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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

WARREN GUNNELS, MAJORITY STAFF DIRECTOR
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www.help.senate.gov

March 20, 2024

VIA ELECTRONIC TRANSMISSION

Charlie Baker
President
National Collegiate Athletic Association
109 S Warren St, Suite 600
Syracuse, NY 13202

Dear Governor Baker:

Recently, a growing number of athletes who identify as transgender have requested and been allowed to join all-female athletic teams at National Collegiate Athletic Association (NCAA) member institutions. Staff for the U.S. Senate Committee on Health, Education, Labor, and Pensions (HELP) interviewed some of the female athletes directly affected by these decisions. These athletes have raised legitimate fairness concerns, as well as concerns about the ineffectiveness of current federal protections for women's sports. When questioned, colleges and universities frequently explain their decision to allow transgender athletes to compete in the women's category not by pointing to federal law, but to NCAA requirements. Since HELP has jurisdiction over Title IX, the Committee requires additional background information relating to current NCAA policies, as well as information regarding the ways that the NCAA formulates, communicates, and enforces its policies concerning transgender athlete participation.¹

It is unclear what guidance or policy recommendations the NCAA is providing to colleges and universities regarding their obligations under NCAA policy. It is also unclear whether it has ever threatened enforcement actions relating to its participation policies for athletes who identify as transgender. Since the NCAA exerts significant influence over colleges and universities that receive federal funding and are subject to Title IX, Congress must have a full accounting regarding the ways that NCAA policies in this area are made and enforced. Accordingly, please respond to the following questions, on a question-by-question basis, no later than April 4, 2024.

1. Please provide a list of all NCAA offices and officials who communicate with colleges and universities regarding their obligations and responsibilities under the NCAA's participation policy for student-athletes who identify as transgender.

¹ HELP has jurisdiction over measures involving education, including Title IX.

2. Please provide all written and electronic communications by NCAA officials concerning NCAA's participation policy for student-athletes who identify as transgender from January 1, 2019 to the present for the following institutions:
 - a. University of Pennsylvania;
 - b. Roanoke College;
 - c. Rochester Institute of Technology; and,
 - d. Ramapo College.
3. Please describe all current NCAA guidelines, requirements, and plans relating to locker room use by athletes who identify as transgender and female athletes at member institutions and at NCAA-sponsored events. Please also produce copies of these guidelines, requirements, and plans.
4. What steps has the NCAA taken to ensure that female athletes wishing to have privacy have reasonable and appropriate accommodations at NCAA-sponsored events?
5. If a college or university were to refuse to adhere to the NCAA's participation policy for student-athletes who identify as transgender on the basis that doing so would require it to violate either state or federal law, what process would the NCAA follow when evaluating the institution's claim, and would the institution be subject to any NCAA enforcement proceedings?
6. Has the NCAA ever threatened or initiated punitive actions against a college or university for violating any of its participation policy for student-athletes who identify as transgender? If yes, please provide a list of all relevant cases and a brief description of the circumstances for each.
7. Please provide a detailed description of the process that the NCAA followed when developing its 2010 participation policy for student-athletes who identify as transgender, including the scientists, medical doctors, and other stakeholders who were consulted and the basis for allowing men who identify as women to compete on all-female teams after a year of hormone suppression therapy. Please provide all related records.
8. Please provide a detailed description of the process that the NCAA followed when developing its current phased, sport-by-sport approach, including a description of the scientists, medical doctors, and other stakeholders who were consulted. Please provide all related records, including but not limited to records documenting the initial basis for changing the rule and all related records from the Committee on Competitive Safeguards and Medical Aspects of Sports and the NCAA's Office of Inclusion.
9. Please provide a detailed description of NCAA testosterone and hormonal treatment monitoring policies that have been in effect for athletes who identify as transgender since 2010. Please explain the scientific basis for these policies and reasons for any modifications that have been made.

10. For every year beginning in 2010, please provide, on an annual basis, the number of requests that the NCAA has received involving men wishing to participate on all-female sports teams.

11. Please provide all communications between the NCAA and the U.S. Department of Education from January 20, 2021 to the present.

Thank you for your prompt attention to this important matter.

Sincerely,



Bill Cassidy
Ranking Member
Senate Committee on Health, Education,
Labor and Pensions



Tommy Tuberville
Member
Senate Committee on Health, Education,
Labor and Pensions