

STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER 2021-06

**Whereas,** Title IX of the Higher Education Amendments of 1972 was passed in part to establish and preserve fairness in women's athletics; and,

**Whereas,** In the decades since the passage of Title IX, opportunities for women have expanded to participate in collegiate athletics and to earn the benefits of such participation; and,

**Whereas,** Current policies that allow males to participate in women's athletics threaten to diminish opportunities for women, due to the inherent physical differences between men and women; and,

**Whereas,** Equal access to athletics consistent with Title IX and the Equal Protection Clause of the Fourteenth Amendment is one opportunity afforded throughout the public collegiate education system; and,

**Whereas,** It is fitting and proper to ensure continued fairness in collegiate women's sports in South Dakota:

**NOW, THEREFORE, I, KRISTI NOEM,** Governor of the State of South Dakota, by virtue of the authority vested in me by the Constitution and the laws of the State of South Dakota in my capacity as the duly elected Governor of South Dakota, by this Executive Order, do hereby order that:

1. In South Dakota, only females, based on their biological sex, as reflected on their birth certificate issued at the time of birth, should participate in any girls' or women's athletic event sanctioned by an institution of higher education under the control of the Board of Regents and;
2. The Board of Regents should take any and all steps necessary within the law of the state to legally implement policies consistent with this Executive Order.

Dated in Pierre, South Dakota this 29th day of March, 2021.



Kristi Noem  
Governor of South Dakota

ATTEST:

Steve Barnett  
Secretary of State