



TESTIMONY SUBMITTED BY RILEY GAINES

North Carolina State Legislature

Tuesday, April 18, 2023

IWV Supports North Carolina Senate Bill 631 / House Bill 574

Dear North Carolina Lawmakers:

My name is Riley Gaines, and I am a Spokeswoman for Independent Women's Voice. I urge you to pass Senate Bill 631 and House Bill 574 as amended to include college athletics.

Prior to joining IW, I was a student at the University of Kentucky where I was a member of UK's Women's Swim and Dive Team. I proudly finished my career as a 12x NCAA All-American, 5x SEC champion, SEC record holder in the 200 butterfly making me the 10th fastest American of all time in the event, and 2x Olympic trial qualifier.

On March 17th, 2022, my teammates and I, as well as female swimmers from universities around the country, were forced to compete against a biological male named Lia Thomas. Thomas was allowed to compete in the women's division after competing as a member of the University of Pennsylvania Men's Swim Team for three years. We watched on the side of the pool as Thomas swam to a national title in the 500-yard freestyle, beating out the most impressive and accomplished female swimmers in the country, including Olympians and American record holders. (Previously, Thomas had been ranked in the 400ths – at best – in the men's division.)

The next day, I raced Thomas in the 200-yard freestyle. We tied. We ended up with the same time – down to the hundredth of a second. Having only one

trophy, the NCAA handed it to Thomas and told me I would go home empty handed because Thomas needed to hold the trophy for photo purposes. I was shocked. I felt betrayed and belittled, reduced to a photo-op. But my feelings did not matter. What mattered to the NCAA were the feelings of a biological male.

In 1972, Congress enacted Title IX to end unjust sex discrimination in all aspects of education, including college athletics. Although Title IX does not specifically apply to the NCAA, the colleges and universities that make up the membership of the NCAA are required to provide equal athletic opportunities for members of *both* sexes. Make no mistake about it, by allowing Thomas to displace female athletes – in the pool and on the podium – the NCAA and its member colleges intentionally discriminated on the basis of sex. Although the NCAA and its member colleges claimed they acted in the name of “inclusion,” their policies, in fact, EXcluded female athletes, the very athletes whom Title IX was passed to protect.

But that is not all. In addition to being forced to give up our awards, our titles, and our opportunities, the NCAA forced female swimmers to share a locker room with Thomas, a 6’4” 22-year-old male equipped with (and exposing) male genitalia. Let me be clear: we were not forewarned. We were not asked for our consent. And we did not give our consent. If nothing else, I truly hope you can see how this is a violation of our right to privacy and how some of us have felt uncomfortable, embarrassed, and even traumatized by the experience.

I know that I do not speak for everyone who competed against Lia Thomas. But I can attest to the tears that I witnessed from finishers who missed being named an All-American by one place. I can attest to the extreme discomfort in the locker room from 18-year-old girls exposed to male body parts and having to undress with a male watching in the same room. I can attest to the anger and frustration expressed by girls who had worked so hard and sacrificed so much to get to this moment, only to have to compete in what felt like a farce. And I can attest to the fact that, around the country, female athletes who protested the inclusion of Lia Thomas in the women’s division were threatened, intimidated, and emotionally blackmailed into silence and submission.

Unfortunately, the experiences of D1 swimmers are not unique. Across the country, and across various sports, female athletes, particularly at the college and high school level, are losing not only awards but opportunities to compete at all.

This is simply unacceptable. It undermines the integrity of women's sports. It is unfair, and it is discriminatory. And it must stop. And that is why I implore you to please pass legislation that preserves women's athletic opportunities at all levels.

I appreciate the opportunity to share my experience and hope you really, truly, heard my story and consider the facts, the science, and the growing stories. Thank you.