

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

May 14, 2024

Board of Regents
c/o Office of the Commissioner of Higher Education
PO Box 203201
Helena, MT 59620-3201

Dear Members of the Board of Regents,

Intercollegiate athletics is a central component of the university experience, whether as a cheering spectator or a hardworking college athlete. On Little League diamonds, on YMCA fields, in school gymnasiums, and at college athletic facilities across the state, young athletes dedicate countless hours and considerable energy training hard and competing hard to become the best in their sport. Parents dedicate their time and other resources supporting their children as they learn, train, and compete.

The lessons learned from athletic competition are valuable: grace in victory, poise in defeat, and the critical importance of teamwork.

Those valuable lessons are learned from honest, genuine competition. Girls and young women train to compete in women's sports. Boys and young men train to compete in men's sports. Girls do not train to compete against men, as doing so would deprive them of the very lessons that competition provides.

For our system of athletic competition to be fair, the playing field must be level. Girls should compete against girls, and boys against boys.

Unfortunately, a troubling nationwide trend is upending the fair, level playing field that female collegiate athletes have known since Title IX was adopted more than 50 years ago. Title IX was intended to provide equal opportunity for biological females in the classroom and on the playing field. Title IX prevented girls and young women from being discriminated against on the basis of sex in education programs, including athletic competitions. Title IX opened the door for girls and young women to earn scholarships and compete in intercollegiate athletics.

This troubling trend unfolding in high schools and colleges across the country, however, runs counter to the equality of opportunity young women deserve and should be afforded. The Biden administration recently revised Title IX regulations to conform to this trend, a move that runs

contrary to our principles of equal opportunity and undermines girls and young women competing in their sports.

In Montana, we've taken action to ensure young female athletes compete on a level playing field. The Legislature passed and I signed into law the Save Women's Sports Act, House Bill 112, in 2021. The language of the law was clear: "Athletic teams or sports designated for females, women, or girls may not be open to students of the male sex." The law applies to protect young women in athletic competition in our K-12 schools and our public universities.

Within weeks of the Save Women's Sports Act being signed into law, however, activists sued to block it. In April 2024, the Montana Supreme Court ruled that, despite receiving public funding from the Legislative and Executive branches, the Board of Regents has the singular authority to set policies for our university system, like the Save Women's Sports Act. The misguided ruling from the Montana Supreme Court eliminates important protections for female athletes on our college and university campuses, allowing biological men to compete against them.

This is unacceptable.

While I disagree with the Court's analysis, it leaves open a path for the Board of Regents to enact policies to protect girls and women on Montana's colleges and universities. As such, I request that you, as members of the Board of Regents, implement the policies set forth in HB 112 to protect the integrity of women's sports. I urge you to reaffirm that Montana girls and young women should compete against each other, not against boys and men. I also request that you join me in calling on the National Collegiate Athletics Association to guarantee fair competition for women and girls in women's sports.

You undoubtedly will hear the loud voices of activists who claim biological men should be able to compete against young women in collegiate athletics, and that failing to acquiesce will deprive these men of the opportunity to compete. That's simply not true: men can compete against other men. Do not let a loud vocal minority dissuade you from doing the right thing for girls and young women. They represent a decidedly small minority. According to a May 2023 Gallup survey, 69 percent of respondents thought transgender athletes should only be allowed to play on sports teams that match their birth gender.

Protecting female athletes and ensuring they have a level playing field are the right thing to do.

I appreciate your continued service to the State of Montana, and I look forward to your response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Gianforte", is written over a printed name and title. The signature is stylized and cursive.

Greg Gianforte
Governor

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May 14, 2024
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cc: Clayton Christian, Commissioner of Higher Education