



## Access to Female Athletes' Locker Rooms Should Be Restricted to Female Athletes

Girls' and women's locker rooms have been designed exclusively for people who have female<sup>1</sup> bodies, and for good reasons. Those reasons include biological differences between women and men; women's right to privacy; and protection from male violence against women in such forms as sexual harassment, assault, and rape. These reasons remain valid. Therefore, access to female athletes' locker rooms should be restricted to female athletes.

The goal of including those with transgender identities must not be accomplished at the expense of female athletes' rights to safety, privacy, and dignity.

This position statement is respectfully based on the fact that people who were born with male bodies, but believe themselves to be women, are not biologically female. Males have a right to identify as women, present as women, and ask others to refer to them as women. Males can modify their bodies via puberty blockers, estrogen, and "gender-affirming" surgeries. Still, transwomen cannot transform themselves into females.<sup>2</sup>

Therefore, a male's gender identity should be irrelevant when it comes to separate women's spaces. The only relevant factor must be biological sex. The inclusion of males who want to shower, change clothes, and use the toilet in girls' and women's athletic

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<sup>1</sup> In this position statement, the terms *female*, *male*, *girls*, and *women* refer to biological sex rather than gender identity. This is consistent with the [National Institutes of Health, Office of Research on Women's Health](https://orwh.od.nih.gov/sex-gender), and their overview for the differences between sex and gender. <https://orwh.od.nih.gov/sex-gender>.

<sup>2</sup> Sex differences are anatomical and physiological differences that are determined by or related to biological sex. Compared to males, females have less muscle mass, less bone mass, more body fat, smaller hearts, smaller lungs, smaller skeletons, smaller hands and feet, lower resting blood pressure, and higher resting heart rate. All these differences can be relevant in sports. Males and females also have distinct genetic and chromosomal, gonadal, endocrinological, and phenotypic (external secondary) characteristics. These distinctions have implications not only for reproduction and sport, but also for immunology and cardiovascular health. As the [Institute of Medicine](#) explains in [Exploring the Biological Contributions to Human Health](#), "basic biochemical differences" exist between males and females even "at the cellular and molecular levels."

spaces would have an extremely negative impact on girls and women in these spaces. The definition of women – the sorts of people who are eligible to use these separate women’s spaces – should remain based on common sense, longstanding tradition, and biological reality, not belief or identity.

Equitable accommodations should be made for athletes with male bodies who identify as women or girls and choose not to join the men in their locker rooms.

### **Rationale:**

- 1) Separating women and men in locker rooms is a nearly universal phenomenon, a custom that female athletes have come to expect and rely upon.
- 2) Women’s locker rooms are designed to provide female athletes with a separate, safe, private place to shower, change clothes, and use the toilet.
- 3) Even co-ed sports teams that train together (swimming and track, for example) separate by sex when it comes to locker room facilities.
- 4) Males do not now, and never have had, a right to enter all-female spaces.
- 5) Specifically, sex-segregated changing spaces provide girls and women with privacy and protection from:
  - undressing and showering in front of males;
  - revealing such intimate details as when they are menstruating;
  - displaying vulnerable rituals such as when swimmers help each other squeeze into tight, competitive swimsuits;
  - seeing naked male bodies; and
  - hearing male commentary about their bodies.
- 6) Women’s locker rooms thus provide female athletes with a rare respite from having to be on the lookout for lewd or criminal conduct and from calculating the potential threat of male violence including criminal voyeurism, flashing, and assault.<sup>3</sup>
- 7) Women are vulnerable when undressing. Because women know that men are far more likely than women to commit sexual assault, the presence of males can feel

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<sup>3</sup> Every state has its own laws for voyeurism, indecent exposure, and assault, but most jurisdictions consider them to be very serious crimes. For example, Section 810.14 of the Florida Statutes, a person commits voyeurism when they secretly observe another for their own amusement, entertainment, sexual arousal, gratification, or for the purpose of degrading or abusing another person, in a place that the person would have a reasonable expectation of privacy. The law protects female’s “intimate areas” – referring to any portion of a person’s “body or undergarments that is covered by clothing and intended to be protected from public view.” *Id.* Indecent exposure is a crime of exposing or exhibiting sexual organs in public or on the private premises of another, or so near as to be seen on private premises, in a vulgar or indecent manner. Section 800.03 of the Florida Statutes, “Exposure of Sexual Organs.” And sexual assault usually means a crime where someone has subjected a victim to sexual contact or touching, that is deemed offensive and unwanted. Sexual assault crimes are broad and range from groping, touching to assault and battery and the serious crime of rape.

- inherently threatening, even traumatic, to women as they are undressing or showering.
- 8) Naked men also make women feel vulnerable.<sup>4</sup> In particular, the presence of naked or near-naked men can feel threatening and traumatic to women who have been harassed or sexually assaulted. [Twenty-six percent](#) of college-age women report having been sexually assaulted while attending college.<sup>5</sup>
  - 9) Fears of locker-room assaults are not unfounded. According to [one recent investigation](#) of complaints of sexual assaults, voyeurism, and harassment at public fitness centers and swimming pools in London, almost 90 percent took place in unisex changing rooms.<sup>6</sup>
  - 10) When males are banned from women's locker rooms, it becomes fairly obvious that a male who enters, disrobes, or looks at naked girls or women in such a space is likely motivated by a desire to commit sexual offenses such as flashing, voyeurism, assault, rape, or statutory rape. According to the [United States Department of Justice](#), about 91 percent of victims of rape and sexual assault are female; almost 99 percent of perpetrators are men.<sup>7</sup> If males were to become normalized in women's locker rooms, it would become impossible for girls and women to distinguish between innocent transwomen simply seeking a place to change clothes and men who intend to injure or assault girls or women.
  - 11) Given that some coaches, religious leaders, police officers and physicians use their profession to gain access to females in order to abuse them, it is likely that those intent on harming females would also use self-proclaimed gender identity as a way to get access to and harm girls and women.
  - 12) A [longitudinal, quantitative study](#) by Swedish researchers found that post-operative transwomen<sup>8</sup> had criminal-conviction rates that were comparable to male controls. In other words, sex reassignment did not decrease men's risk for criminal convictions.<sup>9</sup>

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<sup>4</sup> Most males do not undergo surgery to remove their penis and testicles. According to two recent studies, only between four and thirteen percent of transgender people undergo genital surgery. Ian T. Nolan, Christopher J. Kuhner and Geolani W. Dy, "[Demographic and Temporal Trends in Transgender Identities and Gender Affirming Surgery](#)," *Translational Andrology and Urology*, June 2019, pp. 184-190.

<sup>5</sup> According to a recent survey of nearly 182,000 students, 26% of female college and graduate students report nonconsensual sexual contact by physical force or an inability to consent since enrolling in the school. David Cantor et. al., "Report on the AAU Campus Climate Survey on Sexual Assault and Misconduct," Association of American Universities, 2019.

<sup>6</sup> Andrew Gilligan, "Unisex Changing Rooms Put Women in Danger," *The Sunday Times*, September 2, 2018, available at: <https://www.thetimes.co.uk/article/unisex-changing-rooms-put-women-in-danger-8lwbp8kgk>

<sup>7</sup> United States Department of Justice, *Violence Against Women Report*, 2002. See: RAINN Victims of Sexual Violence: Statistics, available at: <https://www.rainn.org/statistics/victims-sexual-violence>

<sup>8</sup> The study used the term male-to-female transsexuals rather than the more modern terms: transwomen or trans identified males.

<sup>9</sup> The study also compared conviction rates of post-op transwomen to those of women to test whether transwomen successfully became similar to women in that way. They did not. Their rates of conviction, like men's overall rates of conviction, remained significantly higher than women's.

- 13) Females could be liable for “gender identity discrimination” in civil litigation if changing spaces are not formally sex-segregated. If policymakers allow males to who identify as transwomen into women’s locker rooms, those spaces will no longer be single sex. When a male enters the women’s locker room, not only would women now be powerless to use the criminal laws meant to protect them from predatory men, the business or individual could be sued for gender-identity discrimination.<sup>10</sup>
- 14) If trans-identified males are allowed in locker rooms, women will need to conduct their own threat assessments each time a male enters a previously women-only space – and monitor or modify her behavior accordingly. Often, the result will be that women will opt out of participation, thus losing access to myriad sports benefits.
- 15) Some denominations of Islam, Orthodox Judaism, and other conservative religious groups forbid women to expose their hair or skin to men who are not their husbands. Allowing males into female locker rooms would result in some religious athletes opting out of using the women’s locker room or opting out of sports participation altogether.
- 16) When sports teams travel overnight, athletes are usually paired in hotel rooms. The same rationales noted above also apply to these spaces: female athletes should not be forced to share a hotel room with males, regardless of those athletes’ gender identity. Forcing girls and women to share hotel rooms with males would place an unfair burden on many female athletes: increasing their anxiety, decreasing their sense of privacy and safety – and interfering with their preparation for their competition. Asking for volunteers to room with males who identify as women would not solve the issue, since by virtue of their position, coaches exert an undue influence on team members that can, whether intentionally or not, persuade athletes to agree to activities despite their own discomfort.
- 17) Even if some female athletes do not mind sharing locker facilities with trans identified males, those opinions should not override other female athletes’ discomfort, nor influence policy decisions.

Historically, in response to inadequate or nonexistent facilities for women, female athletes have had to improvise private spaces to change their clothes. Similarly, males who identify as women may find that locker room facilities were not designed with them in mind. But there are creative ways to accommodate transwomen athletes who do not want to use men’s locker rooms. They could be provided with “third spaces” elsewhere. They could respectfully announce their presence and request permission before entering, the way male coaches of women’s teams do, to give female teammates an

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<sup>10</sup> As one example, high school freshman Blake Allen was suspended from school when she complained that a trans-identified male was in her locker room in preparation for volleyball practice. Her father lost his job as the soccer coach. Lawyers were able to overrule Blake’s suspension, but not her father’s job. The litigation is ongoing. See, e.g., Verified Complaint, Allen v. Orange Southwest School District Board, October 27, 2022, available at: <https://adfmedialegalfiles.blob.core.windows.net/files/AllenComplaint.pdf>

opportunity to finish dressing or leave. They could brainstorm possibilities with teammates, coaches, and other staff – thus contributing to a solution to this new problem. However, in all cases, every individual female should retain veto power if she would rather keep males out of women’s locker rooms.

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### **Women’s Sports Policy Working Group**

The Women’s Sports Policy Working Group is a bipartisan group of former elite athletes and sports administrators dedicated to restricting female sport competition to biological females — while providing athletes born male who identify as women, gender-fluid athletes, and nonbinary athletes with equitable and inclusive accommodations within women’s sports programs.

### **Members**

- Donna de Varona, OLY: Two-time Olympic gold medal swimmer; Title IX leader; Hall of Fame broadcaster; first president, Women’s Sports Foundation
- Martina Navratilova, OLY: Winner, 59 Grand Slam singles, doubles, and mixed doubles tennis titles, the most ever; first openly gay professional athlete; longtime LGBTQ rights advocate
- Nancy Hogshead, JD, OLY: Three-time Olympic gold medal swimmer; athletes’ rights activist; CEO, Champion Women; Past-President, Women’s Sports Foundation; Member, Federal Commission on the State of the U.S. Olympic and Paralympic Committee
- Donna Lopiano, PhD: Hall of Fame softball player; Title IX expert; women’s sports leader; former women’s athletics director, University of Texas; first CEO, Women’s Sports Foundation; CEO, the Drake Group
- Tracy Sundlun: Six-time Olympic track coach and manager; Founding Board member, National Scholastic Athletics Foundation; co-founder, Rock ‘n’ Roll Marathon Series; CEO, Everything Running

### **Champion Women**

Champion Women is a non-profit organization that provides legal advocacy for girls and women in sports.

[About the Women’s Sports Policy Working Group](#)  
[References, Women’s Sports Policy Working Group](#)  
[Resources, Transgender Eligibility in Women’s Sport](#) – Champion Women

[Differences Between Sex and Gender, National Institutes of Health Office of Research on Women's Health](#)