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Women's Forum

Independent Women's
LAW CENTER

COMPETITION

Title IX, Male-Bodied Athletes, and
the Threat to Women's Sports





Independent Women's Forum ("IWF") is a nonprofit, non-partisan 501(C)(3) organization founded by women to foster education and debate about legal, social, and economic issues. IWF is dedicated to developing and advancing policies that aren't just well-intended, but actually enhance people's freedom, opportunities and well-being.



Independent Women's Law Center ("IWLC"), a project of IWF, advocates—in the courts, before administrative agencies, in Congress, and in the media—for equal opportunity, individual liberty, and respect for the American constitutional order.



COMPETITION

Title IX, Male-Bodied Athletes, and the Threat to Women's Sports

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“[T]here will always be significant numbers of boys and men who would beat the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science.”

MARTINA NAVRATILOVA

Winner of 18 Grand Slam Tennis Singles Titles



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“(I)f sex classifications are abandoned...female athletes would almost always lose to males.... This is as true of athletes at the highest echelons like Serena Williams and Katie Ledecky as it is of the development athletes in high school, college, and beyond who aspire to take their place.”

PROF. DORIANE LAMBELET COLEMAN
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EXECUTIVE SUMMARY

It is undisputed that the average male is bigger, faster, and stronger than the average female. Accordingly, when it comes to athletics, single-sex competitions have long been the norm.

Increasingly, however, males and transgender women (who were born male) are seeking to participate in women's sports. In the name of "inclusion," females are being asked to step aside to make room for these athletes. This isn't fair. And it undermines Title IX, the landmark legislation passed by Congress to increase opportunities for women and girls.

To help athletic associations, policy-makers, and courts understand the growing threat to female athletes, Independent Women's Forum and Independent Women's Law Center have prepared this report. In it, we summarize American law regarding sex discrimination and athletics, analyze the evidence regarding physiological sex differences and the male-female athletic gap, and review testimony from just a few of the many females who have competed with or against male-bodied athletes.


The evidence is clear: In almost every sport, allowing natal males to compete on women's teams or in women's events will put female athletes at a significant competitive disadvantage. In some cases, it will deny female athletes the opportunity to compete at all. Female athletes have fought too long and too hard for equal athletic opportunity to let that happen.



PHOTO BY KATHERINE FREY/THE WASHINGTON POST VIA GETTY IMAGES



PHOTO BY DANIEL POCKETT/AFL MEDIA VIA GETTY IMAGES

A photograph of two female athletes on a track. The athlete on the left is wearing a blue Nike t-shirt and blue shorts, looking towards the right. The athlete on the right is wearing a black sports bra and black shorts, looking down. In the background, there are blue tents with the word 'SEAR' visible. The text is overlaid in the center of the image.

***“I would have won my first-
ever high school track
meet if it weren’t for this
[male-bodied] athlete...It
was very disappointing.”***

MARGARET ONEAL
Hawaii



*Placed 2nd behind a transgender competitor who previously
competed in high school sports as a male.*

INTRODUCTION

In February 2020, high school student **Margaret Oneal** of Maui, Hawaii, lost a 400-meter women's track race to a transgender/male-bodied athlete.* It was the first and only race of Oneal's freshman year at St. Anthony School in a track season cut short by the COVID-19 pandemic.

Just a year and a half earlier, Oneal's mother, Team USA Masters track athlete **Cynthia Monteleone**, also competed against a male-bodied athlete at the 2018 World Masters Athletics Championships in Málaga, Spain. Monteleone beat Yanelle Del Mar Zape by a hair in the 200-meter race. But Zape beat Monteleone's teammate Rachel Guest at the April 2019 World Championship indoor meet in Toruń, Poland.¹

This mother-daughter story is just one illustration of the tension caused by the growing participation of transgender athletes in women's sports. But it is not only transgender athletes who are challenging eligibility requirements for women's sports. Across the U.S., high school boys increasingly are seeking spots on women's field hockey and volleyball teams where the schools offer no corresponding men's team.

While the total number of natal males seeking to compete in women's sports is relatively small, the harm they cause is not insignificant. In **head-to-head competitions**, allowing even one or two male-bodied athletes to compete in the women's division can severely limit the chances of success for female athletes. On **teams with limited roster spots**, allowing even one natal male to participate inevitably takes a spot and playing time (and, possibly, a scholarship) from a female athlete. And in many sports, allowing male-bodied athletes to compete with and against females will increase the risk of injury to female athletes. As the number of natal males seeking to compete in women's sports grows, the risks to female athletes also grow. Claims to the contrary deny science, defy logic, and undermine Title IX.

*A word about terminology: Throughout this report, we use the term "**male-bodied athlete**" or "**natal male**" to clarify the birth sex of a person who is not female but who is competing (or seeking to compete) on a women's team. More generally, we use the terms "**male**" and "**female**" to refer to the two main biological categories into which humans and most other living things are divided based on physical and physiological features including chromosomes, gene expression, hormone levels and function, and reproductive/sexual anatomy. We use the term "**sex**" to refer to the condition of being either male or female as observed at birth. (Sex differs from "**gender**", which is related to identity, expression, and social expectations/norms.) We use the term "**gender identity**" to describe the way in which a person understands and expresses himself or herself as male, female, or something else. And we use the term "**transgender**" to refer to people whose gender identity does not align with their observed sex at birth.

A full-page photograph of Sharron Davies, a British Olympic Silver Medalist, standing in a swimming pool. She is wearing a dark blue one-piece swimsuit with an Adidas logo on the left chest and a British Olympic emblem on the right. She has her hair pulled back and is smiling at the camera. The background shows the pool and some blurred lights.

***“Those with a male sex
advantage should not
be able to compete in
women’s sport.”***

SHARRON DAVIES
British Olympic Silver Medalist

