

October 18, 2023

Hon. Charlie Baker  
President  
National Collegiate Athletic Association  
700 W. Washington Street  
P.O. Box 7110  
Indianapolis, IN 46206

Dear Governor Baker:

Yesterday you testified before the Senate Judiciary Committee on issues in collegiate athletics. Arguably none is more important than the safety of student athletes. That is why I asked you about Riley Gaines, and her Senate testimony earlier this year that the NCAA forced her and other female athletes both to accept a biological man in their locker room and to change alongside this person. Ms. Gaines testified the NCAA made this decision without forewarning the female athletes, without asking for consent, and without obtaining consent of any kind. Worse still, Ms. Gaines and her teammates were allegedly warned that if they spoke in opposition to the NCAA's policy, they would face consequences.

When I asked you whether the forced inclusion of biological men in women's locker rooms remains NCAA policy, you equivocated. You testified that you "[didn't] believe that policy would be the policy that we would use today." But you declined to state what the NCAA's policy actually is.

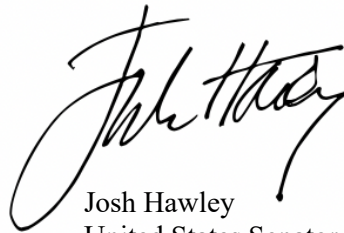
This is your chance. The NCAA has a troubled history of using student athletes for financial gain while ignoring their concerns and needs—and in this case, their basic safety. The American public deserves honest answers. Please provide comprehensive responses to the following questions:

1. As of today—October 18, 2023—what exactly is the NCAA's policy on transgender athletes' access to locker rooms? Please provide a comprehensive explanation.
2. Has the NCAA or any of its designees or officials ever promulgated a policy, whether through official or unofficial channels, of making locker rooms unisex?
3. If not, has the NCAA conducted an investigation into why Ms. Gaines was informed in March 2022 that locker rooms would be treated as unisex spaces?
4. In addressing the issue of transgender competitors, the NCAA is apparently shifting toward a policy of deferring to the governing bodies of individual sports. Will the NCAA defer to the policies of individual sport governing bodies regarding locker rooms and other changing facilities?
5. If so, please provide a comprehensive explanation of how, from the NCAA's perspective, allowing biological men to access the locker rooms of female athletes would be consistent with the legal requirements of Title IX that men and women be offered equitable opportunities to participate in sports.

6. Will the NCAA provide an apology to female student athletes who were required to share locker rooms and other intimate spaces with biological men?
7. Ms. Gaines has testified that female athletes have been threatened with consequences for publicly opposing the NCAA's approach to transgender athletes. Does the NCAA maintain or enforce a policy prohibiting public opposition to the league's policies on transgender athletes?
8. Has the NCAA ever mandated, recommended, or otherwise advised that individuals opposing the league's policies on transgender athletes receive counseling or other educational interventions?

I await your responses.

Sincerely,

A handwritten signature in black ink, appearing to read "Josh Hawley". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Josh Hawley  
United States Senator