

July 2, 2024

Bryan,

Thanks for the opportunity to provide my thoughts again on this issue of gender and how changes could affect what we have built together. As you know, for 22 years, we have introduced 23.5 million students in grades 4-12. Since coming together, NASP® and IBO participation numbers have gone from 2,000 to over 90,000 in the 3D Challenge.

As I read in the rules that Ryan submitted this morning, I understand that you want to add a statement on gender which reads:

“1.1.2 In all IBO sanctioned events to include the NASP®/IBO 3D Challenge, female archers are required to compete in female classes, and male archers are required to compete in male classes. Sex shall be recognized based solely on a person's reproductive biology and genetics at birth. Proof of sex by birth certificate will be required only after the protest procedure is followed.

As I understand this additional language if enacted, an on-site IBO staff member would be responsible to determine the gender of a particular participant in 3D - and if necessary, would ask the participant/parent/guardian to verify their gender with a birth certificate on site in the event of a protest regarding the gender of the participant in question.

From inception, we have never required any verification/credentials other than the submitted school enrollment data for any/all tournament registration. It is and has been our belief that the people that enroll each registered archer operate within their school policies and their state law and Federal law - which apply to all students in that school or state.

The idea that archery event staff member could/would question the gender of an enrolled registered NASP® student based on what I must assume is some sort of visual inspection and knowing that all other participating students are not required to supply similar documentation on proof of gender, I find problematic to say the very least.

Since I have been on staff, NASP® has received multiple inquiries have been made by media, activists, parents, and unknown parties to determine if NASP® was somehow guilty of being punitive or discriminatory since we had so many school-aged students participating. We simply make a great target for controversy due to our size, except we don't - due to our current protocols and how we handle gender issues.

- NASP® is an in-school program. 100% of participating schools determine enrollment.

Enrollment data is the key ingredient for any discussion about a particular NASP® student. If a child is enrolled at a NASP® school, enrollment in good standing by local criteria is our first determination in any discussion regarding tournament participation. For all competitions to date, we have relied on NASP® school enrollment data for registering students. Each school utilizes their current state laws and school policies when they register students. While this is different among states, NASP® accepts the registration data as presented – always has. For the students who do not participate in tournaments, we collect no student data on gender.

### **Legislative and legal factors that brought me to my position:**

- As we discussed this morning, Title IX, **also called** Patsy Takemoto Mink Equal Opportunity in Education Act clause of the 1972 Federal Education Amendments, signed into law on June 23, 1972 states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” On day-one of the Biden administration taking office in 2020, The Office of Civil Rights was charged with adding additional Title IX protections to students pertaining to gender discrimination including gender identity to have the same weight for protections as was formerly reserved for race/gender. Title IX has long been one of the greatest influencers of school decision making for gender issues related to sports, cheerleading, and other activity and participation areas in U.S. schools, since its creation.
- Since the Biden administration provided this interpretation regarding Title IX, over 20 U.S. states have also added additional state protections for student-age individuals for any discrimination (perceived or actual) involving participation based on gender or gender identity.
- Parents, Schools, Districts, State Education Departments, and state Attorney Generals have decided protocols for each state in the areas of gender designation and how students are enrolled with respect to gender; Again, schools determine enrollment.

At some time, you and I discussed the historical timeline for our NASP® rules. NASP® collects suggestions for rule changes throughout the year (usually via email); shares them with our rules committee each spring; then after a committee discussion, Kevin Dixon shares the preliminary conclusions of the committee with coordinators at our annual coordinator conference in July. This has been our practice for many years. Following that discussion, we get new updated bullseye and 3D rules posted on our web site and share with coordinators and all BAIs for the coming season shortly thereafter. Since our partnership began, IBO has mirrored NASP® bullseye rules with exceptions

made for protocols specifically with use of the 3D targets, range setup and 3D protocol differences only. (Bounce out rule today is a perfect example).

### The status of NASP® with respect to gender questions.

- We rely on school enrollment to determine gender of archer registered for a tournament. We have no influence at the school level on how details or specifics on how the school determines this. We do not collect gender data from non-tournament participants.
- We offer male and female categories of competition for individuals.
- We require NASP® teams of 12-24 individuals to have at least 4 of the opposite gender.

In our discussion, you mentioned preventing unfair advantages with gender participation. Regarding any potential advantages by gender: Here is the historic NASP® individual Male vs. Female scoring results (Average scores and Top Scores by grade level) from a recent query in our system. As you can see, in early grades both in average and by individual top scores, the advantage for males dissipates with age in comparing genders.

GRADE	2019-2020			2020-2021			2021-2022			2022-2023			2023-2024		
Avg. Score	Female	Male	(+/-)	Female	Male	(+/-)	Female	Male	(+/-)	Female	Male	(+/-)	Female	Male	(+/-)
4	158	172	14	155	170	15	158	172	13	161	174	13	162	174	13
5	193	201	8	193	200	7	188	195	7	196	202	6	196	204	8
6	211	218	6	211	216	5	207	212	5	210	215	5	213	217	3
7	227	229	2	224	228	4	222	226	3	224	227	4	225	228	3
8	236	238	2	234	236	2	232	237	5	233	237	3	234	238	4
9	241	246	5	238	242	4	237	242	5	238	243	5	239	245	6
10	247	249	3	244	249	5	243	248	5	243	248	5	243	248	5
11	249	254	5	247	250	3	245	252	7	246	251	5	246	251	5
12	250	255	5	250	255	5	251	254	3	249	254	6	248	252	4
			6			6			6			6			6

GRADE	2019-2020			2020-2021			2021-2022			2022-2023			2023-2024		
Top Score	Female	Male	(+/-)	Female	Male	(+/-)	Female	Male	(+/-)	Female	Male	(+/-)	Female	Male	(+/-)
4	287	284	-3	280	287	7	286	286	0	280	287	7	282	284	2
5	300	291	-9	290	289	-1	290	293	3	290	292	2	292	296	4
6	296	299	3	298	296	-2	295	293	-2	294	296	2	294	297	3

7	300	299	-1	298	297	-1	299	296	-3	296	297	1	296	300	4
8	296	298	2	297	297	0	297	296	-1	298	297	-1	297	298	1
9	300	297	-3	299	299	0	296	298	2	299	300	1	297	297	0
10	297	299	2	298	299	1	299	299	0	297	300	3	298	298	0
11	298	300	2	300	300	0	297	299	2	298	299	1	298	298	0
12	299	300	1	299	299	0	299	300	1	300	300	0	299	297	-2
			-1			0			0			2			1

As a non-profit in-school archery program for grades 4-12, I believe our role to be:

- a. To focus on the archers in our program and to give ourselves and them the safest and best possible opportunity to learn archery.
- b. To help our participating students to acquire a lifelong skillset which will certainly benefit them physically, mentally, and emotionally regardless of any other factor or issue currently existing in their lives.
- c. Continuing to grow the shooting sports – as we are doing together as well as any organization anywhere on the planet!
- d. Continuing to support the mission of educators – our program is attractive to school age students as we have seen, without prejudice, location, handicapped status etc. Through its attractiveness to students of all kinds, educators can then leverage many positive outcomes for students over time.... many having nothing to do with archery.
- e. As we have repeatedly stated - the decision regarding gender determination is a local/state one. We have always said that whatever gender a student is registered for, in a current school year/season, that they must remain in the same gender designation during that school year/season before a change is made, and we have had zero issues with this practice.

**Therefore, based on all previous information, my recommendation would include the following:**

- I believe NASP® should continue to rely on local decision making with respect to all student gender determinations.

- I believe NASP® does NOT need gender determination rules language added to what we currently have in place. The absence of language and the immediate referral to the local school for determination has served us well to date with previous inquiries.
- We do not have data that shows advantage by gender in average or highest scores between males and females.
- I believe the infrequency of this occurrence in our program, and the impact of (actual or perceived) advantage has been extremely minimal if present at all, to date (again, see chart above).
- I believe that any and every child that is struggling with any/all self-esteem issues (like all other kids) benefits greatly from participation in our program. I believe that to place any student under additional on-the-spot scrutiny or to take NASP® away from them, might come at the worst time possible in their lives.
- I believe that a course change from our current practice would result in the potential if not immediate entanglement for NASP® with the Office of Civil Rights, as well as state attorneys general on this issue once an announced course change becomes public.

I also believe that the current OCR guidance would become an accelerant for attorneys looking to use our program to further clarify transgender issues through litigation. These firms and organizations do not care about NASP® or our benefits to millions...They would simply be looking to further a philosophical agenda regarding gender discrimination; due to our size and prominence, NASP® is an attractive target.

- I believe that the potential for multiple states dropping our program entirely due to a conflict in interpretation of existing state laws protecting gender discrimination to be possible, if not likely, based the 20 states enhancing the Biden administration's interpretation of Title IX protections.
- The potential is very likely for gaining national negative press coverage for NASP® and IBO which I believe is likely with this language added.

### **Final thoughts.**

I am committed to protecting and increasing the opportunities for what NASP® does for all students that participate. I believe that no other organization has done it better than we have.....no one.

I am truly proud of our partnership and strongly desire to protect and increase its impact.

I believe the decision to disagree with the proposed course of action is not due to my personal lack of courage as president.

I believe the decision to disagree with the proposed course of action is not a reflection of my personal approval or disapproval to any gender affirmations or determination practices.

I believe the decision to disagree with the proposed course of action does not represent NASP®, as an organization, looking the other way.

It does represent my deep understanding of the national sensitivity and the potential negative implications for our continued prosperity and that of our IBO partnership.

It does reflect what I believe is an understanding and weighing of all potential impacts to our program, and making a recommendation for what I believe is best for the continued growth of NASP® (and IBO).

I truly and deeply appreciate you and your convictions as the leader for IBO. You know that I do. I am truly and deeply committed to my position as well.

I offer this written explanation on why I cannot agree with the current offered rule suggestions on on-site gender determination being a part of the NASP® IBO 3D Challenge rules for the 2024/2025 season and beyond. I believe that if implemented, the act of an on-site request for proof of gender for a specific student (or all students for that matter), would result in a series of tremendous negative implications for both NASP® and IBO.

Our NASP® IBO partnership agreement signed in 2019, states that we must both agree for a major change to be made by either party. In paragraph 4 of the agreement, it states that:

“In the event either party, NASP® or IBO desires to make major changes in the design and implementation of the 3D Challenge, such changes would be mutually agreed to by both the IBO and NASP®. In the unlikely event that NASP® determines that a proposed IBO change to the 3D Challenge would be detrimental to NASP® or its participants, the change would not take place. Likewise, NASP® would make no design changes to the 3D Challenge that would be considered detrimental by IBO to the collaborative effort of the

continued implementation of the 3D Challenge.”

As we discussed, I view the suggested gender edit suggestion to the rules of the NASP® IBO 3D Challenge to be a major change.

Thanks so much for allowing me the opportunity to express myself in writing to you my respected friend and colleague,

Tommy Floyd  
NASP® President