

Article 38.

Biological Sex-Specific Athletic Teams.

§ 116-400. Definitions.

The following definitions apply in this Article:

- (1) Institution of higher education. – A constituent institution of The University of North Carolina, a community college under the jurisdiction of the State Board of Community Colleges, or a private college or university located in North Carolina.
- (2) Intercollegiate athletic program. – A sport program played at the collegiate level for which eligibility requirements for participation by a student are established by a national association for the promotion or regulation of intercollegiate athletics, including the National Collegiate Athletic Association (NCAA), the National Association of Intercollegiate Athletics (NAIA), and the National Junior College Athletic Association (NJCAA). (2023-109, s. 2(b).)

§ 116-401. Designation of athletic teams.

(a) All teams that are part of an intercollegiate athletic program of an institution of higher education shall comply with the following:

- (1) Each team shall be expressly designated by the biological sex of the team participants as one of the following:
 - a. Males, men, or boys.
 - b. Females, women, or girls.
 - c. Coed or mixed.
- (2) Athletic teams designated for females, women, or girls shall not be open to students of the male sex.

(b) For the purposes of this section, sex shall be recognized based solely on a person's reproductive biology and genetics at birth. (2023-109, s. 2(b).)

§ 116-402. Cause of action; remedies.

(a) A student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation of this Article may assert that violation as a cause of action for remedies provided for in subsection (d) of this section.

(b) A student who is subjected to retaliation or other adverse action by an institution of higher education, athletic association, or other organization as a result of reporting a violation of this Article to an employee or representative of the institution of higher education, athletic association, or to any local, State, or federal agency with oversight of the institution shall have a cause of action for remedies provided for in subsection (d) of this section.

(c) Any institution of higher education or its representatives or employees who suffer any direct or indirect harm for complying with the requirements of this Article shall have a cause of action for remedies provided for in subsection (d) of this section.

(d) Any person who brings a cause of action pursuant to this Article may obtain appropriate relief, including the following:

- (1) Injunctive relief, protective order, writ of mandamus or prohibition, or declaratory relief to prevent any violation of this Article.
- (2) Actual damages, including for psychological, emotional, or physical harm, reasonable attorney fees, and costs.

(e) All civil actions under this Article must be initiated within two years from the date that the harm occurred. (2023-109, s. 2(b).)

§ 116-403. Monitoring compliance with this Article.

The Board of Governors shall monitor constituent institutions for compliance with this Article. If the Board of Governors determines that a constituent institution is in violation of this Article, it shall report the identity of the constituent institution to the Joint Legislative Education Oversight Committee. (2023-109, s. 2(b).)