



TRANSGENDER STUDENT-ATHLETE ATHLETIC PARTICIPATION POLICY

Administrative Division	Athletics
Policy Title	Transgender Student-Athlete Athletic Participation Policy
Administrative Office	Athletics Department
Effective Date of Policy	February 23, 2024

Purpose

Kansas Wesleyan recognizes that the issues and needs of transgender and cisgender students is an evolving issue at the state and national level and in the broader field of competitive sports. As such, our policies will have to evolve with federal and state laws and with the policies of the organizations with which we are associated.

KWU prohibits discrimination on the basis of gender identity and gender expression. Regardless of our commitment to open access for all students to participate in any school-sponsored event, we must maintain compliance with state laws and NAIA policies. While KWU is a private institution, the university does compete in intercollegiate athletics against state institutions. Therefore, to be in compliance, KWU must restrict the eligibility of transgender students to compete for the university. This is a restriction to not place undue harm on the opportunities available to KWU’s other student-athletes, and we believe it forced by the limitations of HB 2238.

Should the Title IX changes currently being discussed in early 2024 become law, KWU will revisit this policy when viable. It is reasonable to expect that state and federal laws may be in contradiction and legal decisions may be necessary to understand which one carries.

Kansas state law, primarily facilitated by [House Bill 2238](#) (passed in 2023), means the following:

- 1) Individuals who are male at birth may not play on a female team against a state institution.
- 2) Any institution who has a male-to-female transgender athlete on an athletic roster may not play a state institution in any sport, regardless of whether the athlete in question is on that particular roster.

As an example, if a transgender female student is on the tennis team, and our football team plays against a state institution, then KWU would be in violation because there is a transgender student on any of our rosters. The exception to this law is for co-ed teams, which at KWU, currently are Esports, Cheer, and Dance.

The above law is in conflict with NAIA policy, which can be found on page 177 [at this link](#).

To navigate this conflict, KWU’s policy for competition (intercollegiate) is as follows:

Policy

- 1) Male-to-female transgender student-athletes may not participate in intercollegiate athletics, with the exception of co-ed programs.
- 2) Female-to-male transgender student-athletes who are taking medically prescribed testosterone related to gender transition may not participate on a women's team after beginning hormone treatment.
- 3) A female-to-male transgender student-athlete who is taking medically prescribed testosterone may compete on a men's team. However, should the student-athlete be selected for drug testing at a national championship and test positive for a banned hormone substance, the student-athlete is required to submit a medical exemption request to the NAIA National Drug Testing and Education Committee.*
- 4) Any transgender student-athlete who is not taking hormone treatment related to gender transition may participate in sex-separated sports activities or mixed team competition strictly in accordance with their assigned birth gender.*

**=Bullet points two and three are policies are taken from the NAIA's 2023-24 handbook.*

#=At this time, KWU does not compete in intramural-style competition against other institutions (otherwise known as "extramurals"), nor does it sponsor club sports. Both would be subject to similar restrictions. Should KWU's sponsorship of these opportunities change in the future, amendments will be made to the language of this policy to reflect that fact.