



Solidarity with USF's Transgender Athletes
Resolution 22-23-21

Whereas: the Associated Students of the University of San Francisco (ASUSF) Senate has a long and proud history of progressive activism and support for fellow students in times of national crisis, including police brutality¹, Central American caravans², transgender protection (Appendix I)³, Deferred Action for Childhood Arrivals⁴, Cal Grants⁵, Islamophobia⁶; and

Whereas: the transgender community is entitled to equal treatment in the eyes of the law and their rights shall be equal and self-evident; and

Whereas: on April 20, 2023, the United States House of Representatives passed HR734 *Protection of Women and Girls in Sports Act of 2023* that prohibits transgender women and girls from participating in athletic programs designated for women (Appendix II)⁷; and

Whereas: on February 16, 2023, California State Assemblyman Bill Essayli (Assembly District #63) and Jamie Gallagher (Assembly District #3) introduced California Assembly Bill 1314 *Gender Identity: Parental Notification* that forces teachers to communicate a student's gender identity to their parents (Appendix III)⁸; and

Whereas: the Department of Education is proposing an addendum to Title IX regulations that limits infringements on students' right to athletic participation in accordance with their gender identity, which is expected to be challenged in federal courts (Appendix IV)⁹; and

Whereas: in the 2023 legislative session, there are 469 anti-LGBTQ bills proposed in the United States across 46 states, including California, amidst a nationwide push by extreme conservatives to restrict transgender rights and make our country less inclusive⁹; and

¹ [ASUSF Resolution 18-19-09 In Solidarity with Black Community Members of USF & UC Berkeley](#)

² [ASUSF Resolution 18-19-07 Statement on Central American Caravans](#)

³ [ASUSF Resolution 18-19-03 Statement on Transgender Protection](#)

⁴ [ASUSF Resolution 17-18-02 Letter in Support of DACA](#)

⁵ [ASUSF Resolution 16-17-19 Support for Repealing the 11.3% Cut in Cal Grants](#)

⁶ [ASUSF Resolution 16-17-15 Islamophobia Resistance](#)

⁷ [United States House of Representatives Bill 734 Protection of Women and Girls in Sports Act of 2023](#)

⁸ [California Assembly Bill 1314 Gender Identity: Parental Notification](#)

⁹ [Fact Sheet on the Department of Education's Proposed Changes to Title IX Regulations section 106.41\(b\)\(2\)](#)

⁹ [American Civil Liberties Union \(ACLU\), Anti-LGBTQ Rights Tracker](#)



Whereas: at its January 19, 2022 meeting, the National Collegiate Athletic Association (NCAA) realigned its policy with the US Olympic and Paralympic Committee and the International Olympic Committee by adopting a sport-by-sport approach regarding the inclusion of transgender athletes (Appendix V)¹⁰, which brings up more questions than answers and sows confusion amongst athletes¹¹; therefore, be it

Resolved by the Associated Students of the University of San Francisco Senate in its role as the sole representative body of all the undergraduate students of the University of San Francisco, that the following be enacted:

Resolved: The ASUSF Senate fully supports our transgender students and their full participation in USF's official athletic sports and athletic events in accordance with their gender identity, including collegiate athletic teams overseen by the Athletics Department and urges all to continue supporting and listening to transgender advocates working against these bills throughout the nation; furthermore, be it

Resolved: The ASUSF Senate fully supports our transgender students and their full participation in USF's club sports and intramural sports overseen by the Department of Recreational Sports (Koret Health and Recreation Center), and urges all to continue supporting and listening to transgender advocates working against these bills throughout the nation; furthermore, be it

Resolved: The ASUSF Senate strongly denounces United States House of Representatives Bill HR734 and California State Assembly Bill 1314; furthermore, be it

Resolved: The ASUSF Senate urges the USF administration to make a clear and public statement condemning these bills and supporting transgender athletes and advocates in USF, California, and throughout the nation; furthermore, be it

Resolved: The ASUSF Senate calls to action the USF community and our broader Jesuit communities to decry anti-transgender policies in the United States and use their voices to advocate against it.

¹⁰ [National Collegiate Athletic Association, Transgender Student-Athlete Participation Policy](#)

¹¹ [Joint Statement by Athlete Ally and Chris Mosier in Response to NCAA](#)



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Presented to the Senate on:

April 26, 2023

Passed by the Senate on:

May 3, 2023

Signed by:

Ethan Lee-Bellows,
ASUSF President



Appendix I: Resolution 18-19-03 from the ASUSF Archives

18-19-03: *ASUSF STATEMENT ON TRANSGENDER PROTECTION*

Submitted: October 23, 2018

Submitted by: Sage Hapke, ASUSF President

On behalf of the Associated Students of the University of San Francisco, I would like to first begin by recognizing the political climate we currently find ourselves in, and the fear that many marginalized groups may be feeling at this very moment. In the wake of the disappointing Kavanaugh court rulings as well as nationwide efforts to protect sex and gender-based discrimination, I want to underline that now is the time to protect one another. Our ASUSF Senate leaders as well as the many culturally-focused student organizations are actively working on making our campus more equitable and inclusive within a larger system that upholds certain values of our greater society. As ASUSF President, I refuse to ignore the blatant hateful rhetoric and stigma that Trump is putting on members of our community. At a university where roughly one-fourth (22.5%) of the USF community identifies as part of the LGBTQ+ community, it is of the utmost importance to me to recognize the direct threats being placed by the federal government and support some of the most marginalized members of our diverse community.

Appendix II: Congressional Research Service Bill Summary of H.R.734 (2023)

Passed House (04/20/2023)

Protection of Women and Girls in Sports Act of 2023

This bill generally prohibits school athletic programs from allowing individuals whose biological sex at birth was male to participate in programs that are for women or girls.

Specifically, the bill provides that it is a violation of Title IX of the Education Amendments of 1972 for federally funded education programs or activities to operate, sponsor, or facilitate athletic programs or activities that allow individuals of the male sex to participate in programs or activities that are designated for women or girls. (Title IX prohibits discrimination on the basis of sex in federally funded education programs or activities, including in public elementary and secondary schools and in colleges and universities.) Under the bill, **sex** is based on an individual's reproductive biology and genetics at birth.

The bill does not prohibit male individuals from training or practicing with programs or activities for women or girls as long as such training or practice does not deprive any female of corresponding opportunities or benefits.

The Government Accountability Office must report on the benefits for women or girls in single-sex sports that would be lost as a result of male participation. In particular, the report must document the negative psychological, developmental, participatory, and sociological effects of male participation on girls.



Appendix III: Excerpt of the Legislative Digest of California Assembly Bill 1314 (2023)

This bill would, notwithstanding the consent provisions described above, provide that a parent or guardian has the right to be notified in writing within 3 days from the date any teacher, counselor, or employee of the school becomes aware that a pupil is identifying at school as a gender that does not align with the child's sex on their birth certificate, other official records, or sex assigned at birth, using sex-segregated school programs and activities, including athletic teams and competitions, or using facilities that do not align with the child's sex on their birth certificate, other official records, or sex assigned at birth. The bill would state legislative intent related to these provisions. By imposing additional duties on public school officials, the bill would impose a state-mandated local program.

Appendix IV: Department of Education Proposed Title IX Regulations

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:

- (i) be substantially related to the achievement of an important educational objective, and
- (ii) minimize harms to students whose opportunity to participate on a male or female team consistent with their gender identity would be limited or denied.

Appendix V: Excerpt of NCAA Press Release on its Updated Transgender Policy

Like the Olympics, the updated NCAA policy calls for transgender participation for each sport to be determined by the policy for the national governing body of that sport, subject to ongoing review and recommendation by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports to the Board of Governors. If there is no NGB policy for a sport, that sport's international federation policy would be followed. If there is no international federation policy, previously established IOC policy criteria would be followed.