

March 15, 2021

Senator Diane Larson, Chair

Senator Michael Dwyer, Vice Chair

North Dakota Senate Judiciary Committee

House Bill 1298 – Relating to participation in athletic events exclusively for males or females.

Hello Senator Larson and Members of the Committee,

My name is Alexandra Schulz, and I am a lifelong resident of North Dakota, social worker, graduate student, and LGBTQIA+ ally and am writing you to urge you to oppose the passage of Engrossed House Bill 1298.

This bill feels as though it was written with the intention of protecting the youth of North Dakota, which I do agree is an important priority. One of our primary responsibilities as adults, and especially as elected officials, should be to keep the younger generation safe from harm. Upon further inspection of the bill, however, it is my fear that this is just transphobia attempting to be disguised as concern. That is a common theme in anti-trans legislation, such as the bathroom bills that were a common feature of the news a few years ago. Please allow me to take a moment to discuss how this bill actually is more harmful than helpful to the youth of North Dakota, particularly our transgender and gender non-conforming students.

Research has determined that participation in athletic extracurricular activities has many beneficial outcomes for all students including physical development, social skills, psychological well-being, improved emotion regulation, decreased hopelessness and suicidality, fewer depressive symptoms, and higher self-esteem (GLSEN, 2020). These outcomes are beneficial for all students, but especially so for transgender or gender non-conforming students, who already experience much higher rates of stigma, prejudice, and discrimination than their cisgender peers do. These negative experiences contribute to higher levels of anxiety, depression, substance abuse, suicidal ideation and attempts, and self-harm (Cicero & Wesp, 2017). By not allowing trans/gender non-conforming students to participate on the sporting teams that align with their identified gender, they are experiencing discrimination that they should not have to face. North Dakota communities and schools should be safe for all students to learn and grow in, and by passing this bill, it guarantees that that will not be the case for students who do not identify as transgender. Those students deserve to be protected and safe just as much as their cisgender peers do.

In reviewing the testimony that was submitted in favor of this bill, a common theme that was brought up was the safety of youth athletes. Again, I am in complete agreement with keeping North Dakota's youth safe – but this bill actually is in direct opposition of that goal. This bill targets a group of individuals who are already marginalized and at an increased risk of harm. There is a common misconception that trans/gender non-conforming individuals are sexual predators – this is simply untrue. Here is some information presented by the Office for Victims of Crime (2014):

- One in two transgender individuals will be sexually abused or assaulted during their life.

- 12 percent of transgender youth surveyed in a 2011 study reported being sexually assaulted in K-12 settings by peers or staff.
- The majority of respondents to a 2005 survey stated that they were first assaulted when they were children or youth.

These are just a snapshot of the statistics available on sexual assault and abuse experienced by trans/gender non-conforming individuals. We can never know for sure how many trans/gender non-conforming individuals have been victimized for a multitude of reasons, but what we do know is that they experience increased rates of sexual assault and abuse and are significantly more likely to be victims than they are to be perpetrators. If we want to protect our youth from being victims, passing this bill is not the way to accomplish that.

In the testimony presented when this bill was heard in the house, many professional organizations were in direct opposition of this bill – the Human Rights Campaign, the North Dakota Chapter of the American Academy of Pediatrics, the North Dakota Chapter of the National Association of Social Workers, the Trevor Project, the American Civil Liberties Union of North Dakota, and the North Dakota Psychiatric Society. In addition to these organizations, several psychiatrists and a pediatric and adult endocrinologist were also in opposition to this bill. I do not claim to be an expert on this topic, but these groups and individuals are certainly qualified to be considered that. Their views on this bill should be heavily considered before you make your decision.

I urge you to choose facts over fear and vote “no” on this bill. If we want to protect the youth of North Dakota, this bill is not the way to do it. If you have any additional questions, I would be happy to answer them either during the hearing or via email or phone call. If you would like additional resources, I can certainly provide you with those as well.

Sincerely,



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References:

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- GLSEN. (2020, September). *Gender affirming and inclusive athletics participation*. <https://www.glsen.org/activity/gender-affirming-inclusive-athletics-participation#:~:text=A%20student%20has%20the%20right,registration%20records%20or%20birth%20certificate>.
- Office for Victims of Crime. (2014, June). *Responding to transgender victims of sexual assault*. <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/forge/printerFriendlyPDF/sexual-assault.pdf>