

Trump Executive Order 14201 and the NCAA's Revised Participation Policy for Transgender Student-Athletes

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On February 5, 2025, President Trump signed Executive Order 14201 entitled "Keeping Men Out of Women's Sports" (the "**Order**"), banning transgender athletes from participating in girls' or women's sports, asserting that it is "the policy of the United States to oppose male competitive participation in women's sports."

The Order instructs the federal government to enforce the administration's interpretation of "biological sex" across athletics competitions from K-12 sports and collegiate athletics to the Olympic Games, causing many institutions and governing bodies to review, and potentially revise, their policies on transgender athletes and their participation in women's sports, or risk forfeiting their federal funding.

Overview

On January 20, 2025, the Trump Administration issued Executive Order 14168 entitled "Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government," in which the White House defined "Sex" as "an individual's immutable biological classification as either male or female. 'Sex' is not a synonym for and does not include the concept of 'gender identity.'"

The Order applies this definition, among others provided in Executive Order 14168, to further the Trump Administration's policy of redefining sex-based legal protections under Title IX, emphasizing biological sex (i.e., the sex assigned at birth) as the deciding factor for athletic eligibility.

The Order's directive prevents transgender female athletes from participating in female sports organized by educational programs. The Order threatens "to rescind all [federal] funds from education programs" that permit transgender female athletes to participate in female sports, and asserts that allowing otherwise (i.e., allowing "men to compete in women's sports") is "demeaning, unfair, and dangerous" for female athletes.

Furthermore, the Order directs the Secretary of Education to "prioritize Title IX enforcement actions" against schools that permit transgender female athletes to participate on female teams or to access female locker rooms. The Order does not contain any restriction on transgender males' participation in male sports.

Additionally, within 60 days of the Order (April 6, 2025) the White House will convene two meetings:

1. Gather representatives of major athletic associations and governing bodies, as well as female athletes "harmed" by inclusive gender participation policies, to "promote policies" consistent with the Administration's interpretation of Title IX.
2. Convene State Attorneys General to identify best practices in "defining and enforcing equal opportunities for women to participate in sports."

Impact on Educational Institutions

The NCAA has over 530,000 student-athletes, fewer than 10 of whom identify as transgender as of December 2024 according to NCAA President Charlie Baker. In January, Baker called for greater legal clarity on the issue from regulators. The Order provided the clarity needed, as the NCAA Board of Governors voted to amend its transgender participation policy the day after the Order was issued.

As amended, the NCAA's [Participation Policy for Transgender Student-Athletes](#), effective as of February 6, 2025 (the "**NCAA Policy**"), applies to all student-athletes regardless of previous eligibility reviews or policies, and includes the following:

- Eligibility for NCAA women's sports is now **strictly limited to athletes assigned female at birth**.
 - The NCAA placed no restrictions on transgender men participating in men's sports (other than requiring athletes taking a banned substance, such as testosterone, to complete the medical exception process).
- Any athlete taking testosterone for gender transition may **only practice** with the team and is prohibited from competing in official NCAA-sanctioned events.
 - A **student-athlete assigned female at birth** who has begun hormone therapy may not **compete** on a women's team, or they risk losing eligibility for NCAA women's championships. These student-athletes may continue **practicing** with the team.
 - A **student-athlete assigned male at birth** may practice on an NCAA women's team and receive all other benefits applicable to student-athletes.
- If a team allows an ineligible athlete to compete, the entire team will be disqualified from NCAA championships.
- Individual schools have the autonomy to determine athletics participation on their campuses.
- Sports with mixed men's and women's NCAA championships are exempt from this policy (e.g., rifle).
- NCAA Schools remain subject to local, state, and federal legislation and such laws supersede the rules of the NCAA.

Recommendations and Next Steps

The Order and the NCAA Policy have an immediate effect on schools, conferences, and other governing bodies that participate in K-12 and intercollegiate athletics. Effectively, any transgender women who are current collegiate student-athletes are no longer permitted to compete on a women's team. At the intercollegiate athletics level, this policy applies to all student-athletes across all three NCAA divisions.

While the Order will likely face backlash and legal challenges, colleges, universities, and conferences can avoid losing NCAA championship eligibility and federal funding by engaging legal counsel to ensure their existing sports participation policies comply with the Order and the NCAA Policy. Likewise, institutions and conferences will need to review current state laws that might contradict the Order and the NCAA Policy.

In addition to compliance with the Order and the NCAA Policy, higher education institutions should consider:

- Prioritizing mental health support services for impacted student-athletes whose eligibility may have changed or been affected.
- Monitor legal challenges and potential injunctions or blocks on the enforcement of the Order.

A copy of the Order can be found [here](#), and the NCAA Policy is available [here](#).

The Seigfreid Bingham team will continue to monitor the latest developments and legal requirements in

this area of the law. If you have any questions concerning the President's Executive Order or the NCAA Policy and their potential effects on your operations or compliance, please do not hesitate to contact the authors or any of Seigfreid Bingham's Sports & Entertainment practice group attorneys.

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