**Response Paper: Trans-Female Athletes and Fair Competition**

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**The Issue of Trans Women in College Sports**

The topic of trans individuals competing in college athletics, especially trans-women, is a hot topic and one that can be very divisive if not navigated carefully. Because the topic is sensitive and can cause tension, many of those in authority are afraid to make any definitive and clear decisions for fear of facing repercussions from those of opposing viewpoints.

Before 2022, the NCAA allowed transgender women to compete in college sports so long as they had 12 months of testosterone repression. However, as controversies began to arise, they amended their protocol to allow for a “sport by sport approach” whereby specific policies would be determined by the sport's national governing body (*Windy City Times*, 2002). In essence, rather than make a decision, in a very hands-off approach, the NCAA virtually took a step back from their previous position by delegating the decision elsewhere, absolving themselves of responsibility in the matter.

Because there are not clear and defined regulations in the area of trans-women competing in college, much outrage has been present on both sides of the argument. College volleyball has been making headlines as several teams have forfeited against San Jose State due to the inclusion of a trans-female athlete (Yurcaba, 2024). It has been questioned whether the inclusion of trans athletes in college serves to violate Title IX, which is designed to protect against discrimination based on sex for all federally funded institutions (Harry et. al, 2022).

Due to the intensity of this controversy and its visible impact in college sports (with forfeits and tension in the sport of volleyball) it is imperative for change to take place in how we define and regulate trans-women participation in college sports. The need for change calls for an uncomfortable but unavoidable move from the NCAA, making a formal decision. Rather than pass the ball, so to speak, to governing bodies, they should not allow trans-women to compete in female college sports regardless of the sport type.

**Supporting Evidence & Literature**

**Unfair Advantages, Unequal Opportunities, and Winnings Based on Forfeits**

According to teammates of the trans gender volleyball player from San Jose Sate, “the teammate was stronger than other members of the team and that volleyball hits from the teammate caused more bruising and pain than hits from other players” (Yurcaba, 2024). Due to the heavy argument of having this trans-student compete there is now a lawsuit against the Mountain West Conference alleging that the inclusion of this trans-athlete is in violation of title IX. The lawsuit includes one athlete and the associate head coach for San Jose’ State, ten other athletes, and Utah State University (Dorsey, 2024). The goal of the lawsuit is to adjust the rankings from the forfeits and to ban the trans-athlete from competing in tournament with Mountain West which is scheduled for the end of November 2024.

Due to the five forfeits from other schools, San Jose University is ranked in fourth seed at the Mountain West Conference and if they win the championship will progress to compete in the NCAA tournament (Dorsey, 2024). Governors in Idaho and Utah publicly sided with the forfeiting teams and expressed discontent over the violation of title IX by allowing the trans-athlete to compete (Yurcaba, 2024). Essentially, in an attempt to be inclusive, college volleyball is honoring and awarding this team based on forfeits rather than athletic merit. This is exposing a huge problem in college sports that will likely progress. In addition to unfair stats and rankings, the inclusion of trans athletes is simultaneously harmful to female athletes and violates Title IX as female student athletes are missing opportunities to be represented on college teams and are at risk of being on the receiving end of injuries sustained by formerly male contestants.

**Details of Title IX**

In order to determine if allowing trans-athletes to compete is in fact a violation of Title IX, it is important to examine the details of the title and original intent for its implementation. Title IX was passed in 1972 due to the increase in women in the educational venue. The title states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance” (Harry et. al, 2022). Title IX violations can include discrimination, sexual harassment, and requires federally funded institutions to provide equal opportunities and resources both to male and female athletics departments.

Although the original nature of Title IX was designed to protect women against all forms of sex discrimination, as they were the minority (especially in athletics), the verbiage from 1972 is very general and has caused much debate in recent years. Democratic officials like Obama and Biden have inferred that Title IX serves to protect against discrimination including sex orientation (as well as biological sex), whereas Republican officials have negated that orientation has any relevance to Title IX (Harry et. al, 2022).

The change in current culture certainly prompts the need for additional protection for minority students and athletes with different sexual identities/orientations, but this was not the original inclusion and intention of Title IX. By attempting to protect trans-female athletes, institutions are actually endangering and infringing upon equal opportunities for female athletes. An article by Sarah Parshall Perry says it best, “For this, we have third-wave feminists to thank, those who have sacrificed women’s equality on the altar of equity for trans-identified males” and “These same feminists have fed us the narrative that divisions over transgender athletic participation are based not on the fulsome evidence of the athletic advantages of transgender-identified males, but rather on “our deeply-held and rather largely unexamined assumptions about biology and gender” (Perry, 2024).

**Biological Differences in Trans Athletes & Documented Cases of Sport Injuries**

An article by Brett Byers-Lane states “The science is clear: athletes who were born male but who identify as women and seek participation in women’s events have significant competitive advantages. Additionally, a thorough ethical examination finds that while inclusion is an important objective, safety and fairness should be higher priorities when it comes to sport” (Byers-Lane, 2021). The article goes on to explain that the conceptualization of sex and identity, though important, is not sufficient in creating categories of physical competition in sports. They contend against arguments for testosterone suppression by stating that this does not effectively eliminate athletic advantages which begin at puberty (Byers-Lane, 2021). They also allege that clear and defined regulations are important and accepting trans-athletes on the basis of testosterone on a “case by case basis” will prove to be too subjective and ultimately result in discrimination.

The differences between trans-female athletes and female athletes are great and the inclusion of trans-female athletes has resulted in not only inaccurate stats and unfair standings, as in the case of San Jose Sate, but also serious injuries among female athletes. A female hockey athlete lost several teeth in a match against a trans athlete in 2023 (Perry, 2024). Payton McNabb, a North Carolina volleyball player, sustained incredible injury as she fell unconscious after a trans player spiked the ball at her head in 2022. An excerpt by Sarah Parshall Perry states that “A trans-identified six-foot-tall male player with facial hair playing for the KIPP Academy girls’ basketball team, injured multiple players and eventually forced the Collegiate Charter School to forfeit. In now widely circulated video, he is seen wrestling the ball away from one of the girls, causing her to hit the ground where she clutches her back in pain” (Perry, 2024). The detailed accounts of athletes experiencing injury at the hands of trans-female athletes is lengthy and according to Perry, often under-reported due to political tension. Perry states that there are also many documented cases of injury overseas in sports like hockey, mixed martial arts (MMA), rugby, and soccer.

**Plan to Protect Both Female Athletes and Trans-Female Athletes**

It is clear that change is vital in women’s college sports to protect student female athlete’s competition opportunities, health and well-being, and to prevent unfair winnings due to disagreement amongst competing college teams. This can be achieved while simultaneously protecting and providing a safe and non-discriminatory solution for transgender athletes to also compete. The strategy for this change will improve college sports and alleviate tension from both sides of the trans competitor debate. Arguably, the benefits of this strategy will allow for peace between the warring viewpoints and could be a step for a middle ground to be found in other divisive facets of America, if a similar outlook is pursued.

The change in question starts with the NCAA. As mentioned previously, it is vital that they take an actual stand and allow women’s college sports to include women only. By creating clear and defined boundaries with all sports there will be less debate on who does and does not qualify etc and this will eliminate confusion, tenson, and dispute. In addition, the NCAA will need to re-define and potentially create new categories of competition that includes trans-gender athletes. There are two different routes and approaches that they could take.

Firstly, the NCAA could re-define the categories as either 1) an “open” category, such as was proposed in the article by Brett Byers-Lane, where any sexual orientation could compete (men, women, trans-men, trans-women) and a 2) a female category (Byers, 2021). Secondly, if having the two categories is not deemed sufficient or desirable there could be four categories 1) men, 2) women, 3) trans-men, and 4) trans-women. Athletes who are born male and female would exclusively be allowed to compete in the male/female categories regardless of their sexual orientation (straight, bisexual, gay). Those who have transitioned at any point and wish to compete in the category that they feel reflects their gender identity (which differs from their biological sex) would compete in the trans-men and trans-women categories.

Some, including the executive director of Equality California have argued that trans-athletes need protection from discrimination, “Let’s be clear — this isn’t actually about sports; it is part of a coordinated nationwide attack on the LGBTQ+ community led by extremist right-wing politicians,” Hoang said in a statement Thursday” (Yurcaba, 2024). It should not be considered discriminatory or exclusive to acknowledge the physical difference that each of these types of athletes possess. Merits, awards, and opportunities should be given to athletes of all biological and gender identity groupings fairly. Title IX may need revision that includes descriptive language in a culture that makes distinctions of sex based on identification rather than biology. As our culture evolves so must the laws that serve to protect the people. Title IX can articulate and uphold principles that allow for equal opportunities, fair competition, and zero tolerance for discrimination based on sex and sexual orientation in a way that does not compromise any one group.

 **Final Goal & Impact on the American Society**

As time passes and cultures evolve, there are always going to be hot topics and different viewpoints for how to best approach a situation. Though it is important for Americans to be inclusive and non-discriminatory, it is also important to not jeopardize the safety and fairness of one group based on the objective of inclusivity for another. It is very clear that a real problem persists in college athletics due to the inability of those in charge to make definite decisions for fear of backlash. Leaving the responsibility to individual sports to determine “fairness” on a topic that is not only sensitive, but presents with real complications to fair play, equal opportunity for athletes, and safety/injury prevention, is incredibly negligent.

The NCAA is fully capable of protecting the rights of both women and trans-women in athletics by 1) eliminating trans-female competitors in the female athlete category and 2) by creating either an “open” category for all competitors or specific categories for trans-athletes. In addition, the proposition to allow for clearer and up-to-date culturally relevant verbiage with Title IX, (which would serve to protect and promote fairness amongst all biological sexes and sexual orientations) would help to protect all college athletes. If both of these objectives are achieved, maybe the divisive nature of this topic will fade away.

**Conclusions of the Article**

Imagine a world of college sports where young aspiring female athletes are fairly competing against one another without fear of physical injury, without losing opportunities to play on the college team of their dreams, and without being outplayed by athletes identifying as female who possess greater natural physical attributes. Also, imagine a world where trans-athletes can obtain equal chance of making the team of their dreams, receive scholarships and equal access to training/guidance on college campuses, and receive due recognition for their accomplishments. Both of these scenarios are achievable and should not be considered mutually exclusive. It is very possible to provide protection and inclusion to both. However, it is dangerous to avoid these difficult decisions and/or to leave the decision to the discretion of the sport. Uniformity and unanimous decisions pave the way for clarity and control. By making the difficult decision to create safe categories for trans-athletes to compete, protect existing female college sports, and amending the definition of Title IX to support ALL biological and identified sexes, perhaps this divisive, heated, topic can finally be laid to rest in American college sports.

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