

BOARD OF REGENTS

BRIEFING PAPER

Developments Regarding Transgender Female Student-Athlete Participation in Collegiate Athletics April 24, 2025

BACKGROUND & POLICY CONTEXT OF ISSUE:

This information only item comes before you at the request of Regents Brager, Brooks, and Goodman. NSHE staff will present information regarding developments with respect to transgender female student-athlete participation in collegiate athletics. Information will include background on the NCAA Participation Policy for Transgender Student-Athletes (February 6, 2025), similar policies governing athletics in Nevada and nationwide, recent events, and regulatory guidance as well as an update on the current legal landscape and implications related to the topic.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

At the request of Regents Brager, Brooks, and Goodman, NSHE staff will present information regarding developments with respect to transgender female student-athlete participation in athletics. Information will include background on relevant policies and the current legal landscape.

IMPETUS (WHY NOW?):

Pursuant to Board *Bylaws*, Article V, Section 7, three regents have requested this item be placed on the agenda.

CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- ☐ Access (Increase access to higher education)
- ☐ Success (Improve student success)
- ☐ Close Institutional Performance Gaps
- ☐ Workforce (Meet workforce needs in Nevada)
- ☐ Research (Increase solutions-focused research)
- ☒ Coordination, Accountability, and Transparency (Ensure system coordination, accountability, and transparency)
- ☐ Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

Compliance with Board *Bylaws*, Article V, Section 7.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

This item will provide information to the Board and provide clarity with respect to current policies and legal considerations related to participation in collegiate athletics.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

N/A. There is no request; this is not an action item.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

Do not allow a presentation of information.

RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

No recommendation. Pursuant to Board *Bylaws*, Article V, Section 7, three regents have requested this item be placed on the agenda.

COMPLIANCE WITH BOARD POLICY:

- ☐ Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- ☐ Amends Current Board Policy:
- ☐ Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- ☐ Other: _____
- ☐ Fiscal Impact: Yes _____ No _____
Explain: _____

Participation Policy for Transgender Student-Athletes

Participation Policy for Transgender Student-Athletes

EFFECTIVE IMMEDIATELY AS OF FEBRUARY 6, 2025

Application

The policy outlined below applies to all practice and competition in NCAA sports in which the NCAA conducts championships separated by gender. This includes all NCAA competition (regular season, conference championships, post-season, scrimmages and exhibitions).

As with all other NCAA eligibility criteria, member schools remain responsible for certifying student-athlete eligibility for practice and competition. The application of this policy may not be waived.

Additionally, schools are subject to local, state and federal legislation and such legislation supersedes the rules of the NCAA.

Definitions

- a. NCAA Men's Team: A varsity intercollegiate sports team that meets the qualifications to be considered for NCAA men's championships.
- b. NCAA Women's Team: A varsity intercollegiate sports team that meets the qualifications to be considered for NCAA women's championships.
- c. Mixed Team: A varsity intercollegiate team on which at least one individual of each sex assigned at birth competes. Per NCAA legislation, mixed teams are only eligible for NCAA men's championships.
- d. Sex Assigned at Birth: The male or female designation doctors assign to infants at birth, which is marked on their birth records.
- e. Gender Identity: An individual's own internal sense of their gender (e.g., man, woman, nonbinary).
- f. Transgender: An individual whose gender identity or gender expression is different from their sex assigned at birth.

Policy

1. **NCAA Men's Team.** Regardless of sex assigned at birth or gender identity, a student-athlete may participate (practice and compete) with a men's team, assuming they meet all other NCAA eligibility requirements.
 - o Medical Exception Process. Please note, student-athletes taking a banned substance (e.g., testosterone) must complete the medical exception process.
2. **NCAA Women's Team.**
 - a. Student-athlete assigned male at birth.
 - i. Competition. A student-athlete assigned male at birth may not compete on a women's team.
 - ii. Practice. A student-athlete assigned male at birth may practice on the team consistent with their gender identity and receive all other benefits applicable to student-athletes who are otherwise eligible for practice.
 - b. Student-athlete assigned female at birth.
 - i. Competition. A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone) may not compete on a women's team. If such competition occurs, the team is subject to NCAA mixed-team legislation, and the team will no longer be eligible for NCAA women's championships.
 - ii. Practice. A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone) may continue practicing with a women's team and receive all other benefits applicable to student-athletes who are otherwise eligible for practice.

