



What's at Stake

In 1972, Congress passed Title IX to expand opportunities for women and girls in education. Since then, America has witnessed an explosion of women's high school and college sports. The recent U.S. Supreme Court ruling, *Bostock v. Clayton County*, threatens that progress, and puts women's sports in jeopardy.

If applied to Title IX, *Bostock* could require (not just allow) schools to let male athletes play on female teams and against female athletes. For team sports, the result will be fewer roster spots for women and girls. And, in head-to-head competitions, the result will be fewer titles and championships for female athletes.

In the realm of athletics, biological sex differences matter. Women have fought long and hard for equal athletic opportunities. Ignoring the physiological differences between male-bodied athletes and female-bodied athletes will inevitably erode some of those gains.

Title IX, *Bostock*, and Women's Sports

Title IX prohibits schools that receive federal money from discriminating “on the basis of sex.” The statute applies to all aspects of education, including athletics. Title IX's regulations allow schools to operate “**separate teams** for members of each sex.” Given the competitive advantage that male athletes generally have over female athletes, these regulations play an important role in expanding athletic opportunities for women and girls.

***Bostock* may undo federal regulations and decades of precedent.** In *Bostock v. Clayton County*, the Supreme Court held that an employment policy that takes biological sex into consideration is discriminatory—even if it treats members of both sexes equally. If applied to Title IX, a school that denies a male athlete or a transgender athlete the opportunity to play on a women's team discriminates “because of sex” since the decision would have been different *but-for* the biological sex of the athlete.

Addressing Misperceptions

MISPERCEPTIONS	FACTS
<p>Allowing male-bodied athletes to participate in women's sports won't disadvantage women and girls.</p>	<p>The average male is stronger, bigger, and faster than the average female. Without separate teams, males will dominate most competitive sports. Allowing males to compete against females will limit women's chances of success, take spots (and potential scholarships) away from women, and place women at risk of injury.</p>
<p>Preventing transathletes from competing in women's sports is discriminatory.</p>	<p>Transathletes say they simply want a chance to play. But competitive sports, as opposed to intramural sports, are not supposed to be inclusive. Varsity teams are selective; colleges recruit athletes to fill their rosters. Athletes who were born male but identify as female maintain physical advantages—often even after transitioning. Allowing male-bodied athletes to play women's sports will disadvantage female athletes. This isn't fair.</p>