# University of Pennsylvania given ultimatum over transgender swimmer and Title IX compliance



The University of Pennsylvania has been given a formal ultimatum by the U.S. Education Department’s Office for Civil Rights, led by the Trump administration, to address its 2022 decision permitting a transgender swimmer to compete on the school's women's team. The directive demands that Penn comply with Title IX regulations within 10 days or face consequences, including potential loss of substantial federal funding.

The case centres on the participation of Lia Thomas, the first openly transgender athlete to win a Division I swimming title, who competed for the Ivy League institution in 2022. While the Education Department's statement did not explicitly name Thomas, the ongoing investigation opened in February specifically focuses on her involvement.

According to the department, the University of Pennsylvania allegedly violated Title IX, which bars sex discrimination in educational institutions, by allowing a transgender male athlete to compete in women's intercollegiate athletics and access women-only facilities. The department has requested that Penn:

* Issue a formal statement confirming adherence to Title IX;
* Rescind Thomas’s awards and records in Division I swimming competitions;
* Offer apologies to female swimmers whose recognition had been overshadowed, with the university expressing regret for permitting what it terms sex discrimination to affect their athletic experiences.

Craig Trainor, the acting assistant secretary for civil rights at the Education Department, emphasised the administration’s position in a statement, saying, "Little girls who look up to Riley Gaines and Paula Scanlan can find hope in today's action – the Trump Administration will not allow male athletes to invade female private spaces or compete in female categories."

He further stated, "UPenn has a choice to make: do the right thing for its female students and come into full compliance with Title IX immediately or continue to advance an extremist political project that violates federal antidiscrimination law and puts UPenn's federal funding at risk."

The University of Pennsylvania has yet to issue a comment in response to the ultimatum. Historically, the institution has maintained that it adhered to both NCAA and Ivy League policies concerning student participation on athletic teams during Thomas's tenure and continues to do so.

The issue garnered greater national attention following the Trump administration’s suspension in March of around $175 million in federal funding to the university, drawn from the Department of Defense and the Department of Health and Human Services, as a direct consequence of the school's decision allowing Thomas to compete.

The NCAA’s previous policy in 2022 permitted transgender athletes to compete in their identified gender categories on a sport-by-sport basis, deferring to the individual sport’s national governing bodies and international guidelines, such as those from the International Olympic Committee. Under these rules, transgender female swimmers who completed at least one year of hormone replacement therapy were eligible to participate. Thomas complied with these eligibility requirements during competition.

However, following an executive order signed by President Trump on February 5, 2023, the NCAA abandoned the sport-specific approach in favour of a blanket policy restricting women’s sports to athletes assigned female at birth. This executive order was intended to prohibit transgender athletes from competing in girls’ and women’s sports.

Beyond the University of Pennsylvania, the Education Department has extended investigations into other institutions and organisations, including San Jose State University’s volleyball programme, Denver Public Schools, Portland Public Schools, the Oregon School Activities Association, and the Massachusetts Interscholastic Athletic Association.

Moreover, the Education Department has initiated legal action against the state of Maine, seeking to compel it to ban transgender athletes from participating in girls' and women's sports under threat of prosecution should the state fail to comply.

These developments highlight an ongoing national debate surrounding transgender athlete participation in women’s sports and the application of Title IX protections within educational settings.

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