

**Testimony of Joan Ferrini-Mundy, University of Maine President  
and University of Maine System Vice Chancellor for Research & Innovation  
In Opposition to LD 926, *An Act To Ban Biological Males from Participating in Women's  
Sports*, and LD 1401, *An Act To Prohibit Biological Males from Participating in School  
Athletic Programs and Activities Designated for Females at Schools That Receive Federal  
Funding* – May 6, 2021**

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Senator Carney, Representative Harnett and distinguished members of the Joint Standing Committee on Judiciary: My name is Joan Ferrini-Mundy and I am the President of the University of Maine, the state's only National Collegiate Athletic Association (NCAA) Division I program. On behalf of all of the universities within the University of Maine System (UMS), I am here today to speak in support of inclusion in sports and against the creation of new barriers to participation, like those proposed by LD 926, *An Act To Ban Biological Males from Participating in Women's Sports*, and LD 1401, *An Act To Prohibit Biological Males from Participating in School Athletic Programs and Activities Designated for Females at Schools That Receive Federal Funding*.

There is no greater equalizer and pathway to social mobility than public education. Our UMS universities take seriously the opportunity that inclusive access to all that we offer --our classrooms, research laboratories and athletics programs - provides our students and our state. The universities in the UMaine system offer multiple options in athletics (varsity, club, intramural, rec) in an effort to allow all of our students the option to receive benefit from the joys of participation in sport. It is important to our diversity, equity, and inclusion efforts that ALL students feel welcome in the level of athletics that fit their talents and interests.

We should be focused on ways to get more students at all grade levels interested in participating in sports, not putting up barriers to participation. As educators we have a responsibility to empower all of our students and encourage them to pursue their dreams regardless of their gender identity. These LDs would create an unacceptable and unsurmountable obstacle to personal growth for transgender students, denying them participation in activities for which local, state, and national organizations have worked together so carefully and diligently to ensure the inclusion and safety of all athletes, without discrimination.

While we love to win championships, the primary purpose of college sports is to enable more young people to be active. Being on a college team, whether intercollegiate or intramural, can be life-changing for student-athletes, providing them invaluable physical health benefits as well as a sense of belonging, discipline, self-confidence, and time management, communication, leadership and other skills that position them for success in their career and civic life. These benefits of participation can be especially meaningful to those who have been marginalized, including individuals who are transgender.

The NCAA governs intercollegiate sports, including the Division I programs at UMaine and the Division III programs at the University of Maine at Farmington, the University of Maine at

Presque Isle and the University of Southern Maine. Since 2011, the NCAA has had clear guidelines that create a fair and equal path to participation in college sports for transgender athletes. Informed by scientific and medical experts, it states that concerns about creating an unfair competitive advantage on sex-separated teams is not well founded, noting, for example, wide variations in size and skill in the bodies of both cisgender and transgender athletes.

If enacted, LDs 926 and 1401 would put our universities' teams in conflict with the NCAA, our public mission, and our own values of diversity, equity and inclusion. We are also deeply concerned about the highly invasive internal exams to which our female student-athletes would be subjected.

Finally, I would like to make this Committee aware that last month, the NCAA Board of Governors re-affirmed its unequivocal support for transgender student-athletes to compete in college sports. The Board also announced that it would be unlikely to bring championships to states with bans like the ones being discussed here in Maine today. That would be a great loss for all Maine youth, our student-athletes, fans of collegiate sports and ultimately the state's economy.

In closing, I want to note that next year marks the 50<sup>th</sup> anniversary of Title IX, the federal law that prohibits discrimination on the basis of sex, including exclusion from participation in college athletics. Since then, great strides have been made to advance equity for female student-athletes, but legitimate challenges remain. We encourage those here today who are passionate about women and girls having a level playing field to recommit themselves to regularly attending our women's games and bringing along their children and grandchildren to cheer these incredible student-athletes, and to supporting women's athletics.

With a return to post-pandemic play on the horizon, this is an exciting time for Maine's only Division I athletics program and we welcome *all* student-athletes to join our Black Bear family. I know my fellow UMS university presidents join me in sharing this commitment to inclusive excellence, and in also extending the invitation to their athletic programs to all Maine students, including the trans youth listening to this hearing.

Thank you for the opportunity to testify today and I look forward to answering your questions.