

## **Transgender Athletes and Title IX Compliance**

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### **ABSTRACT**

This opinion piece examines the complex issue of transgender athletes in college sports, focusing on recent federal policy changes and their implication for Title IX compliance. The article highlights the tension between inclusive policies and concerns about competitive fairness, while noting the lack of data on transgender athlete participation. Anecdotal estimates suggest that the number of transgender athletes in college sports is incredibly small, suggesting that the issue may receive disproportionate attention compared to more widespread challenges in college sports. The article argues that while the debate over transgender participation is significant, it should not overshadow persistent issues such as widespread noncompliance with Title IX standards for women's athletics. The article calls for a balanced approach that addresses systemic inequities affecting a larger number of student athletes.

**Keywords:** Title IX, policy, intercollegiate athletics, NCAA, women, equity, transgender athletes

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On Inauguration Day, President Donald Trump signed an executive order, establishing a policy recognizing two sexes, male and female, for interpreting federal law and administrative policy (Migdon, 2025). This order marks a major shift from the Biden administration's position in federal policy, and holds significant implications for higher education, especially regarding Title IX.

Title IX (1972), enacted as part of the Education Amendments of 1972, prohibits sex-based discrimination in any educational program or activity receiving federal funding. The interpretation and application of Title IX have evolved over time and were expanded by executive order under the Biden administration to include protections for gender identity (Exec. Order No. 13988, 2021). The latest policy reversal has far-reaching implications on the immediate future of higher education

and will likely significantly alter the criteria for student participation in intercollegiate athletics.

### **TRANSGENDER ATHLETES IN WOMEN'S SPORTS**

The participation of transwomen in women's sports was a contentious campaign issue in the 2024 election (Alonso, 2024; Associated Press, 2024; Russo, 2025). Proponents of inclusive policies argue for equal rights and opportunities (National Women's Law Center, 2023), while critics raise concerns about competitive fairness and the potential loss of opportunities for cisgender women at the high school and college level, including the loss of college scholarships (Houchin, 2024; Weisman, 2022). Critics point to studies that transwomen who have gone through male puberty retain certain physical advantages, such as bone density and muscle mass (Alvares et al., 2022; Heather, 2022), but supporters point to other studies that suggest these advantages may be negated for transwomen who undergo hormone therapy (Burns, 2024; Hamilton et al., 2024). A Gallup poll found that most Americans believe athletes should compete according to their biological sex (Jones, 2023).

### **CHALLENGES IN STUDYING TRANSGENDER ATHLETE POPULATION**

As someone who studies Title IX compliance, I've been asked several times about my opinion on this issue. The question that I am most interested in answering is whether women's participation numbers were significantly inflated because of transwomen participation in sports. Women are underrepresented in college athletics and most institutions are noncompliant with the substantial proportionality standard of Title IX (Creps, 2024; Yanus & O'Connor, 2016). This shortcoming is in addition to policies that allow institutions to inflate the number of women in sports by double counting women who play multiple sports and counting male practice players for women's teams as female athletes (Eisenberg, 2022; U.S. Department of Education, 2023).

As I set out to learn more about the number of trans athletes competing in college sports, I was hampered by a lack of data. The Equity in Athletics Disclose Act (EADA) survey, which must be completed annually by all co-educational postsecondary institutions that sponsor intercollegiate sports and receive federal funds, does not collect specific data on transgender athletes. Its policy is for athletes to be counted in accordance with their gender identity (U.S. Department of Education, 2023).

While there is no official count of trans athletes in college sports, anecdotal estimates suggest that the number is relatively small. NCAA President Charlie Baker estimated that fewer than 10 out of approximately 510,000 NCAA athletes identified as transgender, representing less than 0.002% of the total athlete population (Russo, 2025). Other estimates range as high as 40 athletes in college sports and as many as 100 in high schools nationwide (Skinner, 2023; Wolfe et al., 2024). Thus, to answer my question, it seems unlikely that women participation numbers in college sports are inflated by transwomen participation.

However, these estimate, if accurate, underscore the complexity of addressing transgender athlete participation in college sports. The small number of transgender athletes precludes the feasibility of creating separate divisions or leagues as some critics have suggested. Yet, notable success of transwomen, like Lia Thomas, a swimmer from the University of Pennsylvania, whose ranking in the 200-meter freestyle improved from 554th in the men's division to fifth in the women's division after transitioning (Lohn, 2022), offers support for those who claim that the inclusion of transwomen in women's sports is unfair for ciswomen.

### FINAL THOUGHTS

It appears Congress is advancing legislation to require athletes to participate in sports based on their biological sex (Karni, 2025). While this debate is significant, it's important to maintain perspective. The number of transgender athletes is remarkably small, suggesting the issue may receive disproportionate attention. Meanwhile, more pervasive challenges persist, such as widespread noncompliance with Title IX standards for women's athletics. These systemic inequities affect far more student-athletes and deserve national attention and legislative action.

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