



Oregon School Activities Association

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Excerpt from 2019-2020 OSAA Handbook, Executive Board Policies

39. GENDER IDENTITY PARTICIPATION

(Winter 2019)

The OSAA endeavors to allow students to participate *for* the athletic or activity **program** of their consistently asserted gender identity while providing a fair **and** safe environment for all students. As with Rule 8.2 regarding Duration of Eligibility / Graduation, rules such as this one promote harmony and fair competition among member schools by maintaining equality of eligibility and increase the number of students who will have an opportunity to participate in interscholastic activities.

This policy was developed in consultation with the **Oregon Department of Education (ODE)**. The OSAA recognizes that this policy will need to be reviewed on a regular basis based on improved understanding of gender identity and expression, evolving law, and societal norms.

A. **Definitions.** For the purposes of this policy, the following definitions apply:

- 1) **"Transgender"** refers to an individual whose gender identity does not match his or her assigned birth gender.
- 2) **"Gender identity"** – *A person's internal sense of being male, female or some other gender, regardless of whether the individual's appearance, expression or behavior differs from that traditionally associated with the individual's sex assigned at birth. Gender identity is distinct from and often unrelated to an individual's sexual orientation.*
- 3) **"Transition"** – *The time when a person begins living as the gender with which they identify rather than the gender they were assigned at birth, which often includes changing one's first name and dressing and grooming differently. Transition may or may not also include medical and legal aspects, including taking hormones, having surgery, or changing identity documents (e.g. driver's license, Social Security record) to reflect one's gender identity.*
- 4) **"Intersex"** – *An umbrella term used for people born with reproductive or sexual anatomy and/or chromosome pattern that does not seem to fit the typical definition of male or female. Intersex may also be known as Difference of Sex Development and may not always be known at birth but may be revealed at any stage of a person's life.*
- 5) **"Sexual orientation"** – *Means a person's physical, romantic, emotional, aesthetic, or other form of attraction to others. Sexual orientation and gender identity are not the same. Although, the Oregon Legislature adopted a broader definition of "sexual orientation" for purposes of all Oregon statutes to "mean an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth."*
- 6) **"Nonbinary" (Also Non-Binary)** – *Preferred umbrella term for all genders other than female/male or woman/man. Not all nonbinary people identify as trans and not all trans people identify as nonbinary.*
- 7) *As used herein, "Gender-Specific" activities are those in which only one gender participates, e.g. volleyball and softball, and "Gender-Segregated" activities are those in which the same activity is offered for both female and male students, e.g. girls basketball and boys basketball.*

B. **Participation.**

For both historical reasons, as well as reasons related to compliance with Title IX, interscholastic athletics and activities have typically been divided by gender, with a few exceptions. Formulating new processes to address concerns about participation regardless of a student's gender identity requires a new approach to eligibility, an approach reflected in these policies. In interpreting these policies, the OSAA recognizes the value of activities and sports for all students and the potential for inclusion to reduce harassment, bullying and barriers faced by certain students.

- 1) *As is true with all eligibility determinations, the student's member school will be the first point of contact for determining the student's eligibility. When a student registers for athletics or activities the student shall indicate the student's gender during that registration process, consistent with other school enrollment procedures. Athletics and activities personnel should refer to member school processes for registration/enrollment information. Disputes regarding these gender identity determinations will be resolved solely at the member school level; because of the diversity of private and public school rules that may bear on such determinations, and gender*

identity issues being particularly sensitive, the OSAA will not hear any appeal of a member school's determination made under this section.

- 2) *Subject to section B(1), once a transgender student has notified the student's school of their gender identity, the student shall be consistently treated as that gender for purposes of eligibility for athletics and activities, provided that if the student has tried out or participated in an activity, the student may not participate during that same season on a team of the other gender.*
- 3) *Subject to section B(1), once a nonbinary or intersex student has notified the student's school of their gender identity, the student shall be treated as either gender for purposes of eligibility for athletics and activities that are gender-segregated or gender-specific, provided that if the student has tried out or participated in athletics or an activity that is gender-specific or gender-segregated, the student may not participate during that same season on a team of the other gender.*

1. Q. *If a transgender student is transitioning from one gender to another, what is the procedure for that student to access athletics and activities?*
 - A. *When a student or the student's parent or guardian, as appropriate, notifies the school administration that the student will assert a gender identity that differs from previous representations or records, the OSAA will recognize a school's decision to modify the student's eligibility, consistent with the student's gender identity, subject to section B(2).*
2. Q. *What communication or support plans need to be put in place when a transgender or nonbinary student is participating in athletics or activities?*
 - A. *Privately ask the student what is needed for support. All students may ask for privacy in locker rooms and restrooms as well as possible accommodations when traveling with a team. Schools should refer to their district policies when developing support plans.*
3. Q. *What if a nonbinary or intersex student experiences gender fluidity during a season that is documented at school by pronoun change or is of a transitional nature?*
 - A. *As a student transitions, communication should be documented within school registration information consistent with other school procedures. If the activity in which the student is trying out for is gender-segregated or gender-specific, then the student shall commit to the team with which they register for the entirety of that season, subject to section B(3).*
4. Q. *Can a nonbinary student access more than one sport or activity during the same season?*
 - A. *Yes, provided that a student may not participate in gender-segregated and/or gender-specific sports/activities at the same time but is otherwise eligible to participate in all sports/activities that are not gender-segregated or gender-specific.*
5. Q. *What is the procedure for athletics or activities that are not gender-segregated or gender-specific?*
 - A. *If a sport or activity is not gender-segregated or gender-specific (for example, speech, football, etc.) students would not need to elect any specific gender in order to participate.*