



Title IX, 20 U.S.C. § 1681(a)

*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.*

The Federal Athletic Regulation, 34 C.F.R. § 106.41

- ▶ Schools “may operate or sponsor **separate teams for members of each sex** where selection for such teams is based upon competitive skill.”
- ▶ For non-contact sports, the regulations allow schools to offer sex-specific athletic teams, so long as the sport is offered to both sexes.
- ▶ For contact sports, schools may offer a single-sex team without offering a team for the opposite sex, so long as they provide “equal athletic opportunit[ies] for members of both sexes.”

In other words, educational institutions may operate single-sex sports, but they must provide equal athletic opportunities for both females and males.

OCR CeCe Telfer Finding

Office for Civil Rights investigated a Title IX complaint against *Franklin Pierce University* (FPU) after trans-identifying athlete CeCe Telfer won the NCAA Division II national championship in the women’s 400-meter hurdles. In its notification letter to complainant, OCR expressed its concern that FPU’s Policy, which closely followed NCAA recommendations, “**denie[d] female student-athletes equal athletic benefits and opportunities** by permitting transgender athletes to participate in women’s intercollegiate athletic teams.” [The Resolution Agreement](#) entered by OCR to rescind the Policy, cease any and all practices related thereto, and comply with **34 C.F.R. § 106.41** with respect to its intercollegiate athletics program.

State Law

In 2020, Idaho’s Fairness in Women Sports Act, sponsored by Idaho State Rep. and former NCAA basketball coach Barbara Ehardt, became the first state law to male athletes from participating in sports designated for women and girls. Today, at least **21 states** have laws that **prohibit males from competing in women’s college sports**. (See chart by conference).

Members of the NCAA Power 4 Conferences Required by State Law to Keep Biological Males Out of Women's Sports

SEC – 2025
15 out of 16

Alabama

Arkansas

Auburn

Florida

Georgia

Kentucky

LSU

Ole Miss

Mississippi State

Missouri

Oklahoma

South Carolina

Tennessee

Texas

Texas A&M

Vanderbilt

BIG 12 – 2025
15 out of 16

Arizona

Arizona State

Baylor

BYU

Cincinnati

Central Florida

Colorado

Houston

Iowa State

Kansas

Kansas State

Oklahoma State

TCU

Texas Tech

West Virginia

Utah

ACC – 2025
10 out of 18

Boston

UC Berkeley

Clemson

Duke

Florida State

Georgia Tech

Louisville

Miami

North Carolina

NC State

Notre Dame

Wake Forest

Pitt

Southern Methodist

Stanford

Syracuse

Virginia

Virginia Tech

BIG 10 – 2025
4 out of 14

Illinois

Indiana

Iowa

Maryland

Michigan

Michigan State

Minnesota

Nebraska

Northwestern

Ohio State

Oregon

Penn State

Purdue

Rutgers

Ucla

USC

Washington

Wisconsin