

## A G E N D A

### National Collegiate Athletic Association

#### Executive Committee Subcommittee on Gender and Diversity Issues

Dial-in number: 800-211-0633  
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October 25, 2010  
2 p.m. Eastern time

1. Welcome. (Carolyn Mahoney)
  - a. NCAA Executive Committee Subcommittee on Gender and Diversity Issues member roster. [Supplement No. 1]
  - b. Review the August 12, 2010, subcommittee report to the NCAA Executive Committee. [Supplement No. 2]
2. Restructuring and the role of the chief inclusion officer. [Supplement Nos. 3, 4 and 5] (Bernard Franklin)
3. Confederate battle flag discussion regarding host championship sites. (John Williams and Kim Ford)
4. Discussion on subcommittee structure. [Supplement No. 6] (Delise O'Meally)
5. NCAA Minority Opportunities and Interests Committee report. [Supplement No. 7] (Ford)
6. NCAA Committee on Women's Athletics (CWA) report. [Supplement No. 8] (Karen Morrison)
  - a. Update on postseason bowl sponsorship. Please visit [www.godaddy.com](http://www.godaddy.com) and view commercial samplings from "our commercials" link at top right of home page.
  - b. Response from Division I Leadership Council to CWA position. [Supplement No. 9]
  - c. NCAA advertising policies.

7. Update on NCAA Fellows Leadership Development Program. (Curtis Hollomon and Ford)
8. Update on Hispanic Association of Colleges & University advisory working group. [Supplement No. 10] (Franklin and Ford)
9. Update on transgender student-athlete participation. [Supplement Nos. 11 and 12] (Morrison)
10. Other business.
11. Adjournment.



Executive Committee Subcommittee on Gender and Diversity Issues

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**Legislation:** FBS=Division I Football Bowl  
Subdivision; FCS=Division I Football  
Championship Subdivision

**REPORT OF THE NCAA EXECUTIVE COMMITTEE  
SUBCOMMITTEE ON GENDER AND DIVERSITY ISSUES**

**1. ACTION ITEMS.**

- None.

**2. INFORMATIONAL ITEMS.**

- a. **Review of the Executive Committee Subcommittee on Gender and Diversity April 2010 meeting report.** The subcommittee reviewed and approved the April 2010 report.
- b. **Update on DII Hispanic serving institutions and historically black colleges and universities meetings – DII Chancellors and Presidents Summit.** The committee received an update on the Hispanic serving institutions (HSI) meeting held during the DII Chancellors and Presidents Summit. During the HSI meeting, the president of the Hispanic Association of Colleges and Universities (HACU), Dr. Antonio R. Flores, provided an overview of the charge, mission and vision of the association. Special emphasis was placed on the impending growth and issues being faced by the Hispanic population related to higher education. In conjunction with the national HACU convention in September a NCAA sponsored panel will take place in an effort to begin an initial collaborative effort with HACU. It was shared that President Flores has expressed an interest in establishing a commission to look at issues around HIS to the leadership of the NCAA. Currently, this proposal is under consideration and an update will be provided at a future meeting.

The committee also received an update of the Historically Black Colleges and Universities (HBCU) meeting that took place during the DII Chancellors and Presidents Summit. A historical overview of the development of the HBCU initiative was provided and information on the proposed 2011 HBCU focused NCAA Convention session was also shared.

- c. **Update on the hiring progress for minority head football coaches in Division I, II and III.** An update was provided to the committee on the recent positive hiring trends and future opportunities related to the hiring of minority head football coaches. The mission of the NCAA Football Coaches Professional and Leadership Development programs was shared as well as strategies on moving from diversity to inclusion. Highlights on recent head minority head football coaching hires in Division II and III were provided including the program alumni that have obtained head coaching positions since 2005.

- d. **Update of diversity, inclusion and gender initiatives review.** The subcommittee received an update on the status of the Diversity and Inclusion and Gender Program Review. In this stage of the review, the working group has begun to identify areas of focus, goals, action steps as well as targets and measures which will be used to achieve the NCAA diversity, inclusion and gender equity vision. As this review progresses, the subcommittee will continue to receive updates and will be engaged as a resource. The subcommittee is supportive of this review as an opportunity to continue to improve the association's efforts in diversity, inclusion and gender equity.
- e. **Update from NCAA Championships staff: Confederate Flag policy and nonpredetermined championships held in Mississippi and South Carolina during 2009-10 academic year.** Staff shared with the committee a review of the predetermined versus non predetermined championships policy that states, no predetermined championship may be played at any site in a state that displays the Confederate flag. Schools that earn the right to host a round of a nonpredetermined championship may host even though their state displays the Confederate flag. Currently, only the states of Mississippi and South Carolina display the Confederate flag and are affected by this policy. During the 2009-10 championship season nine contests took place in South Carolina during the fall, winter and spring championship seasons. It was reported that no complaints or issues were exhibited during any of the contests.
- f. **Discussion regarding possible restructuring of the Executive Committee Subcommittee on Gender and Diversity Issues.** The subcommittee continued its discussion on its overall structure and strategic position. The staff provided an overview of the mission and composition requirements of each of the three governance bodies, charged with oversight of diversity and gender initiatives. The subcommittee discussed areas of mutual focus and similarity of mission, and noted that opportunities could exist for greater collaboration among these bodies. The subcommittee also noted that the current governance structure may not adequately cover the broad dimensions of diversity beyond gender and race. The group discussed the need for advocates at all levels within the structure and underscored the importance of presidential involvement in these issues.

Finally, the subcommittee discussed its current composition and noted the lack of Division I representation. Staff provided background information and feedback regarding the appointment process.

- g. Update on student-athlete ethnicity and race and gender demographics member institutions personnel reports.** The committee received a review of the most recent information on non-athlete and student-athlete demographics as well as recent information on coaches and administrators demographics. Trends by race, ethnicity, gender and division were also provided. It was noted that future analysis will include geographic representations of diverse groups among the membership, updated student-athlete and non-athlete trends by gender and race/ethnicity, and comparative demographic analysis of athletics personnel to other appropriate groups with higher education and the general workforce. It is hoped that these analyses will provide an indices whereby growth trends can be more closely examined.
- h. Committee on Women's Athletics (CWA) report.** The chair of CWA provided the subcommittee with an overview of CWA's May report. CWA is recommending changes to the emerging sport program, including the removal of squash for failure to make progress in varsity sponsorship. CWA is also working with the triathlon community to develop a proposal to add the sport to the list of emerging sports for women, and has requested that the NCAA increase online awareness of existing emerging sports. The committee is requesting that each division's reclassifying and provisional process include a requirement that schools send a representative to the NCAA Gender Equity and Issues Forum to assist in understanding of Title IX and gender equity expectations.

The committee continues to be engaged in the review of the goals and performance of its sponsored professional development programs and actively working with NCAA affiliates to promote the experience of women in intercollegiate athletics. CWA is supportive of efforts to improve LGBT resources for the membership as requested by Division III.

- i. Minorities Opportunities and Interest Committee (MOIC) report.** The chair of MOIC provided the subcommittee with an overview of MOIC's July report. MOIC is recommending legislation to sponsor an amendment to Bylaw 21.2.4 to specify that one member of the committee shall be a current Chancellor or President from a member institution. It was also recommended that a liaison from the Division I Leadership Council also be appointed to serve on the committee. The committee is beginning a partnership with the National Association of Diversity Officers in Higher Education and will be reaching out to the President of the organization to begin a formal dialogue.

MOIC is in the process of preparing a response letter to be sent to the DIII U.S. Cross Country Coaches of U.S. Track and Field Cross Country Association (USTFCCCA) in response to correspondence received regarding the application of the policy regarding predetermined versus nonpredetermined championship sites.

The committee was also provided an update on the ongoing collaboration with the Executive Board of FARA to continue to support efforts to diversify the FARA membership. Finally, MOIC will reach out to the Competitive Safeguards and Medical Aspects of Sport (CSMAS) to continue its focus on gathering research, information and the development of educational resources regarding sudden cardiac arrest in African American student-athletes.

- j. **October 2010 meeting.** The next meeting of the subcommittee will take place on October 27, 2010 in Indianapolis, Indiana.

*Committee Chair:* Carolyn Mahoney, Lincoln University (Missouri)

*Staff Liaisons:* Charlotte Westerhaus, Diversity and Inclusion (primary);  
Kimberly Ford, Diversity and Inclusion;  
Karen Morrison, Gender Initiatives

**Rationale for an Inclusion Initiative  
Integrating Diversity and Inclusion with Gender Efforts**

*Statement of Problem*

One of the more perplexing and frustrating issues in both higher education and intercollegiate athletics for decades has been the slow progress of under-represented groups in assuming leadership and decision-making roles. Intercollegiate athletics can justify some pride in serving as a catalyst for moving minorities and women into the mainstream of higher education. The number of women participating in college sports has grown by six fold over the last four decades, and minorities – especially African-American men and women – have steadily increased in number. To be honest, however, these increases have been spurred by civil rights legislation (Title IX in 1972 and other civil rights legislation in the 1980s) or recognition of the athletic skill sets under-represented populations brought to sports. In many fewer instances, progress has been the result of commitment for seeking out the under-represented as a value statement.

As societal sensitivity has increased to the unfairness of their exclusion from leadership and decision-making roles, higher education and intercollegiate athletics have looked at numerous initiatives to improve the number of individuals from under-represented populations. These have generally been described as “diversity” initiatives, and the use of the term has been employed to signal enlightenment as opposed to either a benign or flagrant disregard for such populations. As is often the case with perplexing and nuanced issues (fairness, equity, representation) the safe harbor with regard to a diversity commitment has been to quantify success. What are the target numbers necessary to declare that diversity has been achieved? Indeed, in most efforts where “diversity” is the goal, the metric of choice by majority populations is to parallel by percentage the minority representation in society as a whole or determine as low a number as possible without violating the concept of enlightened fairness.

In short, diversity has come to be more about numbers and less about the value that differences in experiences and viewpoints can bring to problem solving. And even when the numbers are acceptable, there is often an unspoken goal to assimilate differences rather than celebrate them. Inclusion for the purpose of better decision making often goes undervalued or wholly ignored.

An initiative begun within the NCAA national office more than six years ago – a diversity and inclusion unit – was an early recognition that the problems inherent in under-representation extend beyond simply improving the numbers. This stand-alone unit was created to address specific issues around ethnic minority representation and to try and improve the number of minority hires in leadership positions, including head coaches. At the same time, issues around the representation and inclusion of women at both the membership and national office levels have progressed on a parallel but separate track. Much of the energy in both initiatives has been directed at the development and delivery of programs to improve the numbers or the development of policy to protect them. As a result, there has emerged a duplication of infrastructure and diffusing of energy toward problem solving. Common goals or common expectations have largely gone unattended. Almost certainly, less progress has been made than a united effort could have achieved. While there clearly have been successes for both programs, it is rational to consider what can be achieved with an integrated effort.

### *Proposed Solution*

With this in mind, it is appropriate to consider an alternative approach that emphasizes inclusion as the best approach to achieving diversity. The Inclusion Initiative represents a philosophical shift from embracing diversity as a metric to encouraging inclusion as a value in leadership and decision-making processes. At the heart of the initiative is creation of a culture that recognizes differences as being every bit as profound and essential to problem solving as the gathering and analysis of data or the exercise of good judgment. In fact, progress in the cultural sensitivity to inclusion as a tool for enhanced problem-solving should emerge as the likeliest success metric for this initiative. Indeed, cultural sensitivity to inclusion should be built into performance metrics for the national office and should be promoted as a recommended best practice for athletics programs. This initiative also enlarges the scope of populations that would be impacted by removing artificial barriers that have separated ethnic minority from gender issues. Put as simply as possible, when the value of inclusion is sustained the single-minded focus on numbers cease to be an issue.

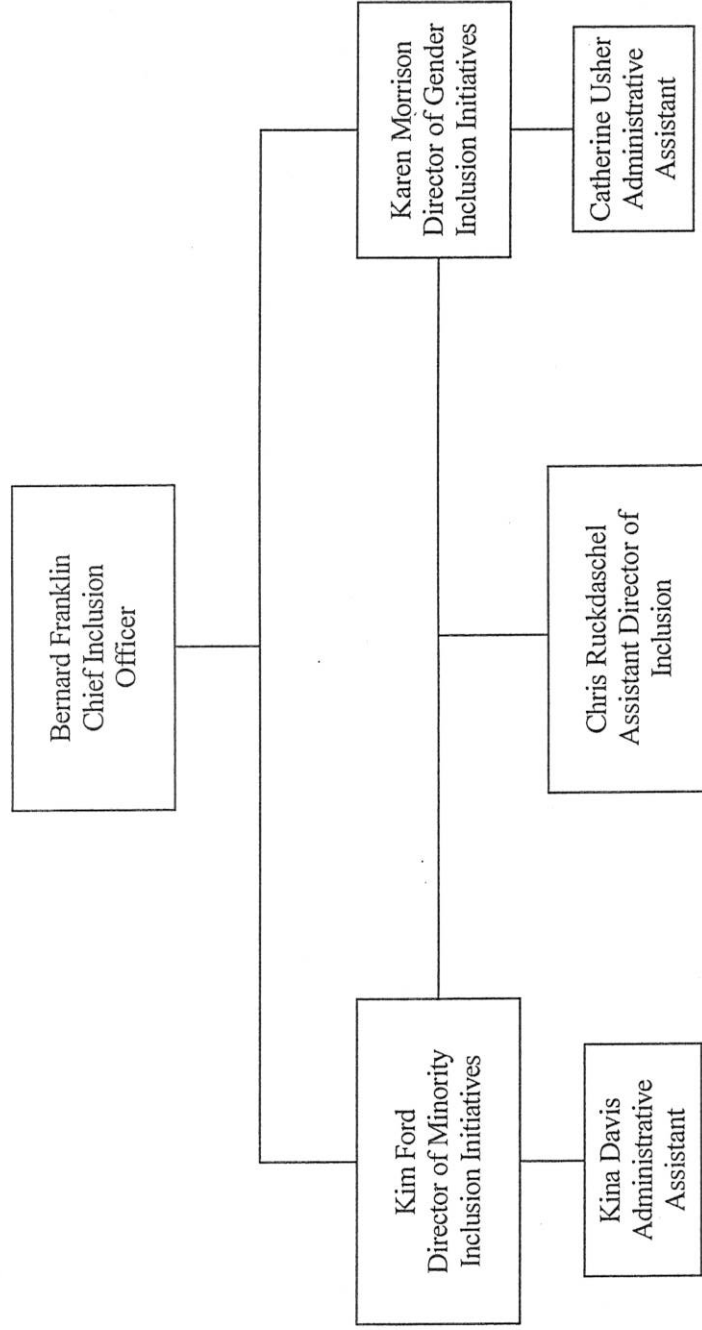
Clearly, the value inherent in a commitment to inclusion would only be weakened by continuing a parallel but separate approach to increasing representation in leadership and decision-making roles for minorities and women.

The Inclusion Initiative also represents a shift in primary focus from development and delivery of programmatic elements to advocacy for best practices and policy decisions that strengthens the Association's commitment to seeking out diverse viewpoints. Although programmatic approaches to the development of human resources will continue as a significant effort for the NCAA national office, but will bring greater expertise to educational development and eliminate any unevenness that currently exists in the parallel but separate initiatives for diversity and gender efforts.

To this end, the gender and diversity initiatives will be subsumed under the guidance of Executive Vice President Bernard Franklin with directors for gender inclusion and for minority inclusion as direct reports. Franklin will serve as the Association's Chief Inclusion Officer and in doing so will elevate the attention and commitment to diversity and gender issues. Franklin's continuing role as primary liaison to the NCAA Executive Committee will ensure that inclusion issues have the access to discussion and decision making by the Association's highest policy-making body. The charge for the Inclusion Initiative is to engage every aspect of the national office in the development of a culture that seeks out different perspectives as an element of problem solving and to encourage policy within intercollegiate athletics that supports inclusion as a value in decision making. These are issues far too important not to elevate to the highest levels of NCAA staff leadership and Association-wide decision making.

As the leadership of the NCAA national office changes, there is an important and propitious opportunity to bring new emphasis to the Association's commitment to improving the representation of ethnic and gender populations, to continue programming efforts to better prepare under-represented communities for leadership roles, and to encourage policy in such a way as to create a new ethos for inclusion throughout the enterprise.

# Office of the Chief Inclusion Officer



**OFFICE OF  
CHIEF INCLUSION OFFICER  
FUNCTIONAL AREAS**

Minority Initiatives	Gender Initiatives	Inclusion Initiatives
<ul style="list-style-type: none"> <li>• Minority Opportunities and Interests Committee (MOIC).</li> <li>• Divisional Grant Programs.</li> <li>• Convention Programming.</li> <li>• Inclusion Summit.</li> <li>• External Relationships.</li> <li>• Presidential Engagement.</li> <li>• Program Content.</li> </ul>	<ul style="list-style-type: none"> <li>• Committee on Women's Athletics (CWA).</li> <li>• Gender Equity Conference.</li> <li>• Divisional Grant Programs.</li> <li>• Convention Programming.</li> <li>• Inclusion Summit.</li> <li>• External Relationships.</li> <li>• Presidential Engagement.</li> <li>• Program Content.</li> </ul>	<ul style="list-style-type: none"> <li>• LGBT Initiatives.</li> <li>• Disability Initiatives.</li> <li>• Inclusion Summit.</li> <li>• External Relationships.</li> <li>• Presidential Engagement.</li> <li>• Program Content.</li> </ul>

National Collegiate Athletic Association

Executive Committee Subcommittee on Gender and Diversity Issues

Discussion on Subcommittee Structure

**Committee on Women's Athletics**

Mission: The mission of the NCAA Committee on Women's Athletics is to provide leadership and assistance to the association in its efforts to provide equitable opportunities, fair treatment and respect for all women in all aspects of intercollegiate athletics. Toward these ends, the committee shall seek to expand and promote opportunities for female student-athletes, administrators and coaches. The committee shall promote governance, administration and conduct of intercollegiate athletics at the institutional, conference and national levels that are inclusive, fair and accessible to women. The committee shall develop programs and resources, which can be of practical use to the association in its effort to achieve these ends.

Composition: 15 members

- 6 – Division I
- 3 – Division II
- 3 – Division III
- Four positions allocated for men, four for women four unallocated
- One student-athlete from each division (one combined vote)

Reporting line: - Division I Leadership/Legislative Council; Divisions II and III Management Council; Dotted reporting line to the Executive Committee

**Minority Opportunities and Interests Committee**

Mission: The NCAA Minority Opportunities and Interests Committee (MOIC) was formed by the Association in January 1991 to review issues related to the interests of ethnic minorities and women. These issues focus on the education and welfare of minority student-athletes, as well as the enhancement of opportunities for ethnic minorities and women in coaching, athletics administration, officiating and the NCAA governance structure.

Vision: The MOIC will champion the causes of ethnic minorities and women by staying aware of and remaining sensitive to current issues. MOIC initiates policies that foster an inclusive environment, thereby creating a culture that promotes fair and equitable access to opportunities and resources for ethnic minorities and women in the NCAA community.

Composition: 15 members

- 6 – Division I
- 3 – Division II
- 3 – Division III

- One student-athlete from each division (one combined vote)
- Minimum of eight ethnic minorities, including at least four males and four females.

Reporting line: Division I Leadership/Legislative Council; Divisions II and III Management Councils; dotted reporting line to the Executive Committee

**Executive Committee Subcommittee on Gender and Diversity Initiatives**

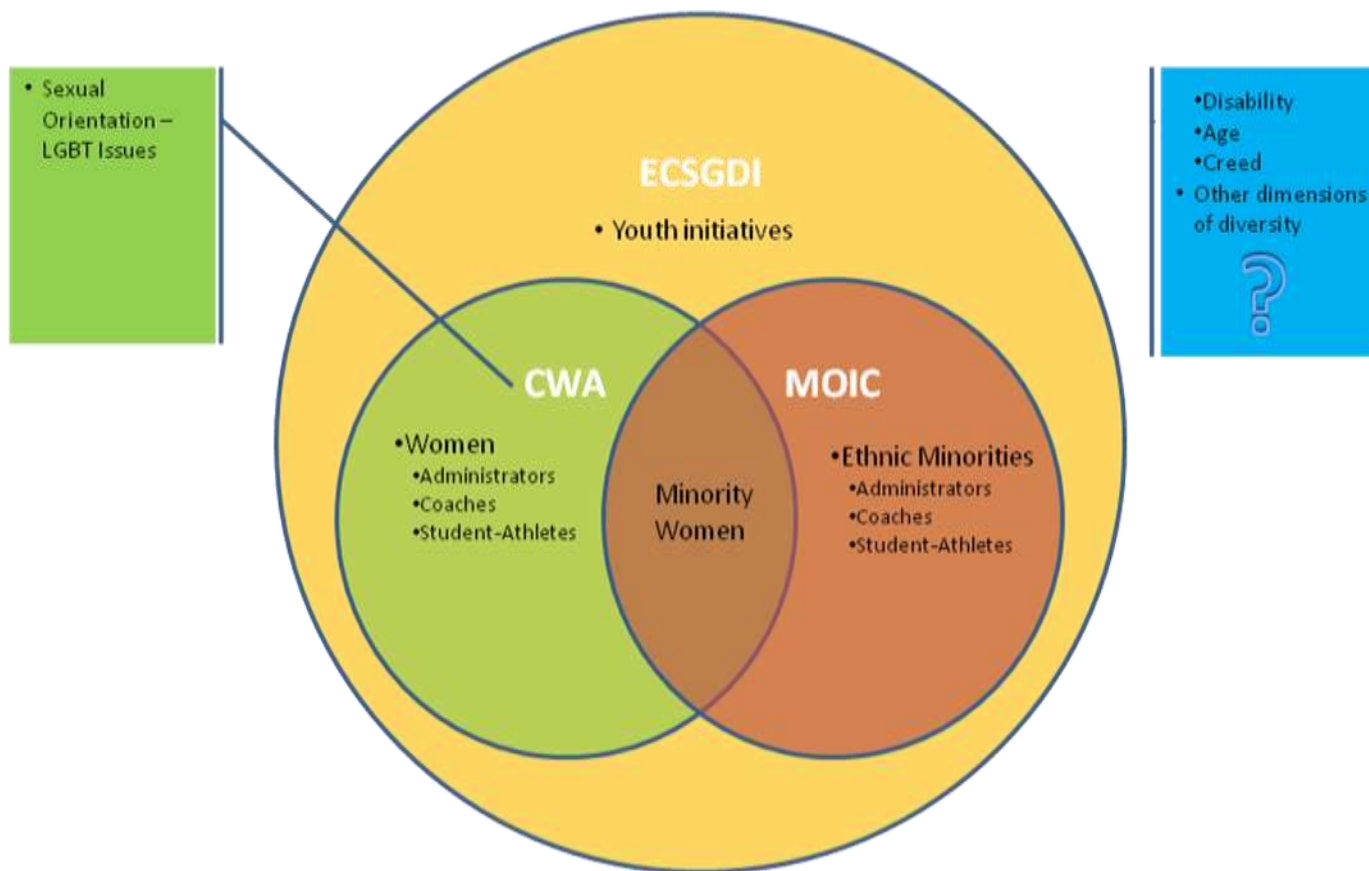
Charge: Review and provide recommendations to the Executive Committee on the following four areas:

- Student-athlete welfare
- Gender issues
- Minority issues
- Youth issues

Composition: 12 members

- College presidents currently serving on divisional presidential bodies
- 4 – Division I
- 4 – Division II
- 4 – Division III

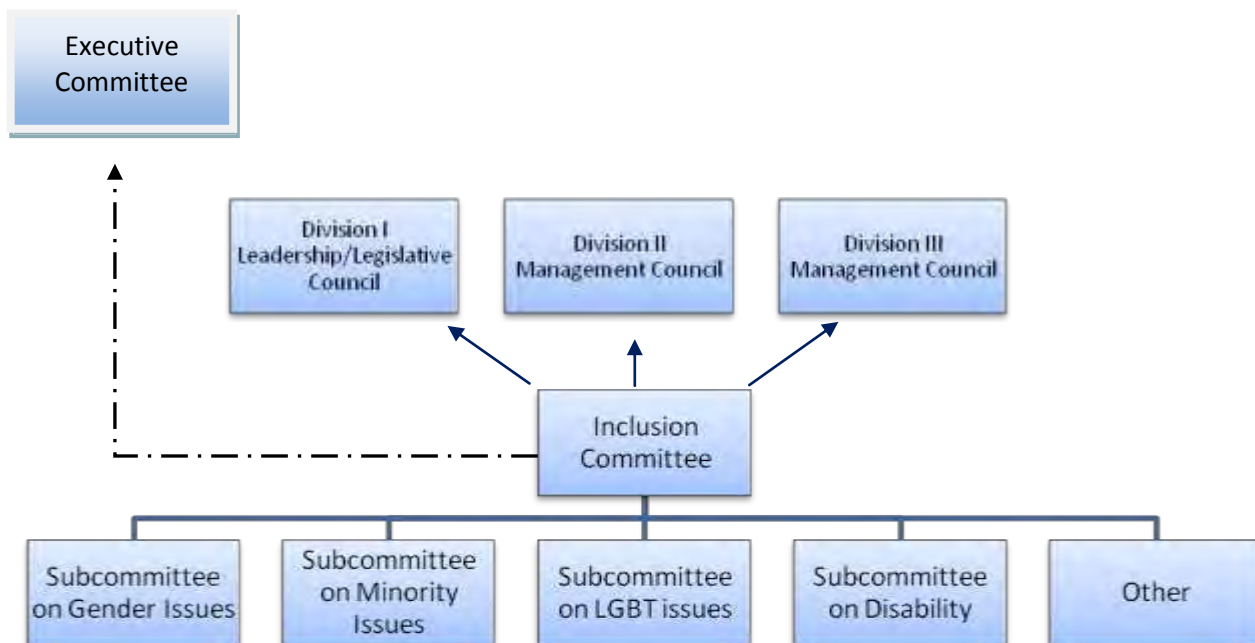
**Primary Areas of Focus**



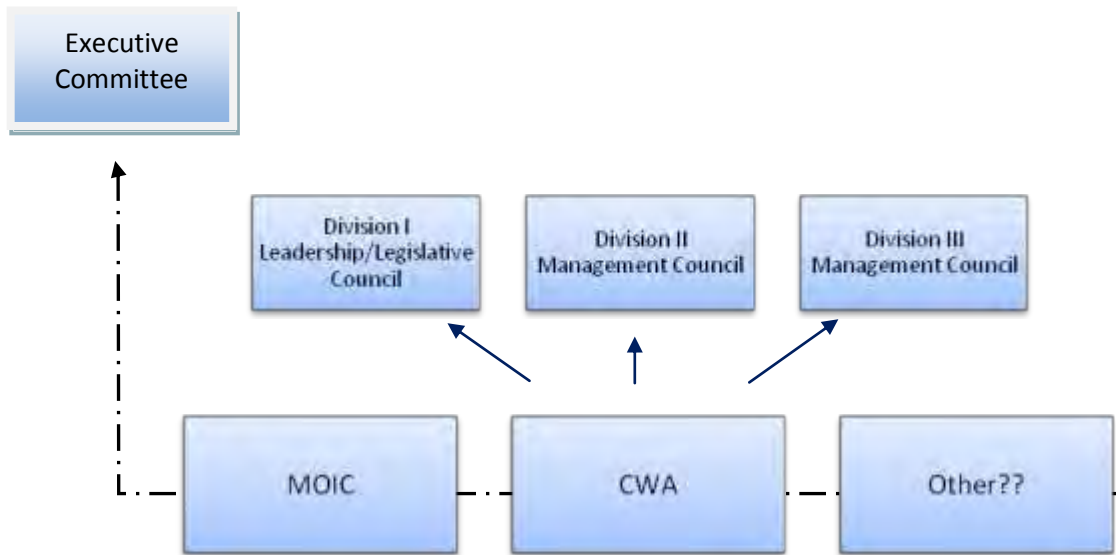
### Possible Models

- Collapses the Executive Committee Subcommittee on Gender and Diversity Initiatives into the lower committee structure.
- Should include presidential representation from each division.
- May include liaisons to leadership/legislative/management councils

### Model A



**Model B**



**REPORT OF THE  
NCAA MINORITY OPPORTUNITIES AND INTERESTS COMMITTEE  
SEPTEMBER 20-21, 2010, MEETING**

**ACTION ITEMS.**

**1. Legislative Items.**

- None.

**2. Nonlegislative Items.**

- None.

**INFORMATIONAL ITEMS.**

**Association-wide.**

- 1. New committee members.** The committee welcomed new committee members Irma Garcia, director of athletics, St. Francis College (New York); Darius Law, Division I Student-Athlete Advisory Committee (SAAC) representative, Atlantic 10 Conference, University of North Carolina at Charlotte; and Jeffrey McLeod, associate commissioner, Central Intercollegiate Athletic Association. The committee also expressed its gratitude to the following outgoing committee members for their service:
  - a. Aminah Charles, Division I SAAC representative, Mid-Eastern Athletic Conference, Hampton University.
  - b. Virnette House-Browning, executive athletics director, Bradley University.
  - c. Allison Tookes, associate athletics director, Wayne State University (Michigan).
- 2. Introduction to NCAA national office and international interns.** The committee members were introduced to the 2010-11 NCAA national office interns and the two South Korean interns participating in the pilot International Internship Program.
- 3. Restructuring of the Executive Committee Subcommittee on Gender and Diversity Issues (ECSGD) and the national office.** Staff provided the committee on overview of the recent national office executive staff changes and overall restructuring. Focused efforts around increasing efficiencies and the elimination of redundancies led to the most recent staffing changes that affected the area of NCAA diversity and inclusion and gender initiatives areas and staff. In light of the recent changes affecting the national office, the committee

asked that staff provide an update on the impact, if any, the staffing changes may have had on the diversity of the overall national office staff.

The committee also engaged in a discussion on the current committee charge and structure of the ECSGD as it relates to that of the Minority Opportunities and Interest Committee (MOIC) and the Committee on Women's Athletics. The committee was presented with proposed model changes and the rationale for combining the three committees into one to increase effectiveness. The committee will continue to discuss the issues and make a determination on whether to support any future proposed legislative changes that will need to be introduced by July for the 2012 legislative cycle.

4. **MOIC report.** The committee received an update regarding its July meeting and actions taken since the last meeting. A Division I Leadership Council member has been identified to participate in discussions and will be invited to attend the February meeting. The request to have a president or chancellor legislated to serve on the committee was moved from an action item to an Association-wide informational request in light of the ongoing discussions regarding committee structure changes.
5. **Updated committee meeting policies.** The committee was provided with a comprehensive overview of the updated insurance and travel policies of the national office, which went into effect September 1.
6. **2011 NCAA Convention diversity and inclusion sessions.** The committee received an overview of the diversity and inclusion proposed sessions for the 2011 NCAA Convention. Sessions scheduled to take place Wednesday, January 14, include: Overcoming adversity - solutions drawn from diverse perspectives, an introduction to the new NCAA Inclusion Framework, followed by the inclusion reception.
7. **Executive Committee Subcommittee on Gender and Diversity Issues report.** The committee was provided an overview of the ECSGD report from August, which included discussions on membership growth. The committee also was provided with an update on the recent activity of the national office with the Hispanic Association of Colleges and Universities (HACU) as well as the working committee that has been formed to address issues pertaining to Hispanic and Latino student-athletes, coaches and administrators. The committee has requested that available membership Spanish resources be identified.
8. **National Association of Diversity Officers in Higher Education (NADOHE) update.** The committee was provided an update on discussions with the president of NADOHE. The

NCAA is a charter member of the policy based organization. An invitation has been extended for the president of the Association to attend the February meeting of MOIC to continue the discussion.

**9. Student-Athlete Advisory Reports.**

- a. Division I Student-Athlete Advisory Committee meeting report.** A summary of the July Division I SAAC report was provided, which included the following areas of focus: commercialism, multi-year scholarship awards, and recruiting models. The next meeting will focus primarily on reviewing legislation for the next cycle.
- b. Division II Student-Athlete Advisory Committee meeting report.** A summary of the July Division II SAAC report was provided, which included the following highlights: the achievement of the 2010 Make-A-Wish donation goal, discussions on NCAA educational programming, transgender student-athlete issues, future meetings and the new Division II website.
- c. Division III Student-Athlete Advisory Committee meeting report.** A summary of the July Division III SAAC report was provided, which included the following areas of focus including: sand volleyball, drug education/drug testing models, transgender student-athlete issues and sports wagering.

**10. Faculty Athletics Representatives Association (FARA) project team.** The committee received an update on the progress of the work being done between MOIC and the executive board of FARA.

**11. NCAA Funding Opportunities.** The committee was provided with information outlining NCAA programming, grants and scholarship resources that are available to NCAA member stakeholders.

**12. Fellows Program Update.** The committee was provided an update on the NCAA Fellows Leadership Development Program, which provides professional and leadership development to experienced senior level administrators aspiring to become director of athletics. Since the program's inception in 1997, 56 individuals have completed the program. All females and ethnic minorities meeting the selection criteria are eligible to apply. The program is currently undergoing redesign to rebrand and enhance the program. Changes being made include the incorporation of a Champion's aspect which will pair the selected participants with presidents engaged in the governance structure. The time length of the program also will be shortened

from 18 to 12 months. The committee suggested a few changes to the selection criteria of the participants, which will be provided to the program administrators.

13. **2010-2012 MOIC strategic plan discussion.** Given staffing changes and developments at the national office, as well as potential committee restructuring, the committee decided to postpone any discussions on the strategic plan until the direction of the national office Inclusion Office was more apparent.
14. **NCAA Committee on Competitive Safeguards and Medical Aspects of Sports (CSMAS).** Staff provided an overview of the roles and responsibilities of the Health and Safety group within Educational Affairs. A comprehensive overview was provided on current activity which includes the following: injury surveillance efforts with DATALYS, changes being made to available educational materials for various student-athlete well-being issues (such as concussions, and heat related illnesses), sickle cell trait testing, sudden cardiac arrest issues and related future research efforts, and the development of educational resources. Additionally, the committee was updated on the progress in playing rules as a result of the work of the CSMAS.
15. **Division III cross country coaches' request.** The committee reviewed the follow up correspondence that was sent regarding the NCAA confederate flag policy request from the Division III cross country coaches.
16. **Other Business.** The committee discussed the current in-person meeting schedule. It was noted that the May meeting could be handled via conference call, with the September and February meetings remaining in-person.
17. **Future Meeting Dates and Sites.**
  - a. February 8-9, 2011, Indianapolis, Indiana.
  - b. May 3, 2011, (tentative conference call), time to be determined.
  - c. September 12-13, 2010, Indianapolis, Indiana.

**Division II only.**

18. **Division II Management Council/Presidents report.** An overview was provided on the Division II Council reports and the division's current initiatives: Life in the Balance which will focus on the non-championship segment as well as exempted contests; division membership growth and related concerns; recognizing the need for managing sickle cell but understanding the extensive costs associated with requiring sickle cell testing, and the launching of a Division II Mentoring Program between the Division II Athletics Director Association and Division II. A discussion was held regarding the consideration of future messaging the NCAA can develop to impact youth in our communities using student athletes to deliver the messages.

**Division III only.**

19. **Division III senior minority officer.** The committee was updated on recent discussions regarding the consideration of a proposed Division III designation of a senior minority administrator. The designated administrator would be recognized within the governance structure similar to that of the senior woman administrator; however, the administrator would not necessarily need to be a designated individual within the athletics department. This proposed effort is intended to assist in diversifying the Division III committee structure. The committee raised questions regarding whether it was a good practice to consider allowing an administrator not directly involved in the discussions on athletics to participate in the committee structure and make decisions on issues with which they may be unfamiliar. The committee's concerns will be shared with the Division III Management Council, as previously requested.
20. **Division III Management Council/Presidents report.** An overview was provided on the Division III council reports and the division's current initiatives: updated membership response to concerns on costs related to sickle cell testing; considerations being made to involve the position of the vice president for student-athlete affairs into governance discussions – many of the positions directly oversee athletics and work with the presidents and would be able to provide a different perspective, and increasing presidential involvement and communications to presidents regarding athletics.

<i>Committee Chair:</i>	<i>Dawn Reynolds, University of Miami</i>
<i>Staff Liaisons</i>	<i>Nicole Bracken, research</i>
	<i>Kimberly Ford, diversity and inclusion</i>
	<i>Jay Rossello, general counsel</i>

REPORT OF THE  
NCAA COMMITTEE ON WOMEN'S ATHLETICS (CWA)  
September 20-21, 2010

**ACTION ITEMS.**

**1. Legislative Action Items.**

- None.

**2. Nonlegislative Items.**

- None.

**INFORMATIONAL ITEMS.**

**Association-wide.**

- 1. New committee members.** The committee welcomed Sarah Feyerherm, Washington College (Maryland); Kathy Jones, Southern Illinois University, Carbondale; Danez Marrable, University of Alabama at Birmingham; Rick Mazzuto, California State University, Northridge; Marilyn Moniz-Kaho'ohanohano, University of Hawaii Manoa; and Zack Solomon, American University (Division I Student-Athlete Advisory Committee (SAAC) representative).
- 2. Postseason Bowl Sponsorship.** The CWA discussed and ultimately objected to the decision to permit the previously certified GMAC Bowl to change its title sponsor to GoDaddy.com . The committee shared its concerns with NCAA staff (Attachment). The CWA is concerned by the approval of GoDaddy.com as a football bowl sponsor as it does not correlate with espoused NCAA values and the respectful representation of women, particularly women in sport. CWA requests that focused efforts are made to ensure GoDaddy.com's advertisements and activities surrounding the postseason football bowl game will maintain the integrity and image of the NCAA and its student-athletes.
- 3. NCAA advertising policies.** The committee recommends the NCAA Executive Committee review and consider directing the divisions to amend the Association's current advertising policies noted in NCAA Division I Bylaw 31.1.14.1 and Divisions II and III Bylaw 31.1.12.1. The current advertising policies of the Association are designed to exclude those advertisements that do not appear to be in the best interest of higher education with NCAA presidential authority to rule in cases where doubt exists.

Advertising associated with alcoholic beverages, cigarettes and other tobacco products, professional sports organization or personnel and organizations promoting gambling are expressly prohibited. The committee recommends that the list of expressly prohibited advertisements be expanded to exclude advertisements not in line with the values of higher education, including but not limited to sexually explicit or suggestive materials, discriminatory content or that content which condones violence. Further, the committee recommends that these policies be included not only as part of advertisers and advertising copy of game programs, broadcasts and telecasts, and other controlled aspects of NCAA championships but, in Division I, as part of the postseason bowl licensing criteria and process. The committee noted that explicitly stating such advertisements are not appropriately associated with NCAA championships or a postseason opportunity is in the best interest of the student-athletes and the Association, and in keeping with the Association's status as an institution of higher education.

#### **4. Emerging Sports for Women Program Updates.**

**a. Sand Volleyball.** The committee received an update on the status of sand volleyball legislation. Specifically, it was noted that the Division I governance structure is working to develop the legislative framework for the sport with legislative proposals under consideration as part of the 2010-11 legislative cycle. The committee reviewed the report of the Division I Legislative Council Sand Volleyball Working Group that was created to assist in the development of the framework and to provide feedback to the already proposed legislative concepts to the various cabinets and Legislative Council for their consideration. It was noted that the playing rules for sand volleyball are in the final stages of development. Finally, the committee was informed that a survey is being sent to Division III student-athletes and prospective student-athletes to assess the sand volleyball participation interest. The previous Division III survey related to sand volleyball and whether Division III should add it to the emerging sports for women list was targeted at campus administrators only.

**b. Other emerging sports for women interest.**

**(1) Competitive Cheer.** The committee received an update on recent Quinnipiac University litigation regarding competitive cheer and its status as a "sport" under the Office for Civil Rights (OCR) definition. There are currently two organizations developing two different competitive models that they believe would meet the OCR definition and consequently garner enough support to be considered as an emerging sport for women. The committee preliminarily discussed potential issues Stunts or Acrobatics and Tumbling could encounter in meeting the requirements to be considered an emerging sport for women, as well as developing associated legislation.

- (2) **Triathlon.** Triathlon organizers have completed their proposal, and are currently in the process of collecting ten letters of support. The NCAA communicated information about the sport to every NCAA institution and conference. The committee discussed various ways to assist the education and communication efforts of triathlon organizers, including presenting to President's Council, Divisions I, II, and III Student-Athlete Advisory Committees, and using former collegiate female student-athletes who have now become professional triathletes.
5. **Review of NCAA Divisions I, II and III Legislative Proposals.** The slate of legislative proposals in all three divisions related to the committee's mission was reviewed. The committee noted the following:
- **Division I Proposal No. 2010-76 Financial Aid – Maximum Institutional Grant-in-Aid Limitations by Sport – Women's Basketball.** The committee opposes Proposal No. 2010-76, which would reduce the annual limit on the number of counters in women's basketball at each institution from 15 to 13. The committee noted overall, women's sports continue to be underfunded and underrepresented. This proposal could potentially decrease the participation opportunities for women in the context of available financial aid and the proposal does not indicate that the grant-in-aid opportunities would be reallocated to other women's sports. Further, based on the data available at this time indicating that not all institutions or even those in the top 50 are providing more than an average of 13 counters, the committee does not believe this measure would directly impact parity or competitive equity in women's basketball.
6. **NCAA Committee Structure -- Restructuring of Executive Committee Subcommittee on Gender and Diversity Committee.**
- Bernard Franklin and Wendy Walters, NCAA staff, presented and the committee reviewed two possible models for restructuring the Executive Committee Subcommittee on Gender and Diversity Subcommittee, the CWA and MOIC. The committee agreed with the importance of involvement by presidents and chancellors in issues relating to gender, minorities, LGBT and disabilities. Further, the committee noted that if a new committee model is pursued, such as having an Association-wide Inclusion Committee, the continued representation of student-athletes, faculty athletics representatives and subject matter professionals is important.

**7. Lesbian, Gay, Bisexual and Transgender (LGBT) issues.**

- a. **Transgender Student-Athlete Issues.** NCAA staff provided an update on issues surrounding transgender student-athletes. The Division III governance staff has received several requests for resources to help the membership address issues with transgender student-athletes, both from an eligibility standpoint and student-athlete well-being standpoint. The Division III President's Council requested the committee raise awareness of the issues associated with, and identify available resources that address transgendered student-athletes' well being, and to develop a timeline to create NCAA policy on transgendered student-athlete participation. CWA noted that the primary need for resources is to protect student-athlete well-being, with competitive equity issues being a secondary but necessary issue to also be addressed. The national office is creating Association-wide resources to educate the membership by defining terms, outlining potential issues, and setting forth best practices until a formal policy is created. It was stressed that this is an Association -wide membership issue, even though the issue was first raised in Division III.
- b. CWA discussed the need to build a foundation of educational resources to initiate membership discussion prior to developing a membership wide policy. The committee noted its support of the efforts to address LGBT issues and supported the provision of funding to support the development of a transgender student-athlete participation resource.
- c. The committee reviewed a draft website with broader LGBT resources.

**8. Task Force on the Impact of Violent Behavior Involving Student-Athletes.**

- Becky Ahlgren-Bedics, NCAA staff, provided the committee with a report on the effort to address Impact of Violent Behavior Involving Student-Athletes. The issue was originally referred to the NCAA Committee on Sportsmanship and Ethical Conduct (CSEC) and now includes input from CWA, MOIC, Committee on Competitive Safeguards and Medical Aspects of Sports, and Divisions I, II, and III SAACs. The Executive Committee created an NCAA internal project team consisting of liaisons from each of these committees to organize a summit to discuss the issue of violent behavior involving student-athletes and work to create best practices to be used in the membership. The staff requested that the committee provide the names of any individuals and/or organizations that could serve as a resource on this issue. The committee noted its support for the effort of the internal project team, the summit, and the need to address the issue of violent behaviors involving student-athletes.

## 9. Research Issues

- a. **Campus Climate.** Mary Wilfert, NCAA staff, presented a preliminary report on the student-athlete climate study that was conducted by Pennsylvania State University, funded by the NCAA. The survey was completed by 8,827 student-athletes from 195 institutions. Sixty-two percent of the survey respondents were women, 37 percent were men, and 11 respondents identified themselves as transgendered student-athletes. A more complete analysis of the quantitative data will be available in October, and a qualitative analysis will be available in May 2011 after the review of 4,000+ open-ended responses/comments provided by the student-athletes.

Some of the statistics noted included:

- (1) Eighty-four percent of the student-athletes reported overall positive or very positive climate on campus and in the athletics department. The percentage decreased as class year increased. Additionally, student-athletes of color and LGBT student-athletes reported a less positive climate.
- (2) Nine percent reported experiencing harassment. Twelve percent of student-athletes of color reported harassment versus 10 percent of white student-athletes. Twelve percent of LGBT student-athletes reported harassment versus six percent of heterosexual student-athletes. For student-athletes of color and heterosexual student-athletes, harassment was most often based on performance, while for LGBT student-athletes, harassment was most often based on sexual orientation. There was no significant difference in the data when separated by division.

- b. **Senior Woman Administrator.** The NCAA research staff is surveying all senior woman administrators and athletic directors as a follow-up to previous research and to explore how the role is perceived and utilized, and what efforts may be needed to improve the effectiveness of the designation.

10. **Division I Women's Basketball Update.** The committee received an update from Sue Donohoe, NCAA Staff, regarding the issues being discussed in the women's basketball community. In particular, the efforts of the CCA/NCAA task force regarding issues such as women's basketball officiating were highlighted as well as the Division I academic and athletic development model. Further, efforts and issues surrounding efforts to increase parity and competitive equity in women's basketball were discussed.

11. **Divisions I, II and III Governance Meeting Updates.** The committee received updates from the Divisions I, II and III summer governance meetings. The Division II Presidents Council suggested moving the management of the removal of emerging sports from the list solely to the committee where it could be handled through non-legislative means. The committee noted the importance of broad membership engagement and participation in the addition and removal of emerging sports for women as the institutions are the entities sponsoring those sports. It was noted that emerging sports for women have an impact on sports sponsorship and revenue distribution issues and, therefore, legislative action by the membership or governance structure is necessary and appropriate. Finally, the committee noted that the necessary legislative actions may be accomplished through the noncontroversial legislation process, at the discretion of each division.
12. **Women's Professional Development Opportunities.** The committee received an update on the following programs:
  - a. **NCAA Women Coaches Academy.** The NCAA women coaches' academy has served 688 coaches from 17 sports. It has also added regional and national continuing education programs to increase participation and continue its interaction with graduates. CWA supported the concept of developing a coaches association for academy graduates with the understanding that the organization will supplement rather than distract from sport-specific associations. A recent survey indicated over 80 percent of academy graduates are still in coaching.
  - b. **NCAA/NACWAA Institutes.** NACWAA and the NCAA are participating in a strategic planning effort to evaluate the current programming offered. The committee suggested using as a model the educational programs in place for developing women as institutional presidents, since there are more female presidents than female athletics directors.
  - c. **Women's Leadership Symposium.** Recent symposiums, designed to provide two-day professional development to women new to athletics administration and coaching and students interested in athletics careers, were held in Cambridge, Massachusetts, Sacramento, California, Chicago, Illinois, and Tampa, Florida. Future sites include San Antonio, Texas January 11-12, 2010, Indianapolis, Indiana May 5-6, and Long Island, New York May 27-28 in conjunction with the Division I Women's Lacrosse Championship.
  - d. **Winning Careers in Athletics.** There will be a two day event at the Women's Final Four in Indianapolis designed to introduce female undergraduate students to career opportunities in athletics.

- e. **Careers in Sports Forum.** Curtis Hollomon, NCAA staff, provided an overview of the most recent Careers in Sports Forum, as well as information on the programming and resources available to student-athletes and institutions.
  - f. **ADA Mentor Program.** The committee was advised about a new Division II initiative to match female and minority administrators with experienced mentors. The committee looks forward to information about the program's implementation and success.
13. **Committee on Women's Athletics Subcommittees.** The committee appointed the following members to serve on the identified (sub)committees:
- a. Marilyn Moniz-Kaho'ohanohano, University of Hawaii, Mano, to serve on the CWA Strategic Planning Subcommittee.
  - b. Danez Marrabble, University of Alabama at Birmingham, and Rick Mazzuto, California State University, Northridge, to serve on the CWA/MOIC NCAA Matching Grant for Minority Women Selection Committee.
14. **NCAA Woman of the Year Selections.** The committee received an update regarding the 2010 NCAA Woman of the Year, including statistics related to the conference nominations and nominee demographics. There were 139 conference/independent nominations and 452 institutional nominees. In order to increase the number of nominations, the committee discussed possibly implementing incentives at the conference level for those conferences that have a nomination from every institution. Additionally, the committee received an update on the plans for this year's award dinner and honoree activities on the weekend of October 16-17, 2010.
15. **Health and Safety Update.** David Klossner, NCAA staff, provided the committee with a health and safety resource sheet, which listed all available NCAA resources, and an update on the recent issues surrounding concussions and sickle cell trait testing. The staff noted the need for more participation in the NCAA injury surveillance program, and reminded the committee there is a free tool that institutions may use to record injuries.

The committee requested information on catastrophic and other injuries in competitive cheer, sideline cheer, and stunting/gymnastics. The committee also requested that more information and resources on nutrition and various eating/exercising disorders be provided to the membership.

16. **Title IX Update.** The committee received an update on Title IX related matters, including issues regarding the equitable scheduling of men and women's contests, and the counting of track participants.
17. **Future meeting dates and sites.**
  - a. February 23, 2011 via conference call.
  - b. June 21-23, 2011 in Indianapolis.
  - c. October, 2011(dates TBD) tentatively at NACWAA Convention in Pittsburgh, PA.

*Committee Chair:* Stan Williamson, Campbell University  
*Staff Liaison(s):* Karen Morrison, Gender Inclusion  
Lynn Holzman, Academic and Membership Affairs  
Brynna Barnhart, Enforcement

NCAA Committee on Women's Athletics Response to GoDaddy.com Postseason Football Bowl  
Title Sponsorship

As stated in the NCAA Application for License to Conduct Postseason Football Contest, "because football bowls are licensed by the NCAA and benefit from enabling NCAA bylaws, the public identifies bowls as a part of NCAA football." Further, the application states that postseason football bowls must "promote and administer a postseason football game consistent with the image, integrity and values of the NCAA."

It is with this understanding that the NCAA Committee on Women's Athletics (CWA) objects to the approval of GoDaddy.com as a sponsor of a postseason football bowl game. The CWA believes sponsors of the postseason football bowl games should be consistent with NCAA values and attributes. The NCAA has previously excluded ads or advertisers "that do not appear to be in the best interests of higher education and student-athletes." However, the majority of the GoDaddy.com advertisements contain sexually suggestive material, most notably with the use of the "GoDaddy Girls." Its advertisements have also been criticized by the media for the "raunchy, Girls-Gone-Wild" style.

While GoDaddy.com has asserted its advertising during the postseason football bowl game will be appropriate for the viewing audience, the public already associates GoDaddy.com with the sexually explicit messages portrayed through its previous advertising campaigns. Further, a review of the GoDaddy.com website reveals advertisements, commercials and videos even more suggestive than allowed on television. Not only are GoDaddy.com's advertisements disrespectful to the over 180,000 female student-athletes participating in the NCAA, they also send a message to the over 200,000 male student-athletes that sexual exploitation of women is acceptable behavior.

**Division I Leadership Council Oct. 5, 2010, response to  
CWA position on GoDaddy.com bowl sponsorship:**

**GoDaddy.com.** The Council received a report from the NCAA Committee on Women's Athletics (CWA) in which the committee noted its objection to the decision to permit the previously licensed GMAC Bowl to change its title sponsor to GoDaddy.com. The CWA noted that the NCAA Application for License to Conduct Postseason Football Contest includes in its conditions of receiving a license the requirement that the licensee promote and administer a postseason football game consistent with the image, integrity and values of the NCAA. The CWA noted that the majority of GoDaddy.com advertisements contain sexually suggestive material, many of which are more suggestive than allowed on television. The CWA requests that focused efforts be made to ensure that GoDaddy.com advertisements and activities surrounding the postseason bowl game maintain the integrity and image of the NCAA and its student-athletes. The Leadership Council unanimously voted to support the CWA's position regarding GoDaddy.com as a bowl title sponsor and to request that the NCAA Executive Committee review the concerns expressed by the CWA in order to determine how best to ensure that future bowl sponsors are aligned with the image, values and integrity of the Association.

## HACU enters partnership with NCAA

The Hispanic Association of Colleges and Universities (HACU) and the National Collegiate Athletic Association (NCAA) have entered a strategic partnership to work towards increasing the number of Hispanics involved in collegiate sports at all levels, as players, coaches and athletic administrators, and NCAA professional staff.

An advisory working group has been formed to aid in working towards the goal of the partnership. The following presidents from HACU-member institutions are a part of the group:

- President Ricardo R. Fernandez, Lehman College.
- President Mildred Garcia, California State University, Dominguez Hills.
- President Milton A. Gordon, California State University, Fullerton.
- President Kimberly Cline, Mercy College.
- President Stephen M. Jordan, Metropolitan State College of Denver.

Also part of the group are:

### *NCAA staff members*

- Bernard W. Franklin, executive vice president of membership and student-athlete affairs/chief inclusion officer;
- Kim Ford, director of minority inclusion initiatives.

### *HACU staff members*

- John Moder, senior vice president and chief operating officer;
- Maria Elena Vivas-House, HACU National Internship Program executive director.

An additional representative from a Hispanic-Serving community college is in the process of being selected.

The partnership is an outgrowth of a June meeting of NCAA Division II Hispanic-Serving Institution presidents and chancellors but has been broadened to include all NCAA divisions.

Report offers guidance for transgender student-athletes

Oct 4, 2010 10:39:38 AM

**By Gary Brown**  
**The NCAA News**

A report from the [National Center on Lesbian Rights](#) and the [Women's Sports Foundation](#) may give the NCAA some much anticipated guidance on how colleges and universities accommodate the interests of student-athletes who have transitioned or are transitioning from one gender to another.

The report stresses that any transgender student-athlete “should be allowed to participate in any gender-segregated sports activity so long as that athlete’s use of hormone therapy, if any, is consistent with the national governing body’s existing policies on banned medications.”

It also specifies conditions under which both transgender athletes who are undergoing hormone treatment and those who aren’t should be allowed to compete.

The report coincides with an ongoing review in the NCAA governance structure – particularly the Committee on Women’s Athletics, the Minority Opportunities and Interests Committee, and the Committee on Competitive Safeguards and Medical Aspects of Sports – to develop Association-wide policies regarding transgender student-athlete participation in college sports.

Though the number of transgender student-athletes is unknown (the NCAA national office has received about 30 inquiries from the membership over the last two years), it is an issue that NCAA presidents, particularly in Division III, have asked to be prioritized. What is known, however, is that young students from elementary age through high school, with the support of their parents, are identifying as transgender and expecting to participate on athletics teams.

The report offers a comprehensive discussion of what the term “transgender” means and how to provide access and equal opportunities to the individuals it applies to.

**Recommendations for transgender athletes undergoing hormone treatment:**

A male-to-female 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.

A female-to-male 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 before competing on a men's team because testosterone is a banned substance.

A female-to-male transgender student-athlete who is taking medically prescribed testosterone for the purposes of gender transition may compete on a men's team.

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.

**Recommendations for transgender athletes not undergoing hormone treatment:**

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 gender.

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.

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.

Experts agree that at its core, the transgender issue is no different from other diversity and inclusion matters since the priority is accommodating the well-being of the student-athlete. However, the challenge for any governing body creating policy is to maintain the integrity of women's sports but also provide an equitable opportunity for transgender student-athletes to participate, particularly transgender women (men who have transitioned to being women). The overriding issue is the effect of testosterone on the person in question.

The Division III Presidents Council, as well as the Divisions I, II and III Student-Athlete Advisory Committees and other governance groups that have reviewed this issue, are especially interested in accommodating the transgender student-

athlete's interests as the top priority.

That resonates with Committee on Women's Athletics member and Smith College Athletics Director Lynn Oberbillig, who also chairs the Division III Management Council.

"We need to convince people to first button down the student-athlete well-being component of this before worrying about the equity piece," Oberbillig said. "If we find there is an equity concern, we can address that later on, but let's open the discussion by first making sure we are doing the right thing."

### **Current policies vary**

The NCAA currently has no specific policy related to transgender student-athletes when it comes to competition. Rather, the Association recommends following the gender classification of student-athletes' state identification documents such as driver's licenses and voter registration, and relies on the institution's designation of that individual. While that is sufficient in some respects, the matter can become complicated because of the differences in identification documents among states.

Other organizations, such as the International Olympic Committee, require athletes to wait two years after sexual-reassignment surgery before returning to competition, due primarily to competitive-equity concerns.

NCAA members would prefer the Association adopt policies that best meet student-athlete's unique needs. The joint report from the NCLR and WSF may help, especially since its contributors are experts in the field and included NCAA representatives.

"So many diversity issues start with a misunderstanding of the facts and stereotypes that we are presented with from such an early age. Much of this is just working to get through all of that misinformation in order to understand the core issue, which is the equality of all people," said the NCLR's Director of the Sports Project Helen Carroll, who co-authored the report with Pat Griffin of the WSF.

The focus on education is also an approach the NCAA is embracing. The Committee on Women's Athletics and the Minority Opportunities and Interests Committee acknowledged during a joint session in September that the topic itself will be new to many NCAA member schools. The national office already has begun identifying educational resources that define terms, outline potential issues

and offer best practices until a formal policy is created.

Oberbillig said the WSF/NCLR report is a great place for that policy discussion to start. “The report will be a fantastic tool,” she said. “The recommendations there will be a starting point for the governance structure.”

In addition to the preliminary review from the women’s and minority committees, the NCAA’s competitive-safeguards committee will continue its review of the issue at its next meeting in December.

“The challenge is to get people to see this first as a human issue – this is about students and their well-being,” said Shannon Minter, legal director for the NCLR. “The NCAA can help reframe the matter as a human issue – this isn’t a scary thing but an issue that schools are increasingly going to be called on to deal with.”

### **Breaking down the stereotypes**

Minter added that when schools are prepared with a policy, or are willing to at least be educated, resolutions are easier. “Where that is not the case, though,” he said, “it can end up being a negative experience for the student-athlete, and for the athletics department and the institution.”

“We believe the recommendations in the report represent the best thinking to date,” said Griffin, who has overseen educational efforts for lesbian, gay, bisexual and transgender issues in sports for the WSF. “That’s not to say that problems would not arise if these recommendations were to be implemented – that’s just the nature of these types of issues. But if people can use the guiding principles to work their way through those unforeseen dilemmas, at least their decisions will be made on the best information available and not on stereotypes about transgender people.”

Those stereotypes, Griffin said, are set at an early age.

“People assume that when you are born and assigned a gender, then that’s the way it is,” she said. “The idea of transitioning to another gender is so foreign to most people that it makes it challenging to understand how it could even happen.”

As with other gender-equity and diversity efforts the NCAA has addressed over time, the transgender issue will require a learning curve.

“Any time you are looking at policies that must be inclusive, fair and equitable to everyone on the team, implementation can be a challenge,” said Carroll. “We tried to speak with knowledgeable people in all areas, including the transgender students themselves. We tried to hear everyone. The report started out as one big question: How do we do this?”

And it produced a number of answers.

# ON THE TEAM:

## EQUAL OPPORTUNITY FOR TRANSGENDER STUDENT ATHLETES

### AUTHORS:

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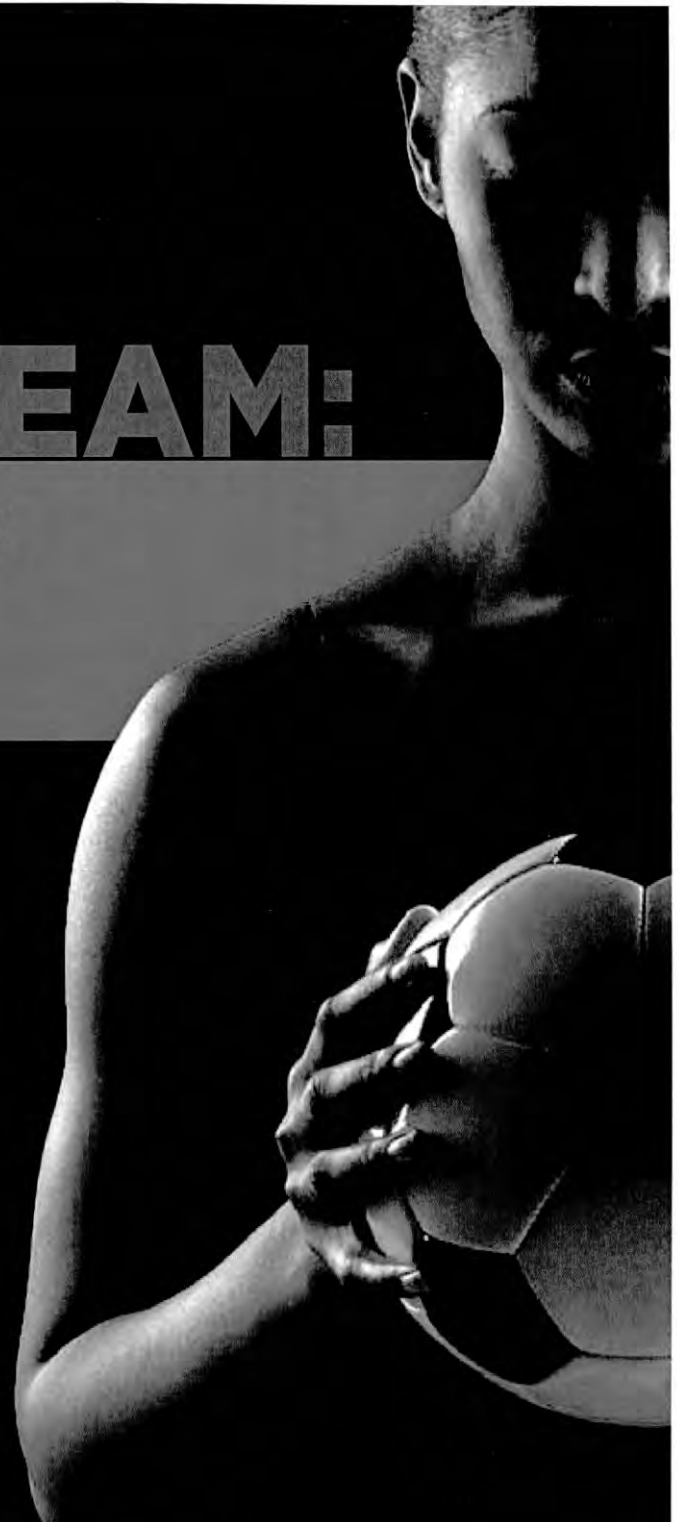


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**WOMEN'S  
SPORTS  
FOUNDATION**

**It Takes A Team!**

**OCTOBER 4, 2010**



# ON THE TEAM:

## EQUAL OPPORTUNITY FOR TRANSGENDER STUDENT ATHLETES

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## ABOUT THE REPORT

The purpose of this report is to provide guidance to high school and collegiate athletic programs about how to ensure transgender student athletes fair, respectful, and legal access to school sports teams. In October 2009 the National Center for Lesbian Rights and It Takes A Team!, an Initiative of the Women's Sports Foundation, co-sponsored a national think tank entitled "Equal Opportunities for Transgender student athletes." Think Tank participants 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 goals were to develop model policies and identify best practices for high school and collegiate athletic programs to ensure the full inclusion of transgender student athletes.

This think tank report includes best practice and policy recommendations for high school and collegiate athletic programs about providing transgender student athletes with equal opportunities to participate in school-based sports programs. In addition to specific policy recommendations for both high school and college athletics, the report provides guidance for implementing these policies to ensure the safety, privacy, and dignity of transgender student athletes as well as their teammates. Specific best practice recommendations are provided for athletic administrators, coaches, student athletes, parents, and the media.



### LEA ROBINSON

ASSISTANT DIRECTOR OF MULTICULTURAL AFFAIRS,  
LGBTQ OUTREACH, COLUMBIA UNIVERSITY  
(FORMER COACH AND ATHLETE)

**“ During my coaching career, there was little discussion of the existence of transgender student athletes and few resources for those student athletes that did identify as transgender. In my own experience, the few students that I did suspect may have identified as transgender weren’t really able to come out in those settings because of a lack of support within their athletic communities as well as a real lack of resources, education, and safe spaces. I believe that the implementation of supportive policies would signify a commitment to the support and acceptance of transgender-identified student athletes and coaches, and aid in creating more spaces for dialogue and education within the culture of athletics regarding issues and challenges facing transgender student athletes. Those policies will also give transgender student athletes and coaches the guidance, support, encouragement, and sense of safety they need to pursue what can sometimes be a very difficult journey. ”**

## ABOUT THE AUTHORS



### DR. PAT GRIFFIN

Dr. Pat Griffin is the former Director of It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual and Transgender Issues in Sport, an initiative of the Women's Sports Foundation. Dr. Griffin is a Professor Emerita in the Social Justice Education Program at the University of Massachusetts Amherst. She is author of *Strong Women, Deep Closets: Lesbians and Homophobia*

in Sports and co-editor of *Teaching for Diversity and Social Justice: A Sourcebook for Teachers and Trainers*. For the past 25 years, Dr. Griffin has led seminars on diversity issues including lesbian, gay, bisexual, and transgender issues in athletics at numerous colleges and universities, as well as at coaches and athletic administrators' association meetings throughout the United States and Canada. Dr. Griffin has discussed homophobia in sports on ESPN's *Outside the Lines*, HBO's *Real Sports* and ABC Sports. In 2007 she was selected as one of the Top 100 Sport Educators by the International Sport Institute. She played basketball and field hockey and swam at the University of Maryland. She coached high school basketball and field hockey in Silver Spring, Maryland and

coached swimming and diving at the University of Massachusetts Amherst.

A Women's Sports Foundation initiative, It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual, and Transgender Issues in Sport is an education project focused on eliminating homophobia as a barrier to all women and men participating in sport. It Takes A Team! provides practical educational information and resources to athletic administrators, coaches, parents, and athletes at the high school and college levels to make sport safe and welcoming for all. These resources are available at [www.ittakesateam.org](http://www.ittakesateam.org).



### HELEN J. CARROLL

Helen J. Carroll is the Director of the National Center for Lesbian Rights' Sports Project, which aims to ensure that lesbian, gay, bisexual, and transgender players, coaches, and administrators receive fair and equal treatment—free of discrimination. She joined NCLR in 2001 after spending 30 years as an athlete, coach, and collegiate athletic director. Carroll is well-known in the sports world as an acclaimed National Championship Basketball Coach from the University of North Carolina-Asheville. She was a National Collegiate Athletic

Association (NCAA) and National Association of Intercollegiate Athletics (NAIA) Athletic Director at Mills College for twelve years, and now devotes all her efforts to helping the sports world recognize that the inclusion of people who are lesbian, gay, bisexual, and/or transgender diversifies and strengthens the sport experience. Carroll works closely with major national sport organizations including the Women's Sports Foundation and the NCAA. She has been a featured speaker on panels with Nike, ESPN's *Outside the Lines*, *The New York Times*, and many others. Her work appears in Dr. Dee Mosbacher's and Fawn Yacker's award-winning film, *Training Rules*, Dr. Pat Griffin's book, *Strong Women, Deep Closets* and *The Outsports Revolution* by authors Jim Buzinski and Cyd Ziegler Jr. Carroll was recently named to the list of Most Powerful Lesbians in Sport by *Curve Magazine*.

The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. The mission of the Sports Project is to create and ensure a sports culture where individuals may fully participate, free from sexual orientation and gender identity discrimination.

Other NCLR staff who provided assistance in the writing of this report include Shannon Minter, Legal Director; Liz Seaton, former Director of Projects and Managing Attorney; Ilona Turner, Staff Attorney; Cara Sherman, Public Interest Associate; and Jody Marksamer, Staff Attorney and Youth Project Director.

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For providing a voice and sharing the experience of being a transgender student: Keelin Godsey, Track and Field, Rugby, Bates College, 2006, Northeastern College, 2010; Morgan Dickens, Basketball and Rugby, Cornell University, 2008, Ithaca College, 2009; a high school transgender student athlete.

# INTRODUCTION

## INTRODUCTION

An increasing number of high school- and college-aged young people are identifying as transgender (or trans), meaning that their internal sense of their gender identity is different from the gender they were assigned at birth.<sup>1</sup> These students challenge many parents and educators to rethink our understanding of gender as universally fixed at birth. Educators and parents must be open to this challenge if we are to create educational institutions that value and meet the needs of all students. Once we recognize that transgender young people are part of school communities across the United States, educational leaders have a responsibility to ensure that these students have access to equal opportunities in all academic and extracurricular activities in a safe and respectful school environment.



**STEPHANIE BRILL**  
EXECUTIVE DIRECTOR, GENDER SPECTRUM

**“ There are more and more transgender children today who, even at young ages, are allowed to live their lives in alignment with who they are. As it becomes common medical procedure to allow these children to transition in childhood, athletic policies need to reflect this change in the landscape of student athletes. ”**

Some transgender students, like their non-transgender peers, enjoy athletic competition and want to be part of a school sports team. Transgender young people have the same right to participate and benefit from the positive aspects of athletics as other students do. School athletic leaders, in response to this interest, must identify effective and fair policies to ensure that transgender students have an equal opportunity to participate on school sports teams.

School athletic programs are widely accepted as integral parts of the high school and college experience. The benefits of school athletic participation include many positive effects on physical, social, and emotional well-being. Playing sports can provide student athletes with important lessons about self-discipline, teamwork, success, and failure—as well as the joy and shared excitement that being a member of a sports team can bring.

Additionally, participation in high school athletics shows that a student is well-rounded and can improve a student's chances of acceptance into college. For some students, playing on high school teams leads to future careers in athletics as competitors, coaches, administrators, and athletic trainers. All students, including those who are transgender, deserve access to these benefits.

Though the needs of transgender students in high school and college have received some attention in recent years, this issue has not been adequately addressed in the context of athletics. Few high school or collegiate athletic programs, administrators, or coaches are prepared to fairly, systematically,

<sup>1</sup> For a more complete list of definitions and terms related to transgender people, refer to Appendix A.

and effectively address a transgender student's interest in participating in athletics. The majority of school athletic programs have no policy governing the inclusion of transgender student athletes, and most coaches are unprepared to accommodate a transgender student who wants to play on a sports team. In fact, most school athletic programs are unprepared to address even basic accommodations such as knowing what pronouns or names to use when referring to a transgender student, where a transgender student should change clothes for practice or competition, or what bathroom or shower that student should use.

In response to this need, the National Center for Lesbian Rights Sports Project and the Women's Sports Foundation initiative It Takes A Team! convened a national think tank in October 2009 entitled "Equal Opportunities for Transgender student athletes." Think tank participants included leaders from the National Collegiate Athletic Association (NCAA) 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.

Think tank participants were committed to a set of guiding principles based on the core values of inclusion, fairness, and equal opportunity in sport. The think tank goals were to develop model policies and identify best practices for high school and collegiate athletic programs to ensure the full inclusion of transgender student athletes.

Think tank participants were also keenly aware of the advantages of adopting uniform national policies for the participation of high school and college transgender athletes. By adopting a single national policy for all high schools and a single national policy for intercollegiate athletics, educators can ensure that student athletes and teams will not run into problems due to inconsistent rules for state eligibility, conference and tournament eligibility, and national competitive tournaments. The adoption of a single national standard for high schools and a single national standard for colleges would also enable an easier transition for high school transgender student athletes moving to another state, or for transgender student athletes in college to transfer to a program in another state.

This report reflects the best thinking of the think tank participants, based on current medical knowledge and legal protections for transgender people, about how to ensure equal opportunities for transgender student athletes. The purpose of this report is to provide leaders in education and athletics with the information they need to make effective policy decisions about the participation of transgender student athletes in high school and college athletic programs. This report is intended for everyone involved with high school or collegiate athletics including college presidents, school board members, high school state athletic association leaders, school principals and district superintendents, intercollegiate athletic conference commissioners, and sport governing organization leaders. It is also intended for individual athletic directors, coaches, student athletes, and parents.

Part One of the report provides an overview of issues related to providing equal opportunities for transgender student athletes. Part Two describes model policies for the inclusion of high school and college transgender student athletes. Part Three recommends best practices for the inclusion of transgender student athletes. Part Four lists additional resources for addressing transgender issues in athletics. Part Five includes an appendix of definitions of key terms, information about the legal rights of transgender people in the United States, and a list of the think tank participants.

# PART ONE:

## OVERVIEW

## PART ONE: OVERVIEW

This section of the report provides an overview of issues related to providing equal opportunities for transgender student athletes by addressing the following questions:

- **What Does Transgender Mean?**
- **Why Must We Address Transgender Issues in Athletics? Why Focus on High School and College Athletics?**
- **Should the Participation of Transgender Student Athletes Raise Concerns About Competitive Equity?**
- **What Are the Benefits of Adopting Fair and Inclusive Policies?**
- **What Are Harmful Effects of Failing to Adopt Fair and Inclusive Policies?**

### What Does Transgender Mean?

“Transgender” describes an individual whose gender identity (one’s internal psychological identification as a boy/man or girl/woman) does not match the person’s sex at birth. 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.<sup>2</sup>

Some transgender people choose to share the fact that they are transgender with others. Other transgender people prefer to keep the fact that they transgender private.

It is important that other people recognize and respect the transgender person’s identification as a man or a woman. In order to feel comfortable and to express their gender identity to other people, transgender people may take a variety of steps: changing their names and self-referencing pronouns to better match their gender identity; choosing clothes, hairstyles, or other aspects of self-presentation that reflect their gender identity; and generally living, and presenting themselves to others, consistently with their gender identity. Some, but not all, transgender people take hormones or undergo surgical procedures to change their bodies to better reflect their gender identity.

Some people are confused by the difference between transgender people and people who have intersex conditions. The key feature of being transgender is having a psychological identification as a man or a woman that differs from the person’s sex at birth. Apart from having a gender identity that is different than their bodies, transgender people are not born with physical characteristics that distinguish them from others. In contrast, people with intersex conditions (which may also be called a “Differences of Sex Development”), are born with physically mixed or atypical bodies

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<sup>2</sup> Gender Spectrum, “A Word About Words,” available online at [http://www.genderspectrum.org/images/stories/Resources/Family/A\\_Word\\_About\\_Words.pdf](http://www.genderspectrum.org/images/stories/Resources/Family/A_Word_About_Words.pdf).

with respect to sexual characteristics such as chromosomes, internal reproductive organs and genitalia, and external genitalia.<sup>3</sup> An estimated one in 2,000 people are born with an anatomy or chromosome pattern that doesn't seem to fit typical definitions of male or female. The conditions that cause these variations are sometimes grouped under the terms "intersex" or "DSD" (Differences of Sex Development).<sup>4</sup>

Most people with intersex conditions clearly identify as male or female and do not have any confusion or ambiguity about their gender identities. In fact, most intersex conditions are not visible, and many intersex people are unaware of having an intersex condition unless it is discovered during medical procedures. Though there may be some similar issues related to sports participation between transgender and intersex individuals, there are also significant differences. This report will focus on the participation of transgender people in sports.

### Why Must We Address Transgender Issues in School Athletic Programs?

Educators must address transgender issues in athletics for several reasons. First and foremost, core values of equal opportunity and inclusion demand that educational leaders adopt thoughtful and effective policies that enable all students to participate fully in school athletic programs. Over the course of many years, schools have learned and continue to appreciate the value and necessity of accommodating the sport participation interests of students of color, girls and women, students with disabilities, and lesbian, gay, and bisexual students. These are all issues of basic fairness and equity that demand the expansion of our thinking about equal opportunity in sports. The right of transgender students to participate in sports calls for similar considerations of fairness and equal access.

Additionally, as more states, localities, and schools add gender identity and expression to their non-

#### PARENT OF HIGH SCHOOL STUDENT ATHLETE

**“ When my daughter transitioned at the age of 14, at the beginning of her eighth-grade year, we were told that a school administrator had contacted the state association for us. The answer I got then was that she could only compete in girls intramural sports. By the time she was ready to enter high school as a freshmen, she was no longer willing to settle. She wanted the right to compete at any level in the gender role she identified with. ”**

discrimination policies, and as more courts hold that sex discrimination laws protect transgender people, transgender students and their parents are increasingly empowered to insist that athletic programs accommodate transgender students (see Part Five: Appendix B for a compilation of

<sup>3</sup> Intersex Society of North America, “What’s the difference between being transgender or transsexual and having an intersex condition?” Available online at <http://www.isna.org/faq/transgender>.

<sup>4</sup> Advocates for Informed Choice, General Brochure, available online at <http://aiclegal.files.wordpress.com/2010/02/aic-brochure.pdf>.

state and federal laws, regulations, and legal decisions prohibiting discrimination based on gender identity/expression). To avoid decision-making that perpetuates discrimination, school leaders must be proactive in adopting policies that are consistent with school non-discrimination policies and state and federal laws prohibiting discrimination based on gender identity or expression (see Appendix A for definitions of gender identity and gender expression).

Though the number of transgender students is small, research indicates that their number is growing.<sup>5</sup> As the number of people who come out as transgender as teenagers and children increases, so too do the numbers of parents who support their transgender children and advocate for their rights to safety and fair treatment in schools. In response to these demands, K-12 school and college leaders must be prepared to accommodate the educational needs and protect the rights of trans-identified students.

To respond to these realities, sport governing organizations and individual schools are well advised to proactively adopt policies that provide equal opportunities for transgender students to participate on school sports teams. Moreover, in the spirit of encouraging sports participation for all, it is the right thing to do.

In order to design effective policies, educators must understand that gender is a core part of everyone's identity and that gender is more complex than our society generally acknowledges. Learning about the experience of transgender people can help us to see more clearly how gender affects all of our lives, and to put that knowledge into practice in order to better serve all students.



**STEPHANIE BRILL**  
EXECUTIVE DIRECTOR, GENDER SPECTRUM

**“Parents call Gender Spectrum weekly to see if their children will be allowed to play sports in high school.”**

Addressing the needs of transgender students is an important emerging equal opportunity issue that must be taken seriously by school leaders. Because a more complex understanding of gender may be new and challenging for some people, there is a danger that misinformation and stereotypes will guide policy decisions rather than accurate and up-to-date information. Athletic leaders who are charged with policy development need guidance to avoid inscribing misconceptions and misinformation in policies that, ultimately, create more problems than they solve.

<sup>5</sup> See, e.g., Emily A. Greytak, Joseph G. Kosciw, and Elizabeth M. Diaz, Gay Lesbian Straight Education Network, *Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools* (2009). Available online at [http://www.glsen.org/binary-data/GLSEN\\_ATTACHMENTS/file/000/001/1375-1.pdf](http://www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1375-1.pdf). Despite this evidence of growing numbers, the decision to provide equal opportunity should not be based on the number of transgender students who want to play sports. Even the smallest minority of students deserves the opportunity to participate in all school-sponsored programs.

## Why Focus on High School and College Athletics?

Providing equal opportunities in all aspects of school programming is a core value in education. As an integral part of educational institutions, high school and college athletic programs are responsible and accountable for reflecting the goals and values of the educational institutions of which they are a part. It follows that school athletic programs must reflect the value of equal opportunity in all policies and practices.

Athletic programs affiliated with educational institutions have a responsibility, beyond those of adult amateur or professional sports programs, to look beyond the value of competition to promote broader educational goals of participation, inclusion, and equal opportunity. Because high schools and colleges must be committed to those broader educational goals, they should not unthinkingly adopt policies developed for adult Olympic and professional athletes. Recognizing the need to address the participation of transgender athletes, a few leading international and professional sport governing organizations have developed policies based on overly stringent, invasive, and rigid medical requirements. These policies are not workable or advisable for high school and college athletes for a number of reasons.

For example, in 2004 the International Olympic Committee (IOC) developed a policy addressing the eligibility of transgender athletes to compete in IOC sanctioned events.<sup>6</sup> While the IOC deserves credit for its pioneering effort to address the inclusion of transgender athletes, medical experts have identified serious flaws in the IOC policy, especially its requirement of genital reconstructive surgery, which lacks a well-founded medical or policy basis. Most transgender people—even as adults—do not have genital reconstructive surgery.<sup>7</sup> In addition, whether a transgender person has genital reconstructive surgery has no bearing on their athletic ability. The IOC policy also fails to provide sufficient protections for the privacy and dignity of transgender athletes. Because of these serious flaws, high schools and colleges should not adopt or look to the IOC policy as a model.<sup>8</sup>

### ERIC VILAIN

M.D., PH.D., PROFESSOR, DIRECTOR OF THE CENTER FOR GENDER-BASED BIOLOGY AND CHIEF MEDICAL GENETICS DEPARTMENT OF PEDIATRICS, UCLA



**“ Requiring sex reassignment surgery before allowing participation for the high school or collegiate student athlete is medically unnecessary and not linked to competitive equity. IOC regulations requiring surgery for Olympic transgender athletes have been controversial and it would be unreasonable to make this a requirement for high school and college students. ”**

<sup>6</sup> International Olympic Committee, *Statement of the Stockholm Consensus on Sex Reassignment in Sport* (2003), [http://www.olympic.org/Documents/Reports/EN/en\\_report\\_905.pdf](http://www.olympic.org/Documents/Reports/EN/en_report_905.pdf).

<sup>7</sup> Lisa Mottet, National Gay and Lesbian Task Force Policy Institute and National Center for Transgender Equality, “Preliminary Findings of the National Transgender Discrimination Survey” (2010).

<sup>8</sup> Alice Dreger, “Sex Typing for Sport,” *Hastings Center Report* (March-April 2010).

There are additional reasons for high schools and colleges to create their own policies rather than adopt policies developed for adults. High school- and college-aged student athletes have developmental needs that differ from those of adults. For example, a core purpose of high school and college is to teach students how to participate and be good citizens in an increasingly diverse society and how to interact respectfully with others. In addition, high school and college athletic programs impose limits on how many years a student athlete can compete that do not exist in adult sporting competitions, where athletes can compete as long as their performances are viable or, in the case of most amateur sports, as long as they wish to.

It is also advisable that high school athletic programs adopt a different policy for including transgender student athletes than college athletic programs. Specifically, this report recommends that high schools permit transgender athletes to play on teams consistent with the student's gender identity, without regard to whether the student has undertaken any medical treatment. In contrast, the report recommends a more nuanced policy for collegiate athletics that is based, in part, upon whether a student athlete is undergoing hormone therapy.

The need for distinct high school and collegiate policies is based on several considerations. First, in high school settings, students are guaranteed the availability of a high school education and a corresponding opportunity to participate equally in all high school programs and activities. At the high school level, the focus should be on full participation in athletics for all students, within the limits of school resources to provide participation opportunities.

Second, intercollegiate sports are governed differently than high school sports. Intercollegiate athletics are regulated nationally by governing bodies that sponsor national competitions and oversee such functions as the random testing of student athletes for the use of banned substances thought to enhance athletic performance. Because testosterone is a banned substance under the current rules for intercollegiate competition, the inclusion of transgender student athletes in college sports must be consistent with those rules.

Third, high school student athletes are still growing and developing physically, cognitively, and emotionally. Because high school-aged students are still growing and maturing, they present a broader range of physical characteristics than collegiate student athletes do, and these differences should be taken into account in developing a policy for high school students.

Finally, high school-aged and younger transgender students are subject to different medical protocols than adults because of their age and physical and psychological development.<sup>9</sup> The World Professional Association for Transgender Health (WPATH) has established guiding medical protocols for transitioning—the process by which a transgender person lives consistently with their gender identity—which may include treatments to have the person's physical presentation more closely align with their identity. Those protocols vary based on the age and psychological readiness of the young person.<sup>10</sup> For children and youth, transition typically consists entirely of

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<sup>9</sup> Stephanie Brill and Rachel Pepper, *The Transgender Child: A Handbook for Families and Professionals* (San Francisco: Cleis Press, 2008).

<sup>10</sup> World Professional Association for Transgender Health, *The Harry Benjamin International Gender Dysphoria Association's Standards Of Care For Gender Identity Disorders, Sixth Version* (2001). Available online at <http://www.wpath.org/documents2/socv6.pdf>.

permitting the child to dress, live, and function socially consistently with the child's gender identity. For youth who are approaching puberty, hormone blockers may be prescribed to delay puberty in order to prevent the youth from going through the traumatic experience of acquiring secondary sex characteristics that conflict with his or her core gender identity. For older youth, cross-gender hormones or even some sex-reassignment surgeries may be prescribed.



#### JAMISON GREEN

CENTER OF EXCELLENCE FOR TRANSGENDER HEALTH, UCSF, WPATH BOARD OF DIRECTORS

**“ The World Professional Association for Transgender Health Board of Directors has stated that policies requiring surgery as a condition of identity recognition are not advisable as a matter of ethical healthcare. High schools and colleges should not require surgery for a student to compete in their affirmed gender. ”**

All of these factors point to the need to develop policies for the inclusion of transgender student athletes in high school and college programs that take the relevant differences between the two settings into account. In the high school and college policies recommended below, we have attempted to take account of these differences.

### Should the Participation of Transgender Student Athletes on School Teams Raise Concerns About Competitive Equity?

Concern about creating an “unfair competitive advantage” on sex-separated teams is one of the most often cited reasons for resistance to the participation of transgender student athletes. This concern is cited most often in discussions about transgender women or girls competing on a women's or girls' team. Some advocates for gender equality in high school and college sports are concerned that allowing transgender girls or women—that is, male-to-female transgender athletes who were born male, but who identify as female—to compete on women's teams will take away opportunities for other girls and women, or that transgender girls or women will have a competitive advantage over other non-transgender competitors.

These concerns are based on three assumptions: one, that transgender girls and women are not “real” girls or women and therefore not deserving of an equal competitive opportunity; two, that being born with a male body automatically gives a transgender girl or woman an unfair advantage when competing against non-transgender girls and women; and three, that boys or men might be tempted to pretend to be transgender in order to compete in competition with girls or women.

These assumptions are not well founded. First, the decision to transition from one gender to the other—to align one's external gender presentation with one's internal sense of gender identity—is

a deeply significant and difficult choice that is made only after careful consideration and for the most compelling of reasons. Gender identity is a core aspect of a person's identity, and it is just as deep seated, authentic, and real for a transgender person as for others. Male-to-female transgender women fully identify and live their lives as women, and female-to-male transgender men fully identify and live their lives as men. For many transgender people, gender transition is a psychological and social necessity. It is essential that educators in and out of athletics understand this.

Second, while some people fear that transgender women will have an unfair advantage over non-transgender women, it is important to place that fear in context. When examined carefully, the realities underlying this issue are more complex than they may seem at first blush. The basis of this concern is that transgender girls or women who have gone through male puberty may have an unfair advantage due to the growth in long bones, muscle mass, and strength that is triggered by testosterone. However, a growing number of transgender youth are undergoing medically guided hormonal treatment prior to puberty, thus effectively neutralizing this concern. Increasingly, doctors who specialize in treating transgender people are prescribing hormone blockers to protect children who clearly identify as the other gender from the trauma of undergoing puberty in the wrong gender and acquiring unwanted secondary sex characteristics. When the youth is old enough to make an informed decision, he or she can make the choice of whether to begin cross-gender hormones. Transgender girls who transition in this way do not go through a male puberty, and therefore their participation in athletics as girls does not raise the same equity concerns that might otherwise be present.

**DR. WALTER BOCKTING, PH.D.**  
PRESIDENT OF WPATH, ASSOCIATE PROFESSOR,  
UNIVERSITY OF MINNESOTA MEDICAL SCHOOL

**“Differences within the sexes are considerable and often times larger than differences between the sexes.”**



In addition, even transgender girls who do not access hormone blockers or cross-gender hormones display a great deal of physical variation, just as there is a great deal of natural variation in physical size and ability among non-transgender girls and boys. Many people may have a stereotype that all transgender girls and women are unusually tall and have large bones and muscles. But that is not true. A male-to-female transgender girl may be small and slight, even if she is not on hormone blockers or taking estrogen. It is important not to over generalize. The assumption that all male-bodied people are taller, stronger, and more highly skilled in a sport than all female-bodied people

is not accurate.<sup>11</sup> This assumption is especially inaccurate when applied to youth who are still developing physically and who therefore display a significantly broader range of variation in size, strength, and skill than older youth and adults.<sup>12</sup>



**DR. NICK GORTON**

AMERICAN BOARD OF EMERGENCY MEDICINE,  
MEDICAL LEGAL CONSULTANT, TRANS HEALTH CARE

**“Transgender student athletes fall within the spectrum of physical traits found in athletes of their transitioned gender, allowing them to compete fairly and equitably.”**

It is also important to know that any athletic advantages a transgender girl or woman arguably may have as a result of her prior testosterone levels dissipate after about one year of estrogen therapy. According to medical experts on this issue, the assumption that a transgender girl or woman competing on a women’s team would have a competitive advantage outside the range of performance and competitive advantage or disadvantage that already exists among female athletes is not supported by evidence.<sup>13</sup> As one survey of the existing research concludes, “the data available does not appear to suggest that transitioned athletes would compete at an advantage or disadvantage as compared with physically born men and women.”<sup>14</sup>

Finally, fears that boys or men will pretend to be female to compete on a girls’ or women’s team are unwarranted given that in the entire 40 year history of “sex verification” procedures in international

<sup>11</sup> In addition, what counts as a competitive advantage may shift dramatically depending on the sport. What is an advantage in one context may be a disadvantage in another. For example, factors such as height, weight, reaction time, and proportion of fast twitch muscle fibers all affect competitive advantage depending on the sport. A female volleyball player may be very tall, and yet few people would consider that to be an unfair competitive advantage in her sport. Similarly, a male swimmer may have a naturally high hemoglobin count enabling him to take in more oxygen, but he is not barred from swimming for that reason. Sarah Teetzel, “On Transgendered Athletes, Fairness and Doping: An International Challenge,” *Sport in Society: Cultures, Commerce, Media, Politics*, 1743-0445, Volume 9, Issue 2 (2006) Pages 227 – 251.

<sup>12</sup> Assuming that boys have an automatic advantage over girls is particularly false with respect to prepubescent children, where gender plays virtually no role in determining relative athletic ability. For that reason, we strongly recommend that school and recreational sports adopt the policy recommended by the Transgender Law and Policy Institute and endorsed by Gender Spectrum. Transgender Law and Policy Institute, *Guidelines for Creating Policies for Transgender Children in Recreational Sports* (2009).

<sup>13</sup> Brenda Wagman, Promising Practices: Working with Transitioning/Transitioned Athletes in Sport Project, AthletesCAN, Canadian Association for the Advancement of Women in Sport, and the Canadian Centre for Ethics in Sport, *Including Transitioning and Transitioned Athletes in Sport: Issues, Facts and Perspectives* (2009). Available online at [http://www.caaws.ca/e/resources/pdfs/Wagman\\_discussion\\_paper\\_THE\\_FINAL.pdf](http://www.caaws.ca/e/resources/pdfs/Wagman_discussion_paper_THE_FINAL.pdf).

<sup>14</sup> Michaela C. Devries, “Do Transitioned Athletes Compete at an Advantage or Disadvantage as compared with Physically Born Men and Women: A review of the Scientific Literature” (May 18, 2008). Including Transitioning and Transitioned Athletes, *supra* note 13. Available online at [http://www.caaws.ca/e/resources/pdfs/Wagman\\_discussion\\_paper\\_THE\\_FINAL.pdf](http://www.caaws.ca/e/resources/pdfs/Wagman_discussion_paper_THE_FINAL.pdf).

sport competitions, no instances of such “fraud” have been revealed.<sup>15</sup> Instead, rather than identifying men who are trying to fraudulently compete as women, “sex verification” tests have been misused to humiliate and unfairly exclude women with intersex conditions.<sup>16</sup> The apparent failure of such tests to serve their stated purpose of deterring fraud—and the terrible damage they have caused to individual women athletes—should be taken into account when developing policies for the inclusion of transgender athletes.

Rather than repeating the mistakes of the past, educators in high school and collegiate athletics programs must develop thoughtful and informed policies that provide opportunities for all students, including transgender students, to participate in sports. These policies must be based on sound medical science, which shows that male-to-female transgender athletes do not have any automatic advantage over other women and girls. These policies must also be based on the educational values of sport and the reasons why sport is included as a vital component of the educational environment: promoting the physical and psychological well-being of all students, and teaching students the values of equality, participation, inclusion, teamwork, discipline, and respect for diversity.

### What Are the Benefits of Adopting Inclusive Policies and Practices Regarding Transgender Student Athletes?

All stakeholders in high school and collegiate athletics will benefit from adopting fair and inclusive policies enabling transgender student athletes to participate on school sports teams. School-based sports, even at the most competitive levels, remain an integral part of the process of education and development of young people, especially emerging leaders in our society. Adopting fair and inclusive participation policies will allow school and athletic leaders to fulfill their commitment to create an environment in which all students can thrive, develop their full potential, and learn how to interact with persons from diverse groups.

**DONNA ROSE**  
TRANSGENDER ACTIVIST, WRESTLER

**“To deny us the opportunity to participate and to compete and to potentially excel is to take away part of ourselves that we cherish.”**



<sup>15</sup> Erin Buzuvis, “Caster Semenya and the Myth of the Level Playing Field,” *Social Science Research Network* (2009). Available online at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1521674](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1521674).

<sup>16</sup> Joe Leigh Simpson et al, “Gender Verification in the Olympics,” *JAMA* (2000); 284: 1568-1569; see also Sex Typing for Sport, supra note 8.

Many schools and athletic departments identify diversity as a strength and have included sexual orientation and gender identity/expression in their non-discrimination policies. Athletic departments and personnel are responsible for creating and maintaining an inclusive and non-discriminatory climate in the areas they oversee. Adopting inclusive participation policies provides school athletic leaders with a concrete opportunity to fulfill that mandate and demonstrate their commitment to fair play and inclusion.

Moreover, when all participants in athletics are committed to fair play, inclusion, and respect, student athletes are free to focus on performing their best in athletic competition and in the classroom. This climate promotes the well-being and achievement potential of all student athletes. Every student athlete and coach will benefit from meeting the challenge of overcoming fear and prejudice about social groups of which they are not members. This respect for difference will be invaluable to all student athletes as they graduate and enter an increasingly diverse workforce in which knowing how to work effectively across differences is a professional and personal asset.

### What Are Harmful Potential Consequences of Failure to Adopt Transgender-Inclusive Policies and Practices?

When schools fail to adopt inclusive participation policies, they are not living up to the educational ideals of equality and inclusion, and may reinforce the image of athletics as a privileged activity not accountable to broad institutional and societal ideals of inclusion and respect for difference. Moreover, this failure puts schools, athletic conferences, and sport governing organizations at risk of costly discrimination lawsuits and negative media attention.



**KEELIN GODSEY**  
TRANSGENDER STUDENT ATHLETE,  
BATES COLLEGE, 2006

**“ I have found it is nearly impossible to be both trans and an athlete. Being an athlete and being trans are both a part of my identity. I wish I didn’t feel like I have to choose one or the other. ”**

Failing to adopt transgender-inclusive participation policies is hurtful to and discriminates against transgender students because they may be denied the opportunity to participate in school sports. School sports programs are integral parts of a well-rounded education experience. The benefits of school sports participation include many positive effects on physical, social, and emotional well-being. All students, including those who are transgender, deserve access to these benefits.<sup>17</sup>

<sup>17</sup> Kirk Mango, “The Benefits of Competitive Athletic Sports Participation in Today’s Sports Climate,” *Chicago Now* (February 16, 2010). Available online at <http://www.chicagonow.com/blogs/athletes-sports-experience/2010/02/the-benefits-of-competitive-athletic-sports-participation-in-todays-sports-climate.html>.

Failure to adopt inclusive participation policies also hurt non-transgender students by conveying a message that the values of non-discrimination and inclusion are less important than values based on competition and winning. Schools must model and educate about non-discrimination values in all aspects of school programming, not only for students, but for parents and community members as well.

Last but not least, failure to adopt policies that ensure equal opportunities for transgender student athletes may also result in costly and divisive litigation. As described in Appendix B, a growing number of states and localities are adopting specific legal protections for transgender students. In addition, state and federal courts are increasingly applying sex discrimination laws to prohibit discrimination against transgender people.

#### JILL PILGRIM

FORMER GENERAL COUNSEL & DRUG TESTING  
PROGRAM ADMINISTRATOR LADIES PROFESSIONAL  
GOLF ASSOCIATION



**“ High Schools and colleges need to adopt transgender student athlete accommodation policies to remedy the silent suffering of young people who have the right to participate and enjoy the same activities that all other students have access to, without being discriminated against. ”**

Several studies show that schools are often hostile places for transgender students and other students who do not conform to stereotypical gender expectations.<sup>18</sup> These students are frequently subjected to peer harassment and bullying which stigmatizes and isolates them. This mistreatment can lead to feelings of hopelessness, depression, and low self-esteem. When a school or athletic organization denies transgender students the ability to participate in sports because of their gender identity or expression, that condones, reinforces and affirms their social status as outsiders or misfits who deserve the hostility they experience from peers.

Finally, the absence of transgender-inclusive policies and practices reinforces stereotypes and fears about gender diversity. When transgender students are stigmatized and excluded, even non-transgender students may experience pressure to conform to gender-role stereotypes as a way to avoid being bullied or harassed themselves.

<sup>18</sup> Harsh Realities, *supra* note 3.

## **PART TWO:**

### **POLICY RECOMMENDATIONS FOR INCLUDING TRANSGENDER STUDENT ATHLETES**

## PART TWO: **POLICY RECOMMENDATIONS FOR INCLUDING TRANSGENDER STUDENT ATHLETES**

This section of the report includes:

- **Guiding Principles**
- **General Recommendations**
- **Recommended Policy for High School Athletics**
- **Recommended Policy for College Athletics**
- **Additional Guidelines for Transgender Student Athlete Inclusion**

### **Guiding Principles**

We recommend that policies governing the participation of transgender student athletes be informed by the following principles, which provided a philosophical foundation for the think tank participants.

Think Tank participants were committed to these guiding principles based on the belief that athletic participation is an integral part of the educational experience. This report recommends that, in addition to an organization's stated values, the following principles be included in the transgender student athlete policy statement:

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.
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 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.

## General Recommendations

1. Schools should adopt transgender student athlete inclusive policies proactively, rather than waiting for a transgender student to express an interest in sports participation. Proactive adoption of such a policy enables school and athletic administrators to educate staff, students and parents about the policy and increases the likelihood that inclusion of transgender students on school teams will occur in a timely, fair and effective manner. The adoption of comprehensive, consistent policies, and the institution of training concerning participation of transgender student athletes before the instance of a transgender student asking to participate also prevent situations in which a student may be subject to harassment or other unwanted or undue attention.
2. Policies governing the participation of transgender student athletes should be adopted by national and state athletic associations and implemented within individual school districts at the individual school level. The advantage of adopting a single national policy for all high schools and a single national policy for intercollegiate athletics is that it provides consistency for state eligibility rules, conference and tournament eligibility, and national competitive tournaments. This consistency reduces the likelihood of student athletes being held to different eligibility requirements in different states.
3. The adoption of a single national standard for high schools and a single national standard for colleges would also enable an easier transition for high school transgender student athletes moving to another state, or for transgender student athletes in college to transfer to a program in another state. Policy consistency eliminates confusion and ensures that transgender student athletes will be afforded an opportunity to compete in every state at both the high school and collegiate levels. Add or amend school non-discrimination policies to include “gender identity and expression.”
4. Policies should focus on maximizing inclusiveness, rather than restricting students’ opportunities to participate based on their gender identity or expression.
5. Policies should reflect the educational values of the organization adopting them and include procedures for implementation, protection of student confidentiality, and appeal.
6. Policies should enable all student athletes, regardless of their gender identity or expression, to compete in a safe, competitive, and respectful environment free of discrimination.

7. Policies should use clear and consistent language that reflects understanding of the concepts of transgender, gender identity, and gender expression.
8. Policies should be in written form and included in all school organizational rulebooks, eligibility guidelines, and student athlete handbooks and should be made readily available to all stakeholders including administrators, coaches, students, and parents.
9. Educational resources should be made available to all national, state and local athletic associations and conferences, school athletic staff, parents, and student athletes, including:
  - Information about gender identity and expression
  - State and federal non-discrimination and anti-harassment laws pertaining to transgender students
  - Best practices for including transgender student athletes on teams, and
  - Information about the transgender student athlete participation policy in the student athlete handbook.

## A HIGH SCHOOL STUDENT ATHLETE A PERSONAL STORY

**“ I am blessed to have a mom who has always accepted me, even though I know that it was hard for her at first. Knowing that my mom was always there to fight for my rights, and that she is not ashamed of me helped me to have the confidence to participate in sports. ”**

I've been on the cross country and track teams since before I started to transition. At first, I had to be on the boys' team. I always felt terrible, out of place, and like I was living a lie.

When I first started to transition, I was able to be on the girls' team. I was so excited to be with the girls, but I was not allowed to “officially” compete and that was hard.

I'll be a senior this fall. Looking back at these last three years competing on the girls' cross country and track team, I feel really good about my experience as a transgender student athlete in my high school. I know I couldn't have done it without the help of

people who have loved and supported me, and fought for my right to be myself no matter what.

My mom was always with me, and she talked to the coaches about what I needed so I could participate fully on the team. My coaches are great. They do not treat me like I am different. To them, I am just another girl on the team.

Before I had surgery, I was able to talk to my female coach about how uncomfortable I would be wearing the speed suits that are required when running, and she was able to figure out a solution that did not single me out. My coaches also made sure that I

was accepted and safe when I started to use the girls' restroom and locker room. And I have teammates that are genuinely accepting, and defend me if others on the team are teasing me, or saying things about me behind my back.

Overall, I believe that taking the time to educate my teammates, being honest, and holding my head high has helped me to be a successful student athlete. I know that there are still people who don't accept or understand what it means to be transgender, but I don't let them get in my life, or in the way of my success on the track or off.

## POLICY RECOMMENDATIONS FOR HIGH SCHOOL AND COLLEGIATE ATHLETICS

The following policy recommendations are for high school and collegiate athletic programs and should not be assumed appropriate for younger age groups. We recommend that policies for younger athletes should be adopted specifically for that age group and should follow the general guidelines developed by the Transgender Law and Policy Institute and endorsed by Gender Spectrum which states that prepubescent young people should be able to commit in recreational and school sports according to their gender identity.<sup>19</sup>

We urge readers to keep in mind that policy development governing the inclusion of transgender student athletes is an emerging endeavor. As new research on the participation of transgender athletes and the physiological effects of gender transition on athletic performance becomes available, policies may need to be reevaluated to ensure that they reflect the most current research-based information.

### Recommended Policy for High School Athletics

A transgender student athlete at the high school level shall be allowed to participate in a sports activity in accordance with his or her gender identity irrespective of the gender listed on the student's birth certificate or other student records, and regardless of whether the student has undergone any medical treatment. This policy shall not prevent a transgender student athlete from electing to participate in a sports activity according to his or her assigned birth gender.

### RECOMMENDED IMPLEMENTATION PROCEDURES

1. Notice to the School: The student and/or parents shall contact the school administrator or athletic director indicating that the student has a consistent gender identity different than the gender listed on the student's school registration records or state birth record, and that the student desires to participate in activities in a manner consistent with his/her gender identity.
2. Notice to the State Interscholastic Athletic Association (SIAA): The athletic director shall notify the SIAA of the student's interest in participating.
3. Once the athletic director grants the student eligibility to participate in the sport consistent with his/her gender identity, the eligibility is granted for the duration of the student's participation and does not need to be renewed every sports season or school year. All discussion and documentation will be kept confidential, and the proceedings will be sealed unless the student and family make these records available.
4. All communications among involved parties and required supporting documentation shall be kept confidential and all records of proceedings sealed unless the student and family

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<sup>19</sup> Transgender Law and Policy Institute, *Guidelines for Creating Policies for Transgender Children in Recreational Sports* (2009). Online at [http://www.transgenderlaw.org/resources/TLPI\\_GuidelinesforCreatingPoliciesforTransChildreninRecSports.pdf](http://www.transgenderlaw.org/resources/TLPI_GuidelinesforCreatingPoliciesforTransChildreninRecSports.pdf); Gender Spectrum, "School Policies and the Law: School Sports," available online at [http://www.genderspectrum.org/index.php?option=com\\_content&view=article&id=24&Itemid=38](http://www.genderspectrum.org/index.php?option=com_content&view=article&id=24&Itemid=38).

make a specific request otherwise. All medical information provided pursuant to this policy shall be kept strictly confidential as is consistent with medical privacy law.

5. Should any questions arise about whether a student's request to participate in a sports activity consistent with his or her gender identity is bona fide, a student may seek review of his or her eligibility for participation through the procedure set forth below:

A. First Level of Appeal: The student will be scheduled for an appeal hearing before an SIAA eligibility committee specifically established to hear gender identity appeals. The SIAA shall schedule a hearing as expeditiously as possible, but in no case later than five (5) school business days of the student's school prior to the first full interscholastic contest that is the subject of the petition, or within a reasonable time thereafter in cases of emergency, including, but not limited to, any unforeseeable late student enrollment. The Gender Identity Eligibility Committee will be comprised of a minimum of three of the following persons, at least one of whom must be from the physician or mental health professional categories:

- Physician with experience in transgender health care and the World Professional Association for Transgender Health (WPATH) Standards of Care
- Psychiatrist, psychologist, or licensed mental health professional familiar with the WPATH Standards of Care
- School administrator from a non-appealing school
- SIAA staff member
- Advocate familiar with issues of gender identity and expression

B. Documentation: The appealing student should provide the Eligibility Committee with the following documentation and information:

- Current transcript and school registration information
- Documentation of the student's consistent gender identification (e.g., written statements from the student and/or parent/guardian and/or health care provider)
- Any other pertinent documentation or information

C. Committee Decision Process: The student's appeal should be granted upon the committee's receipt of the documentation noted above.

D. Second Level of Appeal: If the Gender Identity Eligibility Committee denies the student's request to participate, the student can file a notice of appeal with the Executive Director of the SIAA on or before the tenth (10th) school business day following the date of receipt of the written decision of the Gender Identity Eligibility Committee denying the petition. An appeal to the SIAA Executive

Director shall require the Executive Director to schedule a hearing to commence on or before the tenth (10th) school business day following the date of receipt of the written notice of appeal. Written notice of the time and place of the hearing shall be delivered to the appealing student in person or by certified mail, with return receipt requested, no later than five (5) school business days of the student's school prior to the date of the hearing.

- E. When there is confirmation of a student's consistent gender identity, the Eligibility Committee/SIAA Executive Director will affirm the student's eligibility to participate in SIAA activities consistent with the student's gender identification.



**MIKE COLBRESE**

EXECUTIVE DIRECTOR, WASHINGTON  
INTERSCHOLASTIC ACTIVITIES ASSOCIATION

**“ The WIAA’s gender identity/expression policy, which was adopted two years ago, has been successful in its implementation in the eyes of student athletes, teammates, coaches, athletic directors, parents, and the state association. ”**

Our think tank report recommendation for interscholastic athletics is based on the Washington Interscholastic Activities Association (WIAA) Gender Identity/Expression policy adopted in 2008. The WIAA adopted this non-discrimination policy permitting transgender student athletes to participate according to their gender identity. This policy and specific procedural steps that students and schools are required to follow are described in the WIAA Official Handbook. WIAA officials report that this policy is working as planned in providing equal opportunity for currently participating transgender student athletes. The WIAA policy is, as of 2010, the best working policy governing the participation of transgender student athletes in high school sports and is consistent with contemporary medical knowledge and practice and with the principles of inclusion and non-discrimination, as well as with laws prohibiting discrimination against transgender persons. (See Part Five: Appendix B)

As a final note, it is important to recognize that some high school transgender athletes will have undergone hormonal treatments or even surgeries, and others will not. This recommended policy—which requires inclusion regardless of whether a transgender student has undergone any medical treatment—recognizes that regulating access to high school sports based on medical treatment would be unfair and too complicated for this level of competition. However, high schools should ensure that transgender student athletes are aware of any policies that may affect their ability to compete at the collegiate level so that they can make informed choices about how medical transition may affect their eligibility to participate in collegiate athletics.

**KEELIN GODSEY**

FORMER STUDENT ATHLETE, BATES COLLEGE, 2006,  
NORTHEASTERN COLLEGE, 2010



Photo courtesy of Jeff Sheng

I was 18 when I started to figure out I was transgender, but the thought of telling anyone was absolutely frightening. I didn't have the support system I needed and I didn't know how it would impact my track and field career.

I started researching rules and regulations for transgender athletes, and while I was able to find a policy from the International Olympic Committee, I couldn't find anything that would apply to me at the collegiate level. I later found out it was because they didn't have any policies.

I also tried to find information about transgender athletes, which, at the time, was like trying to find a needle in a haystack. I became very fearful that you couldn't be transgender and a champion collegiate athlete at the same time. This fear, the lack of policies and information about successful transgender athletes, and the fact that I was the track team's biggest scorer

and a national contender each year, caused me to hold off on coming out as transgender for almost three years. I was so afraid of losing everything I had worked so hard to accomplish in track and field and that I would no longer be able to compete in something that defined me as much as being transgender does.

But by the end of my junior year I couldn't hide who I was anymore. I felt I had no choice but to face the consequences head on and come out as FTM. I was afraid if I didn't, I wouldn't make it through my senior year. I started by coming out to a professor/mentor. This wasn't too hard, but I knew that I had to come out to the athletic director, and that getting his/her support was imperative in order for my "transition" of names and pronouns to work and my continued participation on the women's track and field team to go smoothly.

At the time, my track team had a new head coach, and I was really nervous about how she was going to respond. But after having a long talk with her it was clear that she understood and that she was there to help. Together, we were able to think through how my coming out might effect the team, and come up with the best plan for telling my teammates. When I came out to the team, I wasn't met with the fear and hate that I was expecting. In fact, it was the complete opposite.

My team was awesome. The only thing that was said was, "Please forgive us if we slip on the pronouns while we adjust." And, to tell the truth, I don't think I ever once heard them slip up on pronouns.

Everyone's biggest concern was how my transition was going to be received outside of Bates, as, at that time, the NCAA didn't have any rules or guidelines about transgender athletes. Since I was already a national champion in the Women's Hammer Throw, as well as holding the DIII national record as an 11-time all-American, we knew my coming out was very much going to be a public event. Unfortunately, things went less smoothly off-campus than on. I was extremely lucky though to have the support of my teammates and my coach, who helped me succeed despite all of the outside stresses I experienced as an FTM competing at the national level on a women's team. My teammates were the first to defend me when people were being hateful, when the media was stalking me or when I was repetitively accused of cheating despite all of my clean drug (testosterone) tests. I had chosen to forego any medical transitioning to remain on my women's team. My team was also there to share in the positive things that happened as a result of my coming out.

## Recommended Policy for College Athletics

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.<sup>20</sup>
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

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 gender.
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.

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<sup>20</sup> Recent research indicates that most salient physical changes likely to affect athletic performance occur during the first year of hormone treatment making a longer waiting period unnecessary. Goorin, Louis, and Mathijs Bunck, "Transsexuals and Competitive Sports," *European Journal of Endocrinology* 151 (2004): 425-429. Available online at <http://www.eje.org/cgi/reprint/151/4/425.pdf>

**ERIC VILAIN**

M.D., PH.D., PROFESSOR, DIRECTOR OF THE CENTER FOR GENDER-BASED BIOLOGY AND CHIEF MEDICAL GENETICS  
DEPARTMENT OF PEDIATRICS, UCLA



**“ Research suggests that androgen deprivation and cross sex hormone treatment in male-to-female transsexuals reduces muscle mass; accordingly, one year of hormone therapy is an appropriate transitional time before a male-to-female student athlete competes 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

#### 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 athletic director upon matriculation or when the decision to undergo hormonal treatment is made.
2. The student shall submit her or his request to the athletic 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 athletic director shall meet with the student to review eligibility requirements and procedure for approval of transgender participation.
2. The athletic director shall notify the NGB of the student's request to participate. The NGB will assign a facilitator to assist the athletic director in responding to the request.
3. If a student athlete's request is denied by the athletic director, the decision must be automatically reviewed by a Transgender Participation Committee to be established by a school administrator. This committee shall be convened and its decision reported to the athletic 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 assigned by the institution's president 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 athletic director will notify the NGB of the appeal outcome.
5. The NGB will confirm that the treatment requirement has been met.

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.
8. All discussions among involved parties and required written supporting documentation should be kept confidential, unless the student athlete makes a specific request otherwise. All information about an individual student's transgender identity and medical information, including physician's information provided pursuant to this policy, shall be maintained confidentially.\*

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

## **ADDITIONAL GUIDELINES FOR TRANSGENDER STUDENT ATHLETE INCLUSION**

In addition to overall eligibility policy, we recommend that the following additional guidelines be adopted by individual schools at both the high school and college level. These guidelines will assist schools, athletic departments, coaches, teams, and student athletes in creating an environment in which all student athletes are safe and fairly treated.

### **Facilities Access**

1. Changing Areas, Toilets, Showers—Transgender student athletes should be able to use the locker room, shower, and toilet facilities in accordance with the student's gender identity. Every locker room should have some private, enclosed changing areas, showers, and toilets for use by any athlete who desires them. When requested by a transgender student athlete, schools should provide private, separate changing, showering, and toilet facilities for the student's use, but transgender students should not be required to use separate facilities.
2. Competition at Another School—If a transgender student athlete requires a particular accommodation to ensure access to appropriate changing, showering, or bathroom facilities, school leaders, athletic directors, and coaches, in consultation with the transgender student athlete, should notify their counterparts at other schools prior to competitions to ensure that the student has access to facilities that are comfortable and safe. This notification should maintain the student's confidentiality. Under no circumstances should a student athlete's identity as a transgender person be disclosed without the student's express permission.
3. Hotel Rooms—Transgender student athletes generally should be assigned to share hotel rooms based on their gender identity, with a recognition that any student who needs extra privacy should be accommodated whenever possible.

## Language

1. Preferred Names—In all cases, teammates, coaches and all others in the school should refer to transgender student athletes by a student's preferred name.
2. Pronouns—Similarly, in all cases, pronoun references to transgender student athletes should reflect the student's gender and pronoun preferences.

## Dress Codes and Team Uniforms

1. Dress Codes—Transgender athletes should be permitted to dress consistently with their gender identities. That is, a female-to-male transgender athlete should be permitted to dress as a male. A male-to-female should be permitted to dress as a female.

For reasons unrelated to trans-inclusion, schools should evaluate the necessity of gendered dress codes and recognize that they tend to marginalize a range of students who may not feel comfortable with them. Dress codes for athletic teams when traveling or during a game day at school should be gender-neutral. Instead of requiring a girls' or women's team to wear dresses or skirts, for example, ask that team members wear dresses or slacks that are clean, neat, well cared for and appropriately "dressy" for representing their school and team.

2. Uniforms—All team members should have access to uniforms that are appropriate for their sport and that they feel comfortable wearing. No student should be required to wear a gendered uniform that conflicts with the student's gender identity.

## Education

1. In School—All members of the school community should receive information and education about transgender identities, school or district non-discrimination policies, the use of preferred names and pronouns, and expectations for creating a respectful team and school climate for all students, including transgender and gender-variant students.
2. Athletic Conference Personnel—Athletic conference leaders should be educated about the need for policies governing the participation of transgender student athletes, develop such policies, and ensure that all schools in the conference understand and adopt the policies.
3. Opposing Teams/Schools—Without violating a transgender student's confidentiality or privacy, school leaders, athletic directors, and coaches should communicate with their counterparts at other schools prior to competitions in which a transgender athlete is participating about expectations for treatment of transgender student athletes on and off the field. This does not require "outing" or otherwise identifying a particular student athlete as transgender, but rather establishing general expectations for the treatment of all student athletes, including those who may be transgender.

## **Media**

1. **Training**—All school or athletic representatives (conference and/or state leaders, sports information departments and personnel, school leaders, athletic administrators, team members, and coaches) who are authorized to speak with the media should receive information about appropriate terminology, use of preferred names and pronouns, and school and athletic conference policies regarding the participation of transgender student athletes on school sports teams.
2. **Confidentiality**—Protecting the privacy of transgender student athletes must be a top priority for all athletic department and affiliated school personnel, particularly when in the presence of the media. All medical information shall be kept confidential in accordance with applicable state, local, and federal privacy laws.

## **Enforcement and Non-Retaliation**

1. **Enforcement**—Any member of an athletics department who has been found to have violated this policy by threatening to withhold athletic opportunity or harassing any student on the basis of their gender identity or expression, or by breaching medical confidentiality will be subject to disciplinary action, up to and including discharge or expulsion from the school. The athletic department will also take appropriate remedial action to correct the situation. Any member of the athletic department who becomes aware of conduct that violates this policy should report the conduct to the appropriate official such as the athletic director.
2. **Retaliation**—Retaliation is specifically forbidden against anyone who complains about discrimination based on gender identity or expression, even if the person was in error. This athletic department will take steps to prevent any retaliation against any person who makes such a complaint.

# **PART THREE:**

**BEST PRACTICES RECOMMENDATIONS FOR  
IMPLEMENTING TRANSGENDER STUDENT  
ATHLETE INCLUSION POLICIES**

## PART THREE: **BEST PRACTICES RECOMMENDATIONS FOR IMPLEMENTING TRANSGENDER STUDENT ATHLETE INCLUSION POLICIES**

Part Three describes best practices—the actions that coaches, administrators, student athletes, and parents of transgender student athletes can take to assure the inclusion of transgender student athletes. Although these practices specifically address transgender student athletes, they can be used to address discrimination based on other factors as well, such as race, religion, class, and sexual orientation.

The first part of this section describes general best practices for everyone. The next sections identify best practices we recommend specifically to athletic administrators, coaches, student athletes, and parents of student athletes, as well as athletic staff who interact with the media.

### **Overall Best Practices**

1. **Provide Equal Opportunity**—Colleges and universities often have legal obligations to provide equal opportunity to student athletes and to personnel, including coaches. All those involved in athletics should be aware of these obligations, and treat them as core values guiding policies and practices. Transgender discrimination may be a part of a systemic problem where the broader environment is unfriendly or discriminatory toward lesbian, gay, bisexual, and transgender people. This will negatively affect all boys, girls, men, and women who participate in athletic competition. If discrimination is accepted as part of the common practices of an athletic department, this will undermine the core principle of equal opportunity.
2. **Value Diversity**—In creating guidelines or best practices for including transgender student athletes, it is important to place this conversation in the context of the athletic department's broad commitments to safety, fairness, and respect for all participants. It helps when athletic department leadership, including coaches, value all aspects of diversity. Collegiate athletics provide an opportunity for students to compete with and against others who come from different races, cultures, religions, sexual orientations, gender identities and expressions, and social classes, but all of whom share the common goal of achieving athletic excellence. Valuing this common ground enhances the social and competitive experience for all. Athletic administrators should make their commitment to valuing diversity explicit in media interviews and other public speaking opportunities as well as in meetings with athletic department staff. That diversity-valuing approach then shapes and informs activities throughout the athletic department and is conveyed to coaches and student athletes. Everyone should also understand how these core values are important to team success and to individual team member development. Teams that value each member's contribution to the unit, while respecting individual differences, provide a foundation for the whole team and each member of the team to focus on achieving their athletic and academic goals.

3. When diversity values are explicit, athletic departments, institutions, state, and national governing organizations are in a position to develop specific policy statements that reflect a commitment to these values. These policy statements, if followed, protect schools, administrators, student athletes, and coaches from litigation and other negative consequences. Coaches should know that they may have a transgender student athlete on their teams and should be equipped to make that experience a positive one for the athlete and their teammates. Parents should communicate the importance of these values in meetings with prospective coaches and athletic administrators. Student athletes can discuss these values with new team members and in public speaking opportunities.



**LAURIE PRIEST**

CHAIR OF PHYSICAL EDUCATION AND DIRECTOR OF ATHLETICS, MT. HOLYOKE COLLEGE

**“ It is imperative that administrators and coaches provide a safe and inclusive environment so that all student athletes can participate and achieve success. Being aware of appropriate laws can help us to develop policies and implement practices to assure that all of our students are treated with respect. ”**

## Best Practices for Athletic Administrators

Best practices for athletic administrators focus on policy development, discrimination prevention, education, enforcement procedures, and consequences. These best practices will be helpful to a wide range of athletic administrators in organizations including colleges and universities, high schools, sport-governing organizations, coaches associations, and sports conferences.

1. If the school does not have an inclusive non-discrimination and harassment policy, work with other school administrators to adopt a policy that includes gender identity and expression.
2. Respect the right to privacy of all student athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.
3. Become knowledgeable about school non-discrimination and harassment policies that include gender identity and expression.
4. Include gender identity and expression in departmental non-discrimination statements on all official department documents and web sites.
5. Become aware of state and federal non-discrimination laws that prohibit discrimination

based on gender identity and expression (see Part 5 Appendix B for a list of relevant federal and state laws).

6. Adopt an effective and fair athletic departmental policy addressing the participation of transgender student athletes that is consistent with school policy and state or federal non-discrimination laws.
7. Educate all members of the athletic department community (including staff, student athletes, and parents) about departmental and school policy regarding the participation of transgender student athletes in athletics.
8. Educate yourself about transgender identity, preferred terminology, and current scientific perspectives on the participation of transgender student athletes on men's and women's sports teams.
9. Work with athletic conferences of which your school is a member to adopt fair and effective policies governing the participation of transgender student athletes.
10. Recommend that your athletic conference sponsor educational programs for coaches and student athletes on the inclusion of transgender student athletes, preferred terminology, and understanding transgender identity.
11. Recommend that professional associations for athletic administrators sponsor educational programs on the inclusion of transgender student athletes, preferred terminology, understanding transgender identity, and adopting fair and effective policies.
12. Educate all members of the sports information department about transgender identity, preferred terminology, department policies governing the participation of transgender student athletes, and confidentiality requirements when discussing transgender student athlete participation with the media.

## **Best Practices for Coaches**

Best practices for coaches focus on acquiring knowledge about transgender student athletes, understanding legal and ethical obligations, maintaining professional conduct, and ensuring that those with whom coaches work are also educated and aware of these issues.

1. Become knowledgeable about school non-discrimination and harassment policies that include gender identity and expression
2. Become knowledgeable about departmental and school policy regarding the participation of transgender student athletes in athletics.
3. If your department does not have a policy addressing the participation of transgender student athletes, ask your athletic director to adopt one.
4. Educate student athletes on your team about transgender identity, preferred terminology,

and departmental/school policies regarding the participation of transgender student athletes on sports teams.

5. Be prepared to talk with parents of student athletes about transgender student athletes' participation on school teams.
6. Use respectful and preferred language and terminology when discussing transgender student athlete participation or interacting with a transgender student athlete.
7. Anticipate and address transgender student athlete access issues proactively and in accordance with departmental policy regarding locker room use, toilet and shower availability, hotel room assignment, uniforms and dress codes.
8. Recommend that coaches associations to which you belong adopt fair and effective policy statements addressing the participation of transgender student athletes.
9. Recommend that coaches associations to which you belong sponsor educational programs addressing the participation of transgender student athletes.
10. If you are aware of discriminatory or harassing behavior from opposing teams or spectators based on the perceived or actual gender identity or expression of a student athlete, talk to the opposing coach and ask your athletic director to talk with the opposing school's athletic director.
11. Respect the right to privacy of all student athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.

**JENNIFER 'JAY' HARTSHORN**  
TRACK AND FIELD COACH, BATES COLLEGE

**“ I think it's important for us to be aware there are transgender student athletes who want to compete, and with a little preparation, including transgender athletes isn't a big deal. ”**



## Best Practices for Student Athletes

Best practices for student athletes who have transgender teammates focus on respectful behavior, safety, and valuing diversity.

1. Use respectful and preferred language and terminology when discussing transgender student athlete participation or interacting with a transgender student athlete.
2. Become familiar with departmental and school policy governing the participation of transgender student athletes in athletics.
3. Learn about school non-discrimination and harassment policies that include gender identity and expression.
4. Encourage other student athletes to use respectful language when discussing transgender issues in sports or interacting with a transgender student athlete.
5. Respect the right to privacy of all student athletes with respect to personal information (including whether a student is transgender) when discussing gender identity and expression.
6. Ask your coach and athletic director for team and departmental educational training concerning transgender student athlete participation.
7. If taunting or harassment from spectators or opponents occurs during competition, take the approach that these actions are never acceptable for any reason including taunting or harassment based on gender identity or expression. Make your coaches aware of discriminatory or harassing behavior and ask them to arrange a meeting with the opposing school's athletic director to address this behavior.
8. Ask the student athlete advisory council at your school to plan an activity that focuses on the participation of transgender athletes in sports and frame the issue as one of equal opportunity in sports and fair treatment for all.

## Best Practices for Parents of Student Athletes

Best practices for parents of student athletes highlight the importance of the role of parents in monitoring athletic department policy and practice to encourage adherence to core principles of fairness for all student athletes.

1. If you are the parent of a transgender student, ask school officials and athletic administrators for their policy on the participation of transgender students in athletic programs.
2. Encourage athletic administrators to educate coaches, other athletic staff, student athletes, and parents of student athletes about policies and preferred terminology relating to the participation of transgender student athletes on school teams.
3. Talk with your child about the importance of respecting the rights of transgender teammates and understanding transgender identity.

4. If your child is transgender, talk with them about actions to take if she or he is feeling unsafe or is treated disrespectfully.
5. Respect the right to privacy of all student athletes when discussing gender identity and expression and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.
6. If you become aware of discriminatory or harassing behavior by spectators or participants based on perceived or actual gender identity or expression during competitions, report this behavior to your school's athletic director.

#### PARENT OF HIGH SCHOOL ATHLETE

**“ Like any parent, I want to make sure my daughter is treated fairly and with respect when playing sports. I spend a lot of time watching her sporting events. Any time I have seen her being discriminated against, harassed, or degraded, I set up meetings with her teachers or the principal so they could address the problem and figure out how to prevent future issues. In addition, I’ve talked to my daughter on ways she can respond if her team members treat her with disrespect, make fun of her, or shun her. I also kept on top of the law in this area, so that we know her rights as a student and athlete and can educate others on their responsibilities. ”**

### Best Practices for Athletic Staff Interacting With Media About Transgender Student Athlete Issues

Best practices for interacting with the media focus on the importance of understanding basic information about transgender identity, preferred terminology, and respecting confidentiality of student athletes.

1. The school or athletic department should provide training to all athletic staff who may interact with the media.
2. Respect the confidentiality of all student athletes when discussing transgender issues with the media and understand that all medical information must be kept confidential in accordance with applicable state, local, and federal privacy laws.
3. Use appropriate language in media interviews or presentations and insist that this terminology be used in media reports on transgender issues in athletics.
4. Focus on the importance of providing equal opportunities for all students to participate in athletics.
5. Describe how departmental policies provide equal opportunities for all students to participate in athletics.

# **PART FOUR:**

## **ADDITIONAL RESOURCES ON TRANSGENDER ISSUES**

## PART FOUR: **ADDITIONAL RESOURCES ON TRANSGENDER ISSUES**

### **Print Resources (Books, Articles, Reports)**

AthletesCAN, the Canadian Centre for Ethics in Sport, and the Canadian Association for the Advancement of Women and Sport and Physical Activity, *Promising Practices: Working With Transitioned/Transitioning Athletes in Sport* (2009).

Including Transitioning and Transitioned Athletes in Sport - Issues, Facts and Perspectives - SUMMARY. Brenda Wagman (February 12, 2009). Available online at [http://www.caaws.ca/e/resources/pdfs/Summary\\_Transition\\_Discussion\\_Paper\\_FINAL1%20\(2\).pdf](http://www.caaws.ca/e/resources/pdfs/Summary_Transition_Discussion_Paper_FINAL1%20(2).pdf).

Including Transitioning and Transitioned Athletes in Sport - Issues, Facts and Perspectives - DISCUSSION PAPER. Brenda Wagman (February 12, 2009). Available online at [http://www.caaws.ca/e/resources/pdfs/Wagman\\_discussion\\_paper\\_THE\\_FINAL.pdf](http://www.caaws.ca/e/resources/pdfs/Wagman_discussion_paper_THE_FINAL.pdf).

Working with Transitioning or Transitioned Athletes in Sport - EMERGING THEMES. Rachel Corbett (May 26, 2009). Available online at [http://www.caaws.ca/e/resources/pdfs/Wamsley\\_lit\\_review\(2\).pdf](http://www.caaws.ca/e/resources/pdfs/Wamsley_lit_review(2).pdf).

Social Science Literature on Sport and Transitioning/Transitioned Athletes - LITERATURE REVIEW. Kevin B. Wamsley (February 2008). Available online at [http://www.caaws.ca/e/resources/pdfs/Wamsley\\_lit\\_review\(2\).pdf](http://www.caaws.ca/e/resources/pdfs/Wamsley_lit_review(2).pdf).

Do Transitioned Athletes Compete at an Advantage or Disadvantage - LITERATURE REVIEW. Michaela C. Devries (May 18, 2008). Available online at [http://http.caaws.ca/e/resources/pdfs/Devries\\_lit\\_review\(2\).pdf](http://http.caaws.ca/e/resources/pdfs/Devries_lit_review(2).pdf).

Brill, Stephanie, and Rachel Pepper, *The Transgender Child: A Handbook for Families and Professionals* (San Francisco: Cleis Press, 2008).

California Safe Schools Coalition, *Model School District Policy Regarding Transgender and Gender Nonconforming Students* (2009). Available online at <http://www.casafeschools.org/csscmodelpolicy1209.pdf>.

Currah, Paisley, Richard M. Juang and Shannon Price Minter, *Transgender Rights* (Minneapolis, MN: University of Minnesota Press, 2006).

Gay Straight Alliance Network, the Transgender Law Center and the National Center for Lesbian Rights, *Beyond The Binary: A Tool Kit for Gender Activism in Schools* (2004). Available online at [http://transgenderlawcenter.org/pdf/beyond\\_the\\_binary.pdf](http://transgenderlawcenter.org/pdf/beyond_the_binary.pdf).

Goorin, Louis, and Mathijs Bunck, "Transsexuals and Competitive Sports," *European Journal of Endocrinology* 151 (2004): 425-429. Available online at <http://www.eje.org/cgi/reprint/151/4/425.pdf>.

Griffin, Pat, "Inclusion of Transgender Athletes on Sports Teams," Women's Sports Foundation (2007). Available online at <http://www.womenssportsfoundation.org/Content/Articles/Issues/Homophobia/I/Inclusion-of-Transgender-Athletes-on-Sports-Teams.aspx>.

Greytak, Emily A., Joseph G. Kosciw, and Elizabeth M. Diaz, Gay Lesbian Straight Education Network, *Harsh Realities: The Experiences of Transgender Youth in Our Nation's Schools* (2009).

Lambda Legal, *Bending the Mold: An Action Kit for Transgender Students* (2009). Available online at <http://www.lambdalegal.org/publications/bending-the-mold/order-bending-the-mold.html>.

Movement Advancement Project, *Advancing Transgender Equality: A Guide for LGBT Organizations and Funders* (2009). Available online at <http://www.lgbtmap.org/advancing-transgender-equality.html>.

National Center for Transgender Equality, *Understanding Transgender: Frequently Asked Questions About Transgender People* (2009). Available online at [http://transequality.org/Resources/NCTE\\_UnderstandingTrans.pdf](http://transequality.org/Resources/NCTE_UnderstandingTrans.pdf).

Steinbach, Paul, "Change Candidates," *Athletic Business* (August 2008). Available online at <http://www.athleticbusiness.com/articles/article.aspx?articleid=1817&zoneid=3>.

Sykes, Heather, "Transsexual and Transgender Policies in Sport." *Women in Sport and Physical Activity Journal* 15:1 (2006): 3-13.

Transgender Law and Policy Institute, *Guidelines for Creating Policies for Transgender Children in Recreational Sports* (2009). Available online at [http://www.transgenderlaw.org/resources/TLPI\\_GuidelinesforCreatingPoliciesforTransChildreninRecSports.pdf](http://www.transgenderlaw.org/resources/TLPI_GuidelinesforCreatingPoliciesforTransChildreninRecSports.pdf).

Washington Interscholastic Activities Association Gender Identity Policy  
Jim Meyerhoff, Assistant Executive Director  
435 Main Avenue South, Renton, WA 98057  
Office Phone: 425-282-5234  
Office E-mail: [jmeyerho@wiaa.com](mailto:jmeyerho@wiaa.com)

Women's Sports Foundation, *Participation of Transgender Athletes in Women's Sports: A Women's Sports Foundation Position Paper* (2008). Available online at <http://www.womenssportsfoundation.org/Content/Articles/Issues/Homophobia/T/Participation-of-Transgender-Athletes.aspx>.

## ORGANIZATIONS/WEBSITES

**American Bar Association (ABA)**—The ABA opposes discrimination against those who are transgender or gender non-conforming. In 2006, the ABA House of Delegates adopted a recommendation that all federal, state, local and territorial governments enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing and public accommodations. For more information visit [www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentytwob.doc](http://www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentytwob.doc).

**Advocates for Informed Choice**—legal advocacy organization dedicated to promoting the civil rights of children with intersex conditions or disorders of sex development. [www.aiclegal.org](http://www.aiclegal.org)

**American Civil Liberties Union (ACLU)**—The ACLU Lesbian, Gay, Bisexual, Transgender Project fights discrimination and moves public opinion through the courts, legislatures and public education across five issue areas: Relationships, Youth & Schools, Parenting, Gender Identity and Expression and Discrimination in Employment, Housing and other areas.  
[www.aclu.org/lgbt-rights](http://www.aclu.org/lgbt-rights)

**American Medical Association (AMA)**—The AMA is a medical professional association whose mission is to promote the art and science of medicine and the betterment of public health. The AMA has adopted a number of policies supporting the right of transgender and gender-non-conforming persons to be free from discrimination on the basis of their gender identity or expression. [www.ama-assn.org](http://www.ama-assn.org)

**American Psychological Association (APA)**—In 2008, the APA Council of Representatives adopted a policy statement supporting “the passage of laws and policies protecting the rights, legal benefits, and privileges of people of all gender identities and expressions;” and as well as supporting “efforts to provide safe and secure educational environments, at all levels of education.” [www.apa.org/about/governance/council/policy/transgender.aspx](http://www.apa.org/about/governance/council/policy/transgender.aspx)

**Gay and Lesbian Advocates and Defenders Transgender Rights Project**—Through the Transgender Rights Project (TRP), Gay and Lesbian Advocates and Defenders puts litigation, legislative, and educational assets to work in a focused way to establish clear legal protections for the transgender community. [www.glad.org](http://www.glad.org)

**Gay, Lesbian and Straight Education Network**—The Gay, Lesbian and Straight Education Network strives to assure that each member of every school community is valued and respected regardless of sexual orientation or gender identity/expression. [www.glsen.org](http://www.glsen.org)

**Gender Spectrum**—Gender Spectrum provides education, training and support to help create a gender sensitive and inclusive environment for all children and teens. [www.genderspectrum.org](http://www.genderspectrum.org)

**It Takes A Team! Education Campaign for LGBT Issues in Sport**—A Women’s Sports Foundation initiative, It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual, and Transgender Issues in Sport is an education project focused on eliminating homophobia as a barrier to all women and men participating in sport. [www.ittakesateam.org](http://www.ittakesateam.org)

**Lambda Legal**—Lambda Legal is a national organization committed to achieving full recognition of the civil rights of lesbians, gay men, bisexuals, transgender people and those with HIV through impact litigation, education and public policy work. [www.lambdalegal.org](http://www.lambdalegal.org)

**National Center for Lesbian Rights**—NCLR is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. [www.nclrights.org](http://www.nclrights.org)

**National Center for Transgender Equality**—The National Center for Transgender Equality is a social justice organization dedicated to advancing the equality of transgender people through advocacy, collaboration and empowerment. [www.transequality.org](http://www.transequality.org)

**National Gay and Lesbian Task Force**—The mission of the National Gay and Lesbian Task Force is to build the grassroots power of the LGBT community by training activists, equipping state and local organizations with the skills needed to organize broad-based campaigns to defeat anti-LGBT referenda and advance pro-LGBT legislation, and building the organizational capacity of the movement. [www.thetaskforce.org](http://www.thetaskforce.org)

**Parents and Friends of Lesbians and Gays-TNET**—The purpose of this special affiliate of PFLAG is to promote the health and well-being of transgender persons, their families and friends through: support, to cope with an adverse society; education, to enlighten an ill-informed public; and advocacy, to end discrimination and to secure equal civil rights. PFLAG TNET focuses on support for transgender people and their parents, families, and friends; education on transgender facts and issues; and advocacy for equal rights for the transgender community at local and national levels. [www.pflag.org/tnet](http://www.pflag.org/tnet)

**Transgender Law Center**—Transgender Law Center (TLC) connects transgender people and their families to culturally competent legal services, increases acceptance and enforcement of laws and policies that support California's transgender communities, and works to change laws and systems that fail to incorporate the needs and experiences of transgender people. [www.transgenderlawcenter.org](http://www.transgenderlawcenter.org)

**Transgender Law and Policy Institute**—Transgender Law and Policy Institute (TLPI) is a non-profit organization dedicated to engaging in effective advocacy for transgender people in our society. The TLPI brings experts and advocates together to work on law and policy initiatives designed to advance transgender equality. [www.transgenderlaw.org](http://www.transgenderlaw.org)

**World Professional Association for Transgender Health (WPATH)**—WPATH is an international, interdisciplinary organization of professionals from fields of psychiatry, endocrinology, surgery, law, psychology, sociology, and counseling. WPATH publishes the internationally recognized Standards of Care for Gender Identity Disorders, an evolving consensus on best practice in the provision of medical treatments for individuals with Gender Identity Disorder. [www.wpath.org](http://www.wpath.org)

## VIDEOS

### ***Straitlaced: How Gender's Got Us All Tied Up***

**Straitlaced—How Gender's Got Us All Tied Up** takes a powerful and intimate look at how popular pressures around gender and sexuality are shaping the lives of American teens. The film proudly showcases the diverse and unscripted voices of more than 50 high school students from a variety of different communities, all of whom speak with breathtaking honesty, insight, and humor about gender roles and their struggles to be who they really are. More information on the film is available at [www.groundspark.org/our-films-and-campaigns/straitlaced](http://www.groundspark.org/our-films-and-campaigns/straitlaced)

# PART FIVE:

## APPENDICES

PART FIVE: **APPENDIX A****Definitions and Terminology: A Word About Words<sup>21</sup>**

Language has immense power to shape our perceptions of other people. Using accurate language can help to overcome many of the misperceptions associated with gender and transgender people. Although the vocabulary related to transgender people continues to evolve, here are some working definitions and examples of frequently used (and misused) terms.

**Biological/Anatomical Sex**—The physical characteristics typically used to assign a person's gender at birth, such as chromosomes, hormones, internal and external genitalia and reproductive organs. Given the potential variation in all of these, biological sex must be seen as a spectrum or range of possibilities rather than a binary set of two options.

**Gender Identity**—One's inner concept of self as male or female or both or neither. One's gender identity can be the same or different than the gender assigned at birth. Most people become conscious of their gender identity between the ages 18 months and 3 years. Most people have a gender identity that matches their assigned gender at birth. For some, however, their gender identity is different from their assigned gender. Some of these individuals choose to live socially as the other gender and may also hormonally and/or surgically change their bodies to more fully express their gender identity. All people have gender identity, not just transgender people.

**Gender Expression**—Refers to the ways in which people externally communicate their gender identity to others through behavior, clothing, haircut, voice, and other forms of presentation. Gender expression also works the other way as people assign gender to others based on their appearance, mannerisms, and other gendered characteristics. Many transgender people seek to make their external appearance—their gender expression—congruent with their internal gender identity through clothing, pronouns, names, and, in some cases, hormones and surgical procedures. All people have gender expression, not just transgender people.

**Transgender**—Sometimes used as an 'umbrella term' to describe anyone whose identity or behavior falls outside of stereotypical gender norms. More narrowly defined, it refers to an individual whose gender identity does not match their assigned birth gender. Being transgender does not imply any specific sexual orientation (attraction to people of a specific gender.) Therefore, transgender people may additionally identify as straight, gay, lesbian, or bisexual.

**Sexual Orientation**—Term that refers to being romantically or sexually attracted to people of a specific gender. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.

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<sup>21</sup> These terms and definitions were adapted from Gender Spectrum's "A Word About Words." Available online at [http://www.genderspectrum.org/images/stories/Resources/Family/A\\_Word\\_About\\_Words.pdf](http://www.genderspectrum.org/images/stories/Resources/Family/A_Word_About_Words.pdf).

**Genderqueer**—This term represents a blurring of the lines around gender identity and sexual orientation. Genderqueer individuals typically reject notions of static categories of gender and embrace a fluidity of gender identity and sexual orientation. This term is typically assigned an adult identifier and not used in reference to preadolescent children.

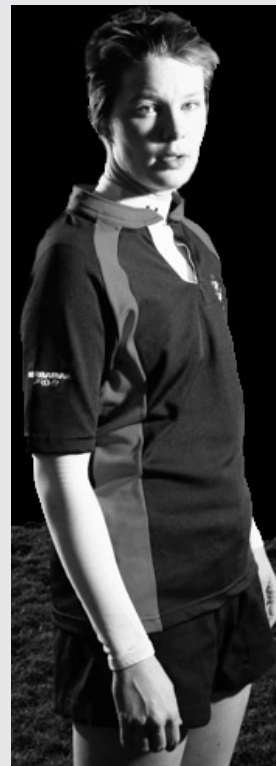
**Gender Nonconforming/Gender Variant**—Refers to individuals whose behaviors and/or interests fall outside what is considered typical for their assigned gender at birth. Someone who identifies as “gender nonconforming” is not necessarily transgender. To the contrary, many people who are not transgender do not conform to gender stereotypes in their appearance, clothing, physical characteristics, interests, or activities. No one should be treated differently or made to feel uncomfortable or unaccepted because they are gender non-conforming.

**Gender Fluidity**—Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may even change from day to day. Gender fluid individuals do not feel confined by restrictive boundaries of stereotypical expectations of girls or boys.

#### MORGAN DICKENS

FORMER BASKETBALL, RUGBY STUDENT ATHLETE,  
CORNELL UNIVERSITY 2008, ITHACA COLLEGE, 2009

“There are differences between being male and female, but being gender fluid doesn’t mean I reject these differences, it just means I’m rejecting the idea that I have to be defined one way or another. The clear delineation between male and female in the sporting world doesn’t leave room for someone like me. When I started presenting in a more masculine way, I was ostracized in girls’ locker rooms, told I was in the wrong bathroom, and even once had my gender questioned during a co-ed intramural football game. Because athletics are such an important part of my life, I deal with these and other inequalities and misunderstandings. While I’m prepared to handle it, my concern is there aren’t many other people out there who are prepared and willing to engage in a dialogue about the presence of gender fluid athletes in sport.”



**Intersex**—An estimated one in 2,000 babies is born with an “intersex” condition or Difference of Sex Development (DSD), that is, a reproductive or sexual anatomy and/or chromosome pattern that doesn’t seem to fit typical definitions of male or female. These conditions include androgen insensitivity syndrome, some forms of congenital adrenal hyperplasia, Klinefelter’s syndrome, Turner’s syndrome, hypospadias, and many others. People with intersex conditions generally identify as men or women, just as people without intersex conditions do. Having an intersex condition does not necessarily affect a person’s gender identity.

**FTM (Female-to-Male)/Affirmed male/transboy**—A child or adult who was assigned to the female gender at birth but has a male gender identity.

**MTF (Male-to-Female)/Affirmed female/transgirl**—A child or adult who was assigned to the male gender at birth but has a female gender identity.

**Transition**—The process by which a transgender individual lives consistently with his or her gender identity, and which may (but does not necessarily) include changing the person’s body through hormones and/or surgical procedures. Transition can occur in three ways: social transition through changes in clothing, hairstyle, name and/or pronouns; hormonal transition through the use of medicines such as hormone “blockers” or cross hormones to promote gender-based body changes; and/or surgical transition in which an individual’s body is modified through the addition or removal of gender-related physical traits. Based on current medical knowledge and practice, genital reconstructive surgery is not required in order to transition. Most transgender people in the United States do not have genital reconstructive surgery.

**Transsexual**—A person whose gender identity differs from the person’s assigned gender at birth. Transsexual people do not identify with their birth-assigned genders and desire to live and be treated by others consistently with their gender identity. In addition to transitioning socially, transsexual people may also physically alter their bodies surgically and/or hormonally. This physical transition is a complicated, multi-step process that may take years and may include, but is not limited to, cross-gender hormone therapy and a variety of surgical procedures. There is no cookie cutter approach. The precise treatments required vary from person to person.

**Transphobia**—Fear or hatred of transgender people. Transphobia is manifested in a number of ways, including violence, harassment, and discrimination.

## PART FIVE: **APPENDIX B: LEGAL STATUS OF TRANSGENDER PEOPLE**

Federal, state, and local laws prohibit discrimination on the basis of gender identity/expression. In addition, many K-12 and collegiate educational institutions have adopted non-discrimination policies that include gender identity/expression. Each school or school district should be knowledgeable about specific legal requirements that apply and make sure that all school athletic staff understand their responsibilities to abide by and enforce these laws.

### **Federal Protections**

**The Employment Non-Discrimination Act (ENDA)**—ENDA is a bill that was introduced in the 111th U.S. Congress in 2009.<sup>22</sup> If passed into law, ENDA would provide basic protections against workplace discrimination on the basis of sexual orientation or gender identity. The bill is closely modeled on existing civil rights laws, including Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act. ENDA prohibits public and private employers from using an individual's sexual orientation or gender identity as the basis for employment decisions, such as hiring, firing, promotion or compensation. ENDA also applies to federal, state, and local government employees.

**The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA)**—The HCPA gives the Department of Justice (DOJ) the power to investigate and prosecute bias-motivated violence by providing the DOJ with jurisdiction over crimes of violence where a perpetrator has selected a victim because of the person's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.<sup>23</sup> Furthermore, the HCPA requires the Federal Bureau of Investigation to track statistics on hate crimes.<sup>24</sup>

**Title IX of the Education Amendments of 1972**—The purpose of Title IX is to address sex discrimination in schools. However, this federal law has also been successfully used to address discrimination or harassment in schools based on gender stereotypes.<sup>25</sup> When gender non-conforming or transgender students are targeted on the basis of their gender expression, Title IX may provide the basis for legal recourse.<sup>26</sup>

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<sup>22</sup> H.R. 3017, 110th Cong. (2010).

<sup>23</sup> 18 U.S.C.A. § 249.

<sup>24</sup> 28 U.S.C.A. § 534.

<sup>25</sup> See *Snelling v. Fall Mt. Regional Sch. Dist.*, 2001 D.N.H. 057, 2001 WL 276975 (D.N.H. 2001); *Ricco v. New Haven Bd. of Educ.*, 467 F.Supp.2d 219 (D. Conn. 2006); *Doe v. Southeastern Greene Sch. Dist.*, 2006 U.S. Dist LEXIS 12790 (W.D. Pa. 2006).

<sup>26</sup> See 20 U.S.C.A. § 1681 *et seq.*; Office of Civil Rights, Revised Sexual Harassment Guidance, § III (Jan. 2001) (“Though beyond the scope of this guidance, gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, but not involving conduct of a sexual nature, is also a form of sex discrimination to which a school must respond[.]”).

**Equal Protection Clause of the Fourteenth Amendment of the United States Constitution**—The Equal Protection clause states that “no state shall ... deny to any person within its jurisdiction the equal protection of the laws.”<sup>27</sup> Several successful cases involving allegations of harassment and discrimination against lesbian, gay, bisexual, and transgender students and staff in public schools have been based on the Equal Protection clause.<sup>28</sup>

## State Non-Discrimination Laws

As of July 2010, 13 states and the District of Columbia<sup>29</sup> have enacted non-discrimination laws prohibiting discrimination on the basis of sexual orientation and gender identity or expression: California,<sup>30</sup> Colorado,<sup>31</sup> Hawaii,<sup>32</sup> Illinois,<sup>33</sup> Iowa,<sup>34</sup> Maine<sup>35</sup>, Minnesota,<sup>36</sup> New Jersey,<sup>37</sup> New Mexico,<sup>38</sup>

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<sup>27</sup> U.S. Const. amend. XIV, § 1.

<sup>28</sup> See, e.g., *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130 (9th Dist. 2003) (equal protection required school district to enforce policies “in cases of peer harassment of homosexual and bisexual students in the same way that they enforce those policies in cases of peer harassment of heterosexual students”).

<sup>29</sup> D.C. Code §§ 2-1401.01 et seq. (employment, housing, public accommodation, education, motor vehicle insurance, access to government facilities and programs), 4-754.21(10) (access to services for homeless persons), 16-914 (custody proceedings), 31-2231-11(c) & 31-2231.13(d) (insurance), 31-1603 (determination by insurance companies of likelihood of developing AIDS), 43-1507 (companies providing electricity).

<sup>30</sup> Cal. Penal Code § 422.56, Cal. Gov’t Code § 12926 et seq. (non-discrimination in employment and housing), Cal. Civ. Code § 51 (public accommodations).

<sup>31</sup> Colo. Rev. Stat. Ann. §§ 24-34-401 et seq. (non-discrimination in public accommodation, housing and employment), 22-32-109 (non-discrimination in education).

<sup>32</sup> Haw. Rev. Stat. §§ 489-2 (non-discrimination in public accommodations), 515-3 (real property transactions).

<sup>33</sup> 775 Ill. Comp. Stat. 5/2-102 (non-discrimination in employment, public accommodations, real estate transactions, and access to financial credit).

<sup>34</sup> Iowa Code Ann. § 216.1 et seq. (non-discrimination in public accommodation, employment, housing, credit, and education).

<sup>35</sup> Me. Rev. Stat. Ann. tit. 5, § 4552 et seq. (non-discrimination in employment, housing, public accommodation, credit and education).

<sup>36</sup> Minn. Stat. Ann. § 363A.03 et seq. (non-discrimination in public accommodation, housing, employment, credit, and education).

<sup>37</sup> N.J. Stat. Ann. §§ 10:5-4 (non-discrimination in employment, housing, and public accommodation), 18A:37-14 (education).

<sup>38</sup> N.M. Stat. Ann. § 28-1-2 et seq., (non-discrimination in public accommodation, employment, housing and credit).

Oregon,<sup>39</sup> Rhode Island,<sup>40</sup> Vermont,<sup>41</sup> and Washington.<sup>42</sup>

Eight additional states have enacted laws prohibiting discrimination based on sexual orientation only: Connecticut, Delaware, Maryland, Massachusetts, Nevada, New Hampshire, New York, and Wisconsin.<sup>43</sup>

Additionally, courts and administrative bodies in seven states have interpreted state laws against sex discrimination to prohibit discrimination against transgender and gender nonconforming people: California, Connecticut, Florida, Massachusetts, New Jersey, New York, and Pennsylvania. Courts and administrative bodies in seven states have also held that transgender people are protected by state laws prohibiting discrimination based on disability or medical condition: Florida, Illinois, Massachusetts, New Hampshire, New Jersey, New York, and Washington.<sup>44</sup>

## State Student Rights Laws

In addition to these federal protections, as of July 2010, twelve states and the District of Columbia<sup>45</sup> have enacted laws protecting students in schools from discrimination or harassment on the basis of sexual orientation or gender identity: California, Colorado, Illinois, Iowa, Maine, Maryland,

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<sup>39</sup> Or. Rev. Stat. § 174.100(6), Or. Rev. Stat. §§ 659A.003 et seq. (non-discrimination in public accommodation, employment, and housing), 101.115(3) (non-discrimination in retirement communities), 179.750(2) (state institutions), 240.306(1) (state employees), 418.648(10) (selection of foster parents), , 430.550 (drug abuse diversion programs), 443.739(19) (adult foster care), 458.505(4)(h) (community service programs hosted by a community action agency), 659.850(2) (education), 744.382(4) (making life settlement contracts), 10.030(1) (jury service).

<sup>40</sup> R.I. Gen. Laws § 11-24-2 (public accommodation), R.I. Gen. Laws 1956 §§ 28-5-7 (employment), 28-5.1-4(a) (state employees), 34-37-4 (housing), 34-37-5.4 (residential real estate transactions).

<sup>41</sup> Vt. Stat. Ann. tit. 3, §§ 961(6) (state employees), 963 (state employee organizations), 1026(6) (judiciary employees), 1028 (judiciary employee organizations), 1621 (union membership); Vt. Stat. Ann. tit. 8, §§ 4724(7) (B) & (C) (insurance), 10403 (credit cards, loans, mortgages, and commercial loans); Vt. Stat. Ann. tit. 9, §§ 2362 (motor vehicle retail installment contracts), 2410 (retail installment contracts), 2488 (agricultural finance leases), 4502 (public accommodations), 4503 (housing); Vt. Stat. Ann. tit. 16, §§ 11, 565 (education); Vt. Stat. Ann. tit. 21, §§ 495(a) (employment), 1726 (municipal employees).

<sup>42</sup> Wash. Rev. Code §§ 48.30-300 (insurance), 49.60.175 (credit), 49.60.180 (employment), 49.60.190 (labor unions), 49.60.215 (public accommodation), 49.60.222 (housing).

<sup>43</sup> See Conn. Gen. Stat. § 46a-81a et seq. (employment, public accommodations, housing, credit); Del. Code Ann. tit. 6, §§ 4500 et seq. (public accommodation), 4601 et seq. (housing), Del. Code Ann. tit. 19, § 710 (employment); Md. Code Ann., State Gov't §§ 20-304 (public accommodation), 20-705 (housing), 20-606 (employment); Mass. Gen. Laws Ch. 151B § 1 et seq. (generally), Mass. Gen. Laws Ch. 272 §§ 92A, 98 (public accommodation); Nev. Rev. Stat. §§ 613.330 (employment), 651.070 (public accommodation); N.H. Rev. Stat. Ann. §§ 354-A:7 (employment), 354-A:10 (housing), 354-A:17 (public accommodations); N.Y. Exec. Law § 296 (employment, public accommodations, housing, credit), N.Y. Civ. Rights § 40-c (public accommodations); Wis. Stat. §§ 106.50 (housing), 106.52 (public accommodation).

<sup>44</sup> For a comprehensive discussion of state court and administrative decisions applying sex and disability discrimination to transgender plaintiffs, see [www.nclrights.org/site/DocServer/state\\_cases091004.pdf?docID=1203](http://www.nclrights.org/site/DocServer/state_cases091004.pdf?docID=1203).

<sup>45</sup> D.C. Code 1981 §§ 2-1401.02 & 2-1402.41.

Minnesota, New Jersey, North Carolina, Oregon, Vermont, and Washington.<sup>46</sup> Four additional states offer protections on the basis of sexual orientation only: Connecticut, Massachusetts, New York, and Wisconsin.<sup>47</sup>

## Individual School or School District Non-Discrimination Policies

For a list of colleges and universities that have enacted non-discrimination policies that include gender identity/expression, refer to the following list created by the Transgender Law and Policy Institute: [www.transgenderlaw.org/college/index.htm#policies](http://www.transgenderlaw.org/college/index.htm#policies)

For a list of K-12 school districts that have enacted non-discrimination policies that include gender identity/expression, refer to the following list created by the Transgender Law and Policy Institute: [www.transgenderlaw.org/college/index.htm#schools](http://www.transgenderlaw.org/college/index.htm#schools)

## American Bar Association

The American Bar Association (ABA) opposes discrimination against those who are transgender or gender non-conforming. The ABA is a national organization of lawyers, law students and judges, and is the largest voluntary professional association in the world, with more than 400,000 members. The control and administration of the ABA is vested in the House of Delegates, which is the policy-making body of the Association. In 2006, the ABA House of Delegates adopted a recommendation that all federal, state, local, and territorial governments enact legislation prohibiting discrimination on the basis of actual or perceived gender identity or expression, in employment, housing, and public accommodations.<sup>48</sup>

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<sup>46</sup> See Cal. Educ. Code §§ 220, 210.7, 212.6, & 51500; Colo. Rev. Stat. §§ 2-4-401(13.5), 22-32-109(II)(I), 12-59-106(1)(s), 22-30.5-104(3), 22-30.5-507(3), & 22-38-104(1)(d); 775 Ill. Comp. Stat. Ann. 5/1-102(A), 775 Ill. Comp. Stat. Ann. 5/1-103(O-1), (Q), & 775 Ill. Comp. Stat. Ann. 5/5-101(A)(11); Iowa Code §§ 216.9, 280.28; Me. Rev. Stat. Ann. tit. 5, §§ 4552, 4553(9-C), 4601, & 4602(4); Md. Code Ann. Educ. §§ 7-424; Minn. Stat. §§ 363A.03 subd. 44, 363A.13; N.J. Stat. Ann. §§ 10:5-5, 10:5-12(f)(1), & 18A:37-14; N.C. Gen. Stat. §§ 115C-407.15, 115C-407.16; Or. Rev. Stat. §§ 659.850, 174.100, 339.351(d)(3), & 338.125; Vt. Stat. Ann. tit. 16, §§ 1, 11 & 565; Wash. Rev. Code §§ 49.60.030 & 49.60.040(2), (26).

<sup>47</sup> Conn. Gen. Stat. § 10-15c; Mass. Gen. Laws. Ch. 76, § 5; N.Y. Exec. Law §§ 291(2), 292(9) & (27) & 296(2); Wis. Stat. § 118.13.

<sup>48</sup> See A.B.A. Recommendation 122B (adopted August 7-8, 2006) available online at <http://www.abanet.org/leadership/2006/annual/dailyjournal/hundredtwentytwob.doc> (recognizing that “[t]ransgender people are disproportionately likely to face discrimination” and that “many individuals who are not transgender continue to suffer discrimination . . . because they do not comply with gendered stereotypes.”).

## PART FIVE: **APPENDIX C**

### EQUAL OPPORTUNITY FOR TRANSGENDER STUDENT ATHLETES A NATIONAL THINK TANK, OCTOBER 25-26, 2009: **PARTICIPANTS**

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NATIONAL CENTER FOR LESBIAN RIGHTS

NATIONAL CENTER FOR LESBIAN RIGHTS

**SPORTSPROJECT**

[www.nclrights.org](http://www.nclrights.org)

The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education.

**WOMEN'S  
SPORTS  
FOUNDATION**

[www.womenssportsfoundation.org](http://www.womenssportsfoundation.org)

Founded in 1974 by Billie Jean King, the Women's Sports Foundation is a national charitable educational organization dedicated to advancing the lives of girls and women through physical activity. The Women's Sports Foundation is the only national organization promoting all sports and physical activities for women of all ages and skill levels. The Foundation's goal is to create a society in which girls and women of all ages fully experience and enjoy sports and physical activity with no barriers to their participation.

**It Takes A Team!**

[www.ittakesateam.org](http://www.ittakesateam.org)

It Takes A Team! Education Campaign for Lesbian, Gay, Bisexual and Transgender Issues in Sport is an education and advocacy initiative of the Women's Sports Foundation. Our goal is to eliminate barriers to safe and respectful sports participation for all people regardless of their sexual orientation or gender identity. It Takes A Team works toward this goal through the development and dissemination of practical educational information and resources to athletic administrators, coaches, parents and student athletes at the high school and college levels.