the following
15 based on the biological sex at birth of team members:

16

17 (i) Males, men or boys;

18

19 (ii) Females, women or girls; or

20

21 (iii) Coed or mixed, including both males and
22 females.

23

1 (b) Athletic teams or sports designated for females,
2 women or girls shall not be open to students of the male
3 sex.

4

5 (c) For purposes of this chapter, a statement of a
6 student's biological sex on the student's official birth
7 certificate is considered to have correctly stated the
8 student's biological sex at birth if the statement was
9 filed at or near the time of the student's birth.

10

11 **21-25-103. Cause of action; civil remedies.**

12

13 (a) Any student who is deprived of an athletic
14 opportunity or suffers any direct or indirect harm as a
15 result of a violation of this chapter shall have a private
16 cause of action for injunctive relief, damages and any
17 other relief available under law against the school,
18 institution of higher education or athletic association or
19 organization that violated this act.

20

21 (b) Any student who is subject to retaliation or
22 other adverse action by a school, institution of higher
23 education or athletic association or organization as a

1 result of reporting a violation of this chapter to an
2 employee or representative of the school, institution or
3 athletic association or organization, or to any state or
4 federal agency with oversight of schools or institutions of
5 higher education in this state, shall have a private cause
6 of action for injunctive relief, damages and any other
7 relief available under law against the school, institution
8 or athletic association or organization.

9

10 (c) Any school or institution of higher education
11 that suffers any direct or indirect harm as a result of a
12 violation of this chapter shall have a private cause of
13 action for injunctive relief, damages and any other relief
14 available under law against the governmental entity,
15 licensing or accrediting organization or athletic
16 association or organization.

17

18 (d) All civil actions brought under this section must
19 be initiated within two (2) years after the alleged harm
20 occurred. Persons or organizations who prevail on a claim
21 brought under this section shall be entitled to monetary
22 damages, including for any psychological, emotional or

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STATE OF WYOMING

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1 physical harm suffered, reasonable attorney's fees and
2 costs and any other appropriate relief.

3

4 **Section 2.** Not later than August 15, 2022, the state
5 board of education, the University of Wyoming and the
6 Wyoming community college commission shall promulgate rules
7 to implement the provisions of this act.

8

9 **Section 3.**

10

11 (a) Except as otherwise provided in subsection (b) of
12 this section, this act is effective July 1, 2022.

13

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

18

19 (END)

Addendum B

Fairness in women's sports act.

22LSO-0086, 1.0

FISCAL NOTE

No significant fiscal or personnel impact.

Prepared by: Matthew Willmarth, LSO Phone: 777-7881
(Information provided by Larry Buchholtz, Community College Commission, 777-7068;
Alex Kean, University of Wyoming, 766-9028; Kari Eakins, Department of Education,
777-2871)

SF0051

Addendum C



FEBRUARY 4, 2022

Today, legislators filed Senate File 51, legislation that would ban transgender women and girls from competing on the sports teams that match their gender identity and forbids their participation in high school and collegiate athletic activities.

The discriminatory legislation is a distraction from the real priorities – including finalizing the once-in-a decade redistricting plan and spending American Rescue Plan Act funds from the Federal government – that Wyoming legislators must attack during the fast-paced, four-week budget session that starts on Feb. 14. Far-reaching legislations like this should not be brought forward under these circumstances.

The ACLU of Wyoming and Wyoming Equality opposes Senate File 51, a legislative attack on transgender women and girls that violates both the United States Constitution and Title IX of the Civil Rights Act, which protects all students – including those who are transgender – from discrimination based on sex.

“Title IX protects all students – including students who are transgender – from discrimination based on sex,” said Antonio Serrano, ACLU of Wyoming advocacy director. “Senate File 51 is clearly fueled by a fear and misunderstanding of transgender people in our state. In Wyoming and around the country, transgender people of all ages have been participating in sports consistent with their gender identity for years. Inclusive teams that support all athletes and encourage participation should be the standard for all school sports. Wyoming legislators should not consider this bill this year.”

The bill is intended to inflame a political reaction, not protect fairness in women’s sports.

“Wyoming students learn a lot of important life lessons in sports: leadership, confidence, self-respect, and what it means to be part of a team,” said Sara Burlingame, Wyoming Equality executive director. “Transgender kids, like other students, deserve the same chances to learn teamwork, sportsmanship, leadership and self-discipline, and to build a sense of belonging with their peers. When legislators in Cheyenne tell transgender girls that they can’t play girls’ sports, they miss out on this important childhood experience and all the lessons it teaches. We can do better than this. Local schools have found solutions that works for kids, parents and staff. Let’s continue that thoughtful process rather than traumatizing vulnerable children. The Wyoming

legislature is headed into a brief, 20-day budget session for the express purpose of balancing the state budget. This harmful bill has no place here.”

The ACLU of Wyoming and Wyoming Equality are asking the Senate not to introduce Senate File 51 this year.

About the ACLU of Wyoming

The American Civil Liberties Union of Wyoming is a non-partisan, nonprofit organization dedicated to the preservation and enhancement of civil liberties and civil rights. The ACLU of Wyoming is part of a three-state chapter that also includes North Dakota and South Dakota. The team in Wyoming is supported by staff in those states.

The ACLU believes freedoms of press, speech, assembly, and religion, and the rights to due process, equal protection and privacy, are fundamental to a free people. In addition, the ACLU seeks to advance constitutional protections for groups traditionally denied their rights, including people of color, women, and the LGBTQ communities. The ACLU of Wyoming carries out its work through selective litigation, lobbying at the state and local level, and through public education and awareness of what the Bill of Rights means for the people of Wyoming.

About Wyoming Equality

Wyoming Equality is the state’s only statewide LGBTQ civil rights organization. We strive to achieve equity for all lesbian, gay, bisexual, transgender, two-spirit, and queer Wyomingites by building broad and inclusive communities, shifting the hearts and minds of our neighbors, and achieving policy victories.

Addendum D



Queer Community Coalition proudly supports ASUW Senate Resolution #278X and stands in strong opposition to Senate File 51. Resolution #278X sends a strong message to the Wyoming State Legislature, as well as the general public that the University of Wyoming student body will not stand for cruel and unnecessary limitations on Wyoming's transgender youth. We believe that participation in athletics is an opportunity that should be provided to all Wyoming youth regardless of gender identity. Legislation like SF0051 goes against the very values that Wyoming was founded upon, and delegitimizes Wyoming's standing as the Equality State.

Queer Community Coalition (QCC) deeply feels the impact that anti-trans legislation has on our community. We appreciate ASUW's support and we will continue to fight together for LGBTQIAP2S+ Wyomingites.

.”

Addendum E

University of Wyoming Climate Survey Diversity Campus Climate Survey Summary and Recommendations (Updated: 1/17/2020) *(full final report available at: www.uwyo.edu/diversity/uw-climate)*

Demographics:

Of those 2,882 students responding to the survey, 56% were students, 28% were staff and 16% faculty. In terms of total responses, 94% were at the Laramie campus, 5% distance learning and 1% at the UW Casper campus. The following demographics questions were posed to all respondents.

Q – What is your sex?

Female : 57%

Male : 39%

Preferred not to answer: 3%

Intersex : 1%

Q – What is your gender identity?

Woman: 56%

Man : 38%

Preferred not to answer: 4%

Genderqueer: 1%

Not listed : 1%

Gender Harassments and Discrimination:

While 63% of respondents agree that UW encourages inclusion of individuals regardless of gender, much fewer feel that gender discrimination is not a problem at UW (34%) or within local community (29%). 31% share they have witnessed gender discrimination on campus. Just over half of respondents (51%) agree that UW is a welcoming place for all genders.

These numbers are starker when they are compared along gender lines. The percentages of respondents who feel that gender discrimination is a problem at UW varies among population groups: **transgender (100%), genderqueer (58%),** women (37%), and men (22%). In addition, **100% of transgender respondents, 63% of genderqueer respondents,** 35% of women and 23% of men share they **have witnessed gender discrimination on campus. As for whether UW is a welcoming place for all genders, no transgender respondents, 20% of genderqueer respondents,** 48% of women, and 58% of men agree that it is.

Respondents split on whether students are treated differently depending on their gender (31% agree, 37% disagree) and whether faculty (31% agree, 32% disagree) and staff (29% agree, 35% disagree) are treated differently depending on their gender. Again, the numbers are somewhat higher for women than men, **and much higher for genderqueer and transgender individuals.** Overall, 24% of respondents feel they have been treated differently because of gender, 13% of men, 30% of women, **47% of genderqueer individuals and 89% of transgender individuals.**

ASUW Fall 2021 Student Issues Survey

Conducted from October 1-21, the ASUW Fall 2021 survey received 2,203 student responses across various disciplines, age groups, and communities. The data below is compiled both from the demographics section. This data only reflects gender non-binary or third gender populations, and does not accurately serve as a measure for transgender populations at the University of Wyoming.

Q3 – What gender do you identify as?

Non-Binary/third-gender : 2.20% (48 students)

LGBTQIA2S+ Student Circle (Spring 2022) Pre-Semester Evaluation Scores

Mission of Evaluation Process:

The mission of the pre-evaluation for LGBTQIA2S+ Student Circle came recommended from the Center of Student Involvement & Leadership (CSIL) to find ways to create assessment planning of CSIL programming for inclusivity and engagement of marginalized and underrepresents students. As the Gender and Sexuality Program Advisor, I planned to create evaluations and assessments of LGBTQIA2S+ Student Circle and Q&A (Queer and Ally) training in the Spring 2022 semester. For LGBTQIA2S+ Student Circle, the goal is to compile data and comments from student members throughout the semester to evaluate the program itself and collect information about LGBTQIA2S+ student feedback for the UW community. The pre-semester evaluation is the first of three evaluations for the program in the Spring 2022 semester.

Context:

The LGBTQIA2S+ Student Circle pre-semester evaluation was taken at the first LGBTQIA2S+ Student Circle of the 2022 Spring semester on Thursday January 27th, 2022. The meeting started at 12:15pm in Half Acre Room 117 and had a total attendance of 27 students (not including chairs Amy Kelley and Tyler Wolfgang). The pre-semester evaluation was announced at the latter half of the meeting and was passed around to everyone on physical paper. The pre-semester evaluation was optional to take and anonymous, having students turn it in on their way out in a pile by the door. 20 out of the 27 students took the pre-semester evaluation. The results below reflect what scores and comments they left.

Q4 – Do you feel UW is a safe environment for LGBTQIA2S+ students?

- a. Total Score: 66
- b. Average Score: 3.3 out of 5
- c. Percentage: 66%
- d. Grade: D

Addendum F



Media Center | 1/19/2022 8:41:00 PM

Board of Governors updates transgender participation policy

Policy will take effect immediately, and impacted athletes can regain eligibility later if approved by divisions

The NCAA Board of Governors on Wednesday voted in support of a sport-by-sport approach to transgender participation that preserves opportunity for transgender student-athletes while balancing fairness, inclusion and safety for all who compete. The new policy, effective immediately, aligns transgender student-athlete participation for college sports with recent policy changes from the United States Olympic and Paralympic Committee and International Olympic Committee.

Like the Olympics, the updated NCAA policy calls for transgender participation for each sport to be determined by the policy for the national governing body of that sport, subject to ongoing review and recommendation by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports to the Board of Governors. If there is no NGB policy for a sport, that sport's international federation policy would be followed. If there is no international federation policy, previously established IOC policy criteria would be followed.

The Board of Governors urged the divisions to provide flexibility to allow for additional eligibility if a transgender student-athlete loses eligibility based on the policy change provided they meet the newly adopted standards.

The policy is effective starting with the 2022 winter championships. Transgender student-athletes will need to document sport-specific testosterone levels beginning four weeks before their sport's championship selections. Starting with the 2022-23 academic year, transgender student-athletes will need documented levels at the beginning of their season and a second documentation six months after the first. They will also need documented testosterone levels four weeks before championship selections. Full implementation would begin with the 2023-24 academic year.

"We are steadfast in our support of transgender student-athletes and the fostering of fairness across college sports," said John DeGioia, chair of the board and Georgetown President. "It is important that NCAA member schools, conferences and college athletes compete in an inclusive, fair, safe and respectful environment and can move forward with a clear understanding of the new policy."

"Approximately 80% of U.S. Olympians are either current or former college athletes," said Mark Emmert, NCAA president. "This policy alignment provides consistency and further strengthens the relationship between college sports and the U.S. Olympics."

Additionally, the NCAA's Office of Inclusion and the Sport Science Institute released the Gender Identity and Student-Athlete Participation Summit Final Report. The report assists ongoing

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membership efforts to support inclusion, fairness, and the mental and physical health of transgender and non-binary student-athletes in collegiate sport.

Addendum G



EXCELLENCE AT 7220

Diversity and Inclusion

University of Wyoming Diversity and Inclusion Statement

The University of Wyoming Athletic Department is committed to diversity and inclusion to achieve and sustain excellence. We believe we can promote excellence by recruiting and retaining diverse student-athletes, coaches and staff, and by creating a respectful climate that supports their industry.

UW Athletics adheres to all federal, state, and local civil rights laws and regulations prohibiting discrimination in public institutions of higher education. Pursuant to University Regulations 4-2 (Discrimination and Harassment) and 4-3 (Title IX and Sexual Misconduct), UW does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

Race
Gender
Religion
Color
National Origin
Disability
Age
Protected Veteran Status
Sexual Orientation

Gender Identity
Genetic Information
Creed
Ancestry
Political Belief

* or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, and/or other human/civil rights agencies

Transgender Inclusion Policy

The University of Wyoming Athletics department is dedicated to diversity and inclusion and to providing safe and equitable opportunities for all student-athletes. This best practices statement was created to fairly and effectively address intercollegiate athletic participation by transgender student-athletes as well as to provide information and education to all students, parents, coaches, staff, administrators, and community members.

Addendum H



How Colleges Can Support Trans Athletes

by T.J. Jourian, Ph.D
Published on July 6, 2021

- Transgender women do not have inherent physical advantages over cisgender women.
- Anti-trans sports bills do not protect (cisgender) women; they harm (trans) women.
- Colleges and athletics organizations must act to support trans student-athletes.

The recent explosion of anti-trans bills has cast transgender girls and women as the central political football in the conservative culture wars. In April, the NCAA released a statement saying that it "firmly and unequivocally supports" trans student-athletes but then quickly undermined that claim by selecting three states with anti-trans sports bans to host the 2021 college softball tournament.

These bills have devastating impacts on trans student-athletes' safety, well-being, and performance in the classroom and on the field. It is critical that the NCAA, National Intramural-Recreational Sports Association (NIRSA), college coaches, and athletic directors act to prevent and mitigate this damage.

History of Trans Inclusion in College Sports

Trans student-athletes have long participated in college sports, but only within the last decade have some of these athletes disclosed their trans status while on college teams.

In 2011, the NCAA published a handbook guiding college athletics programs on its trans inclusion policy and "how to ensure transgender student-athletes fair, respectful, and legal access to collegiate sports teams." In 2015, NIRSA did the same. Dozens of colleges and two conferences have trans inclusion policies for varsity, intramural, and club sports. Dozens of colleges and two conferences have trans inclusion policies for varsity, intramural, and club sports.

Across these policies and guidances, little is said about nonbinary student-athletes. Policies that include nonbinary athletes only allow them to participate based on their assigned sex. That is, nonbinary athletes assigned male can only participate on men's teams, and nonbinary athletes assigned female can only participate on women's teams.

While showing awareness of nonbinary athletes is a first step, these inflexible policies devalue and dismiss students' nonbinary identities and reaffirm the gender binary by equating sex (male, female, intersex) with gender (man, woman, nonbinary, etc.).

Do Trans Athletes Have an Advantage?

Anti-trans sports bills regurgitate myths about trans girls' and women's "advantage" over cisgender girls and women, perpetuating the transmisogynistic "man in a dress" trope that endangers trans girls and women. This trope, along with many others in the media, has detrimentally shaped the cultural narrative on trans people, as exemplified in a 2019 South Park episode.

The advantage argument has no basis in any reported issues arising from trans inclusion in sports and is scientifically unsound, as demonstrated by Joanna Harper's research on trans women athletes. Physical advantages are always a part of sports — see Michael Phelps' torso and feet or Brittney Griner's wingspan, height, and hand size. These bills further isolate trans people from public life and do not protect cisgender women. In fact, they reinforce sexist assumptions about cisgender women being weak.

The Actual Challenges

Trans student-athletes themselves face several challenges in their pursuits to play. They are almost always the only trans person on the team and have to rely on their teammates' and coaches' willingness and advocacy to ensure their safety and continued participation. This often means trans athletes have to do additional work to educate others.

Trans student-athletes contend with misgendering, and trans women in particular are subject to constant harassment and vitriolic heckling. This abuse may come from the opposing team and its supporters, their own team's supporters and other students on campus, the general public, the media, and even their own teammates. Nonbinary student-athletes are unacknowledged in trans inclusion policies that still rely on a gender binary.

Enactment of anti-trans sports bills decreases trans athletes' ability to compete in K-12, be seen by college recruiters, and earn athletic scholarships. Additionally, a factor that could reduce trans students' desire to pursue athletics in K-12 would be the introduction (or, in some cases, reintroduction) of the policing of children's sex through invasive and humiliating "sex verification" practices, written into some of the bills as requirements.

In addition to the many challenges that trans and nonbinary students face, these bills add further pressures on trans student-athletes, impacting their academic and athletic performances, their ability and desire to persist in college, and their mental well-being. Ironically, participation in sports is linked to improved mental health and self-esteem in youth and young adults, making these bills particularly nefarious.

Future Possibilities for Trans Athletes in College Sports

With unequivocal and actionable support from the NCAA, coaches, athletic directors, and the athletics community at large, trans athletes can be celebrated for their successes and welcomed into college sports. Some practices that can make this possible include the following:

- Using inclusive language (e.g., dropping "lady" from team names).
- Disconnecting participation from hormone therapy requirements (e.g., this 2018 policy enacted by Canada's college sports governing body).
- Including nonbinary students through explicit policy inclusion and facility restructuring.
- Educating members of the campus athletics community about trans athletes' supposed "unfair advantages."
- Partnering across campus to dismantle transphobia (student-athletes are not only athletes).
- Pressuring other institutions and conferences to ensure adoption of appropriate facilities and practices.
- Informing journalists and sports commentators of student-athletes' correct pronouns, particularly for student-athletes using gender-neutral pronouns.
- Collaborating with school districts and local LGBTQ+/trans activists to resist the adoption of anti-trans sports bills and revoke existing policies.
- Hosting conference and championship competitions only in states and on campuses that make trans students' participation possible.

Sports often play an important social role and can help shift U.S. culture toward gender-expansive and affirming ways of thinking. This makes the NCAA and college sports critical harbingers in advancing (or impeding) equity and inclusion for trans athletes and nonathletes. Trans people are already leading the charge. The sports world just needs to follow.

Addendum I



Two organizations in Wyoming, the ACLU of Wyoming and Wyoming Equality, have spoken out against a recent bill filed in the Wyoming state Senate.

The bill, SF 51, is legislation that would require that people compete in sports in high school or college to use their gender assigned at birth as opposed to one they might currently identify as.

Bills with the same or similar name, the Fairness in women's sports act, have passed in several states like Arkansas, Florida, Alabama, Texas, Montana, and Tennessee, while several other states like Alaska, Arizona, Georgia, Idaho, Indiana, Iowa, Hawaii, Oklahoma, Kansas, and Minnesota have either introduced or are in the process of passing some form of the same bill.

Based on a report by the Williams Institute, in 2016 there were 1,300 adults in Wyoming who identified as transgender.

According to a press release by the ACLU of Wyoming and Wyoming Equality, the legislation is an attack on trans women and girls and violates the U.S. Constitution and Title IX of the Civil Rights Act.

Wendy Schuler, Wyoming state Senator, and sponsor of the bill said she proposed it to give women a fair playing field, which is why the bill doesn't include a provision stopping trans men from competing.

"I look at it like how would I feel if my own daughters or my own granddaughter couldn't compete because there were some transgender gals that had made the transition and were taking spots away from them," Schuler said. "Because I think that will eventually happen if we don't nip it in the bud. So even though it's not a huge problem right now, it could be and I think it may be if we don't do something...I feel like if we can protect just one girl, to be able to have the competition she deserves, and the playing time, and maybe even the chance at a scholarship."

Ron Laird, the commissioner for the Wyoming High School Activities Association, who Schuler spoke with, said they've heard from a few schools about trans students participating in sports, but have more heard from less competitive activities like band and drama. Schuler said she has not spoken to any trans students about this issue but hopes to at some point in the future.

"I've talked to some educators, and I've also talked to a couple of athletic directors. I have not talked to a trans student," Schuler said. "I will admit when I retired I had not dealt with a transgendered student yet. So I probably should get that perspective, and I probably will if I can get a hold of some of those folks who have gone through the transition and get a feel for maybe what they think. I'm not a mean person, most people know me. As a teacher, I've always just tried to do the best job I could for the kids that I deal with. I don't want to see this as a negative bill, I just mainly want to protect women and girls."

Schuler said she's open to changes to the bill, such as having a testosterone requirement, but as it stands right now she is fine with where the bill is at.

"Someone asked me if I'd be open to seeing a tweak or to amend the bill, and I'm always open to listen to suggestions," Schuler said. "I know there's research out there, it does matter if they've gone through puberty and if they've taken the suppression of hormones versus if they haven't gone through puberty yet. I think there's some other doors maybe we could take a look at. But for now, I'm to leave it as it is and see what the legislators...Someone said well gosh, you're really discriminating against the transgenders, and I'm like going I don't see it that way, maybe the courts will."

Wyoming state representative Chuck Gray said in an email:

"This important bill protects women's sports by stopping the radical Left's agenda. The bill preserves fair competition and an even-playing field."

Because it is a budget session, Schuler said she's not sure how likely the bill is to pass, but that she has seen interest among many Republicans in the Wyoming legislature to pass this type of bill.

Antonio Serrano, ACLU of Wyoming advocacy director, said:

"Title IX protects all students – including students who are transgender – from discrimination based on sex," said Serrano. "Senate File 51 is clearly fueled by a fear and misunderstanding of transgender people in our state. In Wyoming and around the country, transgender people of all ages have been participating in sports consistent with their gender identity for years. Inclusive teams that support all athletes and encourage participation should be the standard for all school sports. Wyoming legislators should not consider this bill this year."

Sara Burlingame, Wyoming Equality executive director, said:

"Wyoming students learn a lot of important life lessons in sports leadership, confidence, self-respect, and what it means to be part of a team," said Burlingame. "Transgender kids, like other students, deserve the same chances to learn teamwork, sportsmanship, leadership, and self-discipline, and to build a sense of belonging with their peers. When legislators in Cheyenne tell transgender girls that they can't play girls' sports, they miss out on this important childhood experience and all the lessons it teaches. We can do better than this. Local schools have found solutions that work for kids, parents, and staff. Let's continue that thoughtful process rather than traumatizing vulnerable children. The Wyoming legislature is headed into a brief, 20-day budget session for the express purpose of balancing the state budget. This harmful bill has no place here."