The Legal Landscape:

, 479 F. Supp. 3d 930 (D. Idaho 2020) (initial PI ruling). , 2022 WL 3907182 (Utah Dist. Ct. Aug. 19, 2022). , No. DV-21-581B, at 5-7 (Mont. Dist. Ct. Sept. 14, 2022). , No. 1:22-cv-01075-JMSDLP, 2022 WL 2951430 (SD. Ind. July 26, 2022), , No. 22-2332 (7th Cir. Jan. 19, 2023).

, No. 2:21-CV-00316, 2023 WL 111875 (SD.W. Va.

Jan. 5, 2023) (initial Pl ruling).

, 57 F.4th 43 (2d Qr. 2022) (review

review pending).

The proposed regulation would be in the Title IX regulations at section 106.41(b)(2):

If a recipient adopts or applies sex-related criteria that would limit or deny a student's eligibility to participate on a male or female team consistent with their gender identity, such criteria must, for each sport, level of competition, and grade or education level:



NCAA Policy referenced but not officially endorsed in the unofficial proposed regulations.

Jan 2022: the NCAA Board of Governors updated the transgender student-athlete participation policy to incorporate sport-by-



Transgender Men:

The policy updates do not change eligibility requirements for a transgender man to compete during the 2022-23 and 2023-24 academic years.

If gender affirming medical care for any student-athlete involves the use of NCAA banned substances (e.g., test osterone), a school would be required to submit a medical exception request on behalf of the student-athlete. More information may be found at NCAA medical exception procedures.

Transgender Women:

- 1. NCAA Transgender Student-Athlete Eligibility Review Form; and
- 2. Evidence of Serum Testosterone Level. Laboratory results demonstrating a one-time total serum testosterone level that is within the allowable levels for the sport in which the student-athlete plans to compete. Additionally, submi.





