



UNIVERSITY OF WISCONSIN–LA CROSSE
STUDENT ASSOCIATION
2244 THE U 1705 BADGER STREET LA CROSSE, WI 54601 (608) 785-8775

SA2021-038: Resolution in Opposition to LRB 2339/1 and LRB 2340/1: Protecting Women in Sports Act

DATE: March 7th, 2021

AUTHOR(S): K.C. Cayo, Cate Wiza

SPONSOR(S): The Pride Center, Rainbow Unity, Transform, Sophie Byrne, Jared Zwettler, Sydney Navoichick, Andrew Ericson, Andrea Julson, Lindsey Strzyzewski, Lexie Weghorn, Madeline L'Ecuyer, Rachel Engebretson, Camoya Evans, Amy Schweiner

WHEREAS there are currently 108 bills targeting LGBTQ+ people at the state level in the United States; and

WHEREAS as of this week there have been 71 specifically anti-transgender bills introduced in state legislatures around the country, along with 37 bills that target the LGBTQ+ population overall; and

WHEREAS of the anti-trans proposals, 37 seek to restrict transgender athletes of participation in school sports, with an emphasis on keeping trans women from competing with cisgender women; and

WHEREAS Wisconsin State Representative Barb Ditttrich introduced anti-trans legislation to ban trans athletes from participating in girl's and women's sports in Wisconsin from kindergarten through college; and

WHEREAS such legislation violates not only Title IX of federal education law prohibiting sex discrimination, but also rulings by the U.S. Supreme Court; and

WHEREAS legislation like this will further marginalize an already vulnerable population; and

WHEREAS legislation that debates human rights for transgender athletes creates a dangerous narrative and poses a threat to their wellbeing; and

WHEREAS at UWL our population of trans students, including nonbinary, intersex, gender nonconforming, and other gender diverse folks have been affected by these administrative actions; and

WHEREAS our campus Pride Center has affirmed their solidarity with all people of any gender identity on campus; and



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WHEREAS the local pride center, the 7 Rivers LGBTQ Connection, has affirmed their solidarity with our trans community members; and

WHEREAS hate is not a UWL value, and the Student Senate has a vested stake in affirming our support to our students;

THEREFORE BE IT RESOLVED that the UWL Student Association affirms the experiences of our students of all gender identities and expressions and will continue to further efforts on campus to create a welcoming and inclusive space; and

THEREFORE BE IT FURTHER RESOLVED that the UWL Student Association vehemently opposes any and all anti-trans legislation produced by state and local legislators; and

THEREFORE BE IT FURTHER RESOLVED that this document be forwarded to Faculty Senate in hopes that they will publicly release a statement in support and affirmation of the queer, trans community at our university; and

THEREFORE BE IT FURTHER RESOLVED that this document be forwarded to Mayor Tim Kabat and all sitting City Council members in hopes that they will also publicly release a statement in support and affirmation of the queer, trans community in our city; and

THEREFORE BE IT FURTHER RESOLVED that this document be forwarded to Representative Dittrich as a call to withdraw her bills; and

THERE BE IT FINALLY RESOLVED that this document be forwarded to the Governor's Office and state legislators Representative Janel Brandtjen, Representative Rachael Cabral-Guevara, Representative Donna Roza, and Senator Kathy Bernier.

Handwritten signature of Olivia Ahnen in black ink.

Olivia Ahnen
President, Student Senate
Vice President, Student Association

03/10/2021

Date

Handwritten signature of Cate Wiza in black ink.

Cate Wiza
President, Student Association

03/10/2021

Date



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2339/1
ARG:kjf

2021 BILL

1 **AN ACT to amend** 36.12 (1) and 38.23 (1); and **to create** 36.25 (58) and 38.12 (15)
2 of the statutes; **relating to:** designating University of Wisconsin and technical
3 college sports and athletic teams based on the sex of the participants.

Analysis by the Legislative Reference Bureau

This bill requires each University of Wisconsin institution and technical college that operates or sponsors an intercollegiate, intramural, or club athletic team or sport to designate the athletic team or sport as falling into one of three categories based on the sex of the participating students. The three categories are 1) participants who are males or men; 2) participants who are females or women; and 3) coed or participants of both sexes. The bill defines “sex” as the sex assigned at birth by a physician. The bill also requires a UW institution or technical college to prohibit a male student from participating on an athletic team or in a sport designated for females or women. Finally, the bill requires the UW institution or technical college to notify students if the institution or technical college intends to change a designation for an athletic team or sport.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 36.12 (1) of the statutes is amended to read:

BILL**SECTION 1**

1 36.12 (1) No Except as provided in s. 36.25 (58), no student may be denied
2 admission to, participation in or the benefits of, or be discriminated against in any
3 service, program, course or facility of the system or its institutions because of the
4 student's race, color, creed, religion, sex, national origin, disability, ancestry, age,
5 sexual orientation, pregnancy, marital status or parental status.

6 **SECTION 2.** 36.25 (58) of the statutes is created to read:

7 **36.25 (58)** INTERCOLLEGIATE OR INTRAMURAL SPORTS; DESIGNATION AS SINGLE SEX
8 OR COED. (a) In this subsection, "sex" means the sex assigned to an individual at birth
9 by a physician.

10 (b) An institution that operates or sponsors an intercollegiate, intramural, or
11 club athletic team or sport shall do all of the following:

12 1. Expressly designate the athletic team or sport as one of the following based
13 on the sex of the participating students:

- 14 a. Males or men.
15 b. Females or women.
16 c. Coed or mixed-sex.

17 2. Prohibit students of the male sex from participating on an athletic team or
18 in a sport that is designated for females or women under subd. 1.

19 3. If the institution intends to change the designation of an athletic team or
20 sport under subd. 1., provide written notification of the change to students who are
21 eligible under both the previous and current designation to participate in the sport
22 or on the athletic team.

23 (c) 1. A student who is deprived of the opportunity to participate in a sport or
24 on an athletic team or who suffers any direct or indirect harm as the result of a

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1 violation of par. (b) may bring a cause of action against the institution for injunctive
2 relief, damages, and any other relief available under law.

3 2. A student who is subject to retaliation or other adverse action by an
4 institution or athletic association or organization, as a result of reporting a violation
5 of par. (b) to an employee or representative of the institution or athletic association
6 or organization or to any state or federal agency with oversight over the institution,
7 may bring a cause of action against the institution or athletic association or
8 organization for injunctive relief, damages, and any other relief available under law.

9 3. An institution that suffers any direct or indirect harm by a licensing or
10 accrediting organization or an athletic association or organization as a result of
11 compliance with par. (b) may bring a cause of action against the licensing or
12 accrediting organization or the athletic association or organization for injunctive
13 relief, damages, and any other relief available under law.

14 **SECTION 3.** 38.12 (15) of the statutes is created to read:

15 38.12 (15) INTERCOLLEGIATE OR INTRAMURAL SPORTS; DESIGNATION AS SINGLE SEX
16 OR COED. (a) In this subsection, "sex" means the sex assigned to an individual at birth
17 by a physician.

18 (b) A district board that operates or sponsors an intercollegiate, intramural, or
19 club athletic team or sport shall do all of the following:

20 1. Expressly designate the athletic team or sport as one of the following based
21 on the sex of the participating students:

22 a. Males or men.

23 b. Females or women.

24 c. Coed or mixed-sex.

BILL**SECTION 3**

1 2. Prohibit students of the male sex from participating on an athletic team or
2 in a sport that is designated for females or women under subd. 1.

3 3. If the district board intends to change the designation of an athletic team or
4 sport under subd. 1., provide written notification of the change to students who are
5 eligible under both the previous and current designation to participate in the sport
6 or on the athletic team.

7 (c) 1. A student who is deprived of the opportunity to participate in a sport or
8 on an athletic team or who suffers any direct or indirect harm as the result of a
9 violation of par. (b) may bring a cause of action against the district board for
10 injunctive relief, damages, and any other relief available under law.

11 2. A student who is subject to retaliation or other adverse action by a district
12 board or athletic association or organization, as a result of reporting a violation of
13 par. (b) to an employee or representative of the district board or athletic association
14 or organization or to any state or federal agency with oversight over the district
15 board, may bring a cause of action against the district board or athletic association
16 or organization for injunctive relief, damages, and any other relief available under
17 law.

18 3. A district board that suffers any direct or indirect harm by a governmental
19 entity, licensing or accrediting organization, or athletic association or organization
20 as a result of compliance with par. (b) may bring a cause of action against the
21 governmental entity, licensing or accrediting organization, or athletic association or
22 organization for injunctive relief, damages, and any other relief available under law.

23 **SECTION 4.** 38.23 (1) of the statutes is amended to read:

24 38.23 (1) ~~No~~ Except as provided in s. 38.12 (15), no student may be denied
25 admission to, participation in or the benefits of, or be discriminated against in any

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1 service, program, course or facility of the board or any district because of the
2 student's race, color, creed, religion, sex, national origin, disability, ancestry, age,
3 sexual orientation, pregnancy, marital status or parental status.

4 **SECTION 5. Initial applicability.**

5 (1) This act first applies in the first semester or session beginning after the
6 effective date of this subsection.

7 (END)



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2340/1
FFK:kjf

2021 BILL

1 **AN ACT** *to amend* 118.13 (1); and *to create* 118.132 of the statutes; **relating to:**
2 designating athletic sports and teams operated or sponsored by public schools
3 or private schools participating in a parental choice program based on the sex
4 of the participants.

Analysis by the Legislative Reference Bureau

This bill requires each school board, independent charter school, and private school participating in a parental choice program (educational institution) that operates or sponsors an interscholastic, intramural, or club athletic team or sport to designate the athletic team or sport as falling into one of three categories based on the sex of the participating pupils. The three categories are 1) participants who are males, men, or boys; 2) participants who are females, women, or girls; and 3) coed or participants of both sexes. The bill defines “sex” as the sex assigned at birth by a physician. The bill also requires an educational institution to prohibit a male pupil from participating on an athletic team or in an athletic sport designated for females, women, or girls. Finally, the bill requires the educational institution to notify pupils and parents if an educational institution intends to change a designation for an athletic team or sport.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

BILL**SECTION 1**

1 **SECTION 1.** 118.13 (1) of the statutes is amended to read:

2 118.13 (1) Except as provided in s. ss. 118.132 (2) (b) and 120.13 (37m), no
3 person may be denied admission to any public school or be denied participation in,
4 be denied the benefits of or be discriminated against in any curricular,
5 extracurricular, pupil services, recreational or other program or activity because of
6 the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital
7 or parental status, sexual orientation or physical, mental, emotional or learning
8 disability.

9 **SECTION 2.** 118.132 of the statutes is created to read:

10 **118.132 Interscholastic or intramural sports; designation as single sex**
11 **or coed. (1)** In this section:

12 (a) "Educational institution" means a school board, operator of a charter school
13 authorized under s. 118.40 (2r) or (2x), and governing body of a private school
14 participating in a program under s. 118.60 or 119.23.

15 (b) "Sex" means the sex assigned to an individual at birth by a physician.

16 **(2)** An educational institution that operates or sponsors an interscholastic,
17 intramural, or club athletic team or sport shall do all of the following:

18 (a) Expressly designate the athletic team or sport as one of the following based
19 on the sex of the participating pupils:

- 20 1. Males, men, or boys,
- 21 2. Females, women, or girls.
- 22 3. Coed or mixed-sex.

23 (b) Prohibit pupils of the male sex from participating on an athletic team or in
24 an athletic sport that is designated for females, women, or girls under par. (a).

BILL

1 (c) If the educational institution intends to change the designation of an
2 athletic team or sport under par. (a), provide written notification of the change to
3 pupils who are eligible under both the previous and current designation to
4 participate in the athletic sport or on the athletic team and to the parents or
5 guardians of those pupils.

6 **(3)** (a) A pupil who is deprived of the opportunity to participate in an athletic
7 sport or on an athletic team or who suffers any direct or indirect harm as the result
8 of a violation of sub. (2) may bring a cause of action against an educational institution
9 for injunctive relief, damages, and any other relief available under law.

10 (b) A pupil who is subject to retaliation or other adverse action by an
11 educational institution or athletic association or organization, as a result of
12 reporting a violation of sub. (2) to an employee or representative of the educational
13 institution or athletic association or organization or to any state or federal agency
14 with oversight over the educational institution, may bring a cause of action against
15 the educational institution or athletic association or organization for injunctive
16 relief, damages, and any other relief available under law.

17 (c) An educational institution that suffers any direct or indirect harm by a
18 governmental entity, licensing or accrediting organization, or athletic association or
19 organization as a result of compliance with sub. (2) may bring a cause of action
20 against the governmental entity, licensing or accrediting organization, or athletic
21 association or organization for injunctive relief, damages, and any other relief
22 available under law.

23 (END)