

A Game Changer: Unboxing School Sports EO on Transgender Female Athletes

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Takeaways

- The “Keeping Men Out of Women’s Sports” executive order establishes the Administration’s position that Title IX requires federally funded educational institutions to limit women’s and girls’ sports to participants who were biologically female at birth, regardless of gender identity.
- The executive order directs federal agencies to prioritize enforcement actions against funding recipients that permit individuals to participate in athletics and use locker rooms based on gender identity rather than biological sex.
- Institutions should carefully review their policies and practices with respect to eligibility for athletic programs and locker room usage based on sex, gender, gender expression, and gender identity.

Related links

- [Keeping Men Out of Women’s Sports\(EO\)](#)
- [Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government \(EO\)](#)
- [New Presidential EO Says Federal Government Recognizes ‘Two Sexes’ Only](#)
- [What Higher Ed Needs to Know About the Trump Administration’s EO on Gender Ideology](#)
- [What Schools Need to Know After Court Vacates Title IX Regulations Nationally](#)

Article

On Feb. 5, 2025, the White House published executive order (EO) [Keeping Men Out of Women’s Sports](#),” aiming to “protect opportunities for women and girls to compete in safe and fair sports [.]”

The EO establishes a federal policy “to rescind all federal funds from educational programs that deprive[s] women and girls of fair athletic opportunities” and “to oppose male competitive participation in women’s sports”

The EO relies on the definitions of men and women in its [“Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government”](#) EO as being two “biologically distinct sexes.”

The EO reasons that allowing individuals to participate on women’s teams and use women’s locker rooms based on their gender identity, rather than their biological sex, deprives biological women of athletic opportunities and privacy rights in violation of Title IX of the Education Amendments of 1972.

Finally, the EO directs the secretary of education not to enforce the Title IX regulations



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promulgated by the Biden Administration in April 2024. A [district court](#) already had vacated those regulations.

EO's Stated Objectives

The EO outlines two objectives:

1. Preserve women's sports in education

First, the EO directs federal agencies to initiate enforcement actions under Title IX against education institutions and their athletic associations “that deny female students an equal opportunity to participate in sports ... by requiring them ... to compete with or against or to appear unclothed before males.”

Second, the EO seeks to put forth federal regulations and policy guidance “by clearly specifying and clarifying that women’s sports are reserved for women” and resolving pending litigation related to women’s sports.

Finally, the EO further directs federal agencies to evaluate and rescind federal grants to educational programs not in compliance with related policies.

2. Preserve fairness and safety in women's sports

The EO directs “representatives of major athletic organizations and governing bodies” to promote policies in the best interests of female athletes and consistent with Title IX. The EO tasks state officials with identifying and enforcing equal opportunities in women’s sports and to educate on “stories of women and girls who have been harmed by male participation in women’s sports.”

The EO directs federal agencies to:

- (a) Rescind support for sports programs where the “female sports category is based on identity and not sex”
- (b) “[P]rotect sex-based female sports category” both domestically and internationally by ensuring eligibility for participation in women’s sporting events “is determined according to sex and not gender identity or testosterone reduction”
- (c) Review and prohibit policies permitting admission to the United States for individuals who identify as female but are biologically male for the purposes of participating in women’s sports

Next Steps for Educational Institutions

Educational institutions and their athletic programs must reconcile their compliance obligations as an employer under Title VII of the Civil Rights Act, as a federally funded education institutions subject to Title IX, and more broadly under any applicable state and local laws that treat gender identity and expression as a protected class.

In light of the EO and in anticipation of further agency guidance, educational institutions should review their policies or practices regarding:

- Pronoun identification and usage
- Eligibility of transgender athletes
- Gender- and sex-specific athletic housing, locker room, and restroom access

- Internal auditing for gender equity on male vs. female athletic teams
- Representations to third parties regarding gender identity and sex for conference eligibility, private funding, grants, and other athletic support programs

Schools should also recognize that the EO may lead to individuals questioning the biological sex of athletes. This may affect not only transgender athletes but also biological females who do not conform to stereotypical gender norms. It is important to educate and prepare coaches and administrators to address such behavior and ensure that no student is subjected to harassment.

Education institutions that accept federal funding should anticipate an increase in complaints about gender identity-related policies and practices in athletics and a related increase in agency investigation and enforcement actions.

This is a developing situation, and we are continuing to analyze and understand the implications for academic institutions. Jackson Lewis' attorneys are available to answer your questions and provide guidance.

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