

PARTICIPATION OF TRANSGENDER ATHLETES IN SPORT CLUBS AND INTRAMURAL SPORTS

Introduction

Everyone has a gender identity, which can be described as our own internal understanding of our gender as male, female, both, or neither. We also have a gender expression: the varying ways we express our gender through the way we dress, style of hair, and even the pronoun and/or name we choose to be called.

“Transgender” is used as an umbrella term to describe any individual whose gender identity and/or expression does not match the person’s assigned birth sex. For example, a male-to-female (MTF) transgender person is someone who was born with a male body, but who identifies as a girl or a woman. A female-to-male (FTM) transgender person is someone who was born with a female body, but who identifies as a boy or a man.¹

The University of Colorado’s Discrimination and Harassment Policy prohibits discrimination on the basis of gender identity and gender expression.² In accordance with this policy and to uphold the University’s educational goals of equity and inclusion, the University of Colorado Recreational Services maintains the following guidelines to facilitate and encourage the participation of transgender students, staff, faculty, and visitors. These guidelines cover: participation in club and intramural sports; participation in physical education offerings; and accommodation for transgender identified people who attend and participate in athletic contests that take place at the University of Colorado.

These guidelines closely follow the principles offered in the 2010 report *On the Team: Equal Opportunity for Transgender Student Athletes*. Written by Pat Griffin and Helen J. Carroll, the report stems from the work of a think tank entitled “Equal Opportunities for Transgender Student Athletes” that included “leaders from the National Collegiate Athletic Association and the National High School Federation, transgender student athletes, and an impressive array of experts on transgender issues from a range of disciplines—law, medicine, advocacy, and athletics.”

The Think Tank identified **ten principles**:

1. Participation in interscholastic and intercollegiate athletics is a valuable part of the education experience for all students.
2. Transgender student athletes should have equal opportunity to participate in sports.

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¹ Gender Spectrum, “A Word About Words,” available online at http://www.genderspectrum.org/images/stories/Resources/Family/A_Word_About_Words.pdf.

² <http://www.colorado.edu/policies/discrimination-and-harassment-policy-and-procedures>

³ See http://registrar.colorado.edu/regulations/ferpa_guide.html.

3. The integrity of women's sports should be preserved.
4. Policies governing sports should be based on sound medical knowledge and scientific validity.
5. Policies governing sports should be objective, workable, and practicable; they should also be written, available and equitably enforced.
6. Policies governing the participation of transgender students in sports should be fair in light of the tremendous variation among [all] individuals in strength, size, musculature, and ability.
7. The legitimate privacy interests of all student athletes should be protected.
8. The medical privacy of transgender students should be preserved.
9. Athletic administrators, staff, parents of athletes, and student athletes should have access to sound and effective educational resources and training related to the participation of transgender and gender-variant students in athletics.
10. Policies governing the participation of transgender students in athletics should comply with state and federal laws protecting students from discrimination based on sex, disability, and gender identity and expression

Confidentiality

All discussions among involved parties and required written supporting documentation should be kept confidential, unless the student athlete makes a specific, written request otherwise. All information about an individual student's transgender identity and medical information, including physician's information provided pursuant to these guidelines, shall be maintained confidentially and in accordance with applicable state, local, and federal privacy laws. In accordance with the Family Education Rights and Privacy Act and University policy³ and with the consent of the individual student, the information about an individual student's transgender identity may be shared with those who have a legitimate need to know the information. Those with a legitimate need to know will be determined on a case by case basis and may include coaches, players, NGB, opponents' coaches, officials, and CU decision makers.

[*The NGB should provide a model confidentiality policy for member institutions, including information about medical waivers.]

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Guidelines for Intramural Sports

People participating in any intramural sports may participate in accordance with their gender identity, should that be relevant, regardless of any medical treatment. All Intramural Sports participants are subject to the University of Colorado non-discrimination policies. If complaints of discrimination or harassment arise, they will be referred to the Office of Student Conduct (for complaints against students) or to the Office of Institutional Equity and Compliance (for complaints against employees or volunteers). If conflicts or procedural questions arise under these guidelines, a team consisting of both the Intramural and Sport Clubs Coordinators, the Director or designee from the Office of Institutional Equity and Compliance, the Director of the Recreation Center, the Director or designee from the Gender and Sexuality Center, and a designee from University Counsel shall be consulted for advice and resolution.

Guidelines for Sport Clubs

A transgender student athlete at the college level should be allowed to participate in any sports activity so long as that athlete's use of hormone therapy, if any, is consistent with the National Governing Body's (NGB) existing policies on banned medications. Specifically, a transgender student athlete should be allowed to participate in sex-separated sports activities under the following conditions:

I. Participation in Sex-Separated Sport Teams

A. Transgender student athletes who are undergoing hormone treatment

1. A male-to-female (MTF) transgender student athlete who is taking medically prescribed hormone treatment related to gender transition may participate on a men's team at any time, but must complete one year of hormone treatment related to gender transition before competing on a women's team.
2. A female-to-male (FTM) transgender student athlete who is taking medically prescribed testosterone related to gender transition may not participate on a women's team after beginning hormone treatment, and must request a medical exception from the National Governing Body (NGB) prior to competing on a men's team because testosterone is a banned substance.
3. A female-to-male (FTM) transgender student athlete who is taking medically prescribed testosterone for the purposes of gender transition may compete on a men's team.
4. In any case where a student athlete is taking hormone treatment related to gender transition, that treatment must be monitored by a physician, and the NGB must receive regular reports about the athlete's eligibility according to these guidelines.

B. Transgender student athletes who are NOT undergoing hormone treatment

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1. Any transgender student athlete who is not taking hormone treatment related to gender transition may participate in sex-separated sports activities in accordance with his or her assigned birth sex.
2. A female-to-male transgender student athlete who is not taking testosterone related to gender transition may participate on a men's or women's team.
3. A male-to-female transgender student athlete who is not taking hormone treatments related to gender transition may not compete on a women's team.

II. Participation in Mixed Gender Sport Activities

A mixed team has both female and male participants and may be restricted in championship play according to specific national governing body rules.

A. Transgender student athletes who are undergoing hormone treatment

1. For purposes of mixed gender team classification, a male-to-female (MTF) transgender student athlete who is taking medically prescribed hormone treatment related to gender transition shall be counted as a male participant until the athlete has completed one year of hormone treatment at which time the athlete shall be counted as a female participant.
2. For purposes of mixed gender team classification, a female-to-male (FTM) transgender student athlete who is taking medically prescribed testosterone related to gender transition shall be counted as a male participant and must request a medical exception from the National Governing Body (NGB) prior to competing because testosterone is a banned substance.

B. Transgender student athletes who are NOT undergoing hormone treatment

1. For purposes of mixed gender team classification, a female-to-male (FTM) transgender student athlete who is not taking testosterone related to gender transition may be counted as either a male or female.
2. For purposes of mixed gender team classification, a female-to-male (FTM) transgender student athlete who is not taking testosterone related to gender transition participating on a women's team shall not make that team a mixed gender team.
3. For purposes of mixed gender team classification, a male-to-female (MTF) transgender student athlete who is not taking hormone treatment related to gender transition shall count as a male.

III. Recommended Implementation Process

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A. The student's responsibility

1. In order to avoid challenges to a transgender student's participation during a sport season, a student athlete who has completed, plans to initiate, or is in the process of taking hormones as part of a gender transition shall submit the request to participate on a sports team in writing to the sport club director upon matriculation or when the decision to undergo hormonal treatment is made.
2. The student shall submit her or his request to the sport club director. The request shall include a letter from the student's physician documenting the student athlete's intention to transition or the student's transition status if the process has already been initiated. This letter shall identify the prescribed hormonal treatment for the student's gender transition and documentation of the student's testosterone levels, if relevant.

B. Individual School and National Governing Body Responsibilities

1. The sport club director shall meet with the student to review eligibility requirements and the procedure for approval of transgender participation.
2. The sport club director shall notify the NGB of the student's request to participate. The NGB will assign a facilitator to assist the sport club director in responding to the request.
3. If a student athlete's request is denied by the sport club director, the decision must be automatically reviewed by a team consisting of both the Intramural and Sport Clubs Coordinators, the Director or designee from the Office of Institutional Equity and Compliance, the Director of the Recreation Center, the Director or designee from the Gender and Sexuality Center, and a designee from University Counsel shall be consulted for advice and resolution. This team shall be convened and its decision reported to the sport club director and school administrator in a timely fashion. This committee should include:
 - A health care professional, e.g. physician, psychiatrist, psychologist or other licensed health professional with experience in transgender health care and the World Professional Association for Transgender Health (WPATH) Standards of Care. The student athlete's physician can serve in this role.
 - A faculty athletic representative; and
 - A representative with expertise in institutional anti-discrimination policy, such as someone from the institution's human resources, ombuds office, or Americans with Disabilities compliance office.
4. The sport club director will notify the NGB of the appeal outcome.
5. The NGB will confirm that the treatment requirement has been met.

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6. Transgender student athletes subject to a one-year transition period should receive an extension of their eligibility at the end of their transition period, upon timely review and approval by the NGB.

7. An opposing team or school may only challenge a transgender student athlete's approved eligibility through the accepted formal appeal process of the NGB.

Facilities, Support, and Education

I. Locker Rooms

Anyone using sports facilities on the University of Colorado campus—whether CU athletes, visiting athletes, or other participants and attendants—shall have access to the changing, shower, and toilet facilities that accord with their gender identity. Private facilities will be made available if asked for but transgender people will not be required to use them.

II. Accommodations for travel

When possible, University of Colorado athletes traveling to other schools should be assigned accommodations based on their gender identity, with more privacy provided, if possible, when requested.

III. Names and Pronouns

Teammates, coaches, and other participants in sports shall refer to people by their preferred names and pronouns.

IV. Dress Codes and Uniforms

Dress codes should enable all athletes and other sports participants to dress in accord with their gender identity. For example, instead of requiring gendered forms of “dressy,” such as a skirt or dress, dress codes should require students to dress with appropriate formality in ways that suit their gender identity. Since both transgender and cisgender athletes may have preferred gender expressions that do not conform to traditional norms of dress—for instance, not all women feel comfortable in a skirt—this policy should be understood to apply to all athletes. Uniforms, too, ideally, should not conflict with an athlete's gender identity.

V. Education

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At the University of Colorado: Athletes, coaches, trainers, and other people involved in University of Colorado Athletics should be educated about transgender identities and the principles of transgender inclusion. They should be knowledgeable about how, in their particular roles, to support transgender identified people, and be prepared to put this knowledge to use.

For more information about transgender inclusion, coaches, athletes, and trainers can refer to the following article:

<http://www.nclrights.org/site/DocServer/TransgenderStudentAthleteReport.pdf?docID=7901>

and/or contact the Gender and Sexuality Center on campus.

At schools or venues where University of Colorado athletes compete: Without naming or violating the privacy of transgender athletes or personnel in question, relevant authorities and personnel at those venues should be informed about expectations for the treatment of transgender athletes—including accommodation, pronoun, and name use—during and outside of play.

Review Procedures

Please direct questions and concerns to the Senior Assistant Director of Team Sports, Bryan Hostetler, at 303-492-7244 or the Associate Director of Programs, Nicole LaRocque, at 303-492-1091. As needed, a team consisting of both Coordinators, the Director or designee from the Office of Institutional Equity and Compliance, the Director of the Recreation Center, the Director or designee from the Gender and Sexuality Center, and a designee from University Counsel will meet to address questions or concerns.

If an individual feels he or she has been discriminated against or harassed on the basis of gender or any other protected class status, complaints must be directed to the Office of Institutional Equity and Compliance, if the alleged harasser is an employee, or the Office of Student Conduct, if the alleged harasser is a student. Contact information for each office is listed below.

Resources:

Office of Student Conduct:

<http://www.colorado.edu/studentaffairs/studentconduct/>

Office of Institutional Equity and Compliance:

<http://www.colorado.edu/institutionalequity/>

Gender and Sexuality Center:

<http://www.colorado.edu/gsc/>

Office of Victim Assistance

<http://cuvictimassistance.com/>

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Counseling and Psychological Services:
<https://counseling.colorado.edu/>

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