



Intercollegiate Athletic Participation for Transgender Student-Athletes

Policy and Provisions

Statement of Diversity and Inclusion

Earlham College Athletics believes in and is committed to diversity, equity, and inclusion among its student-athletes, coaches, and administrators. We seek to establish and maintain an inclusive culture that fosters equitable participation for student-athletes and career opportunities for coaches and administrators from diverse backgrounds.

Notice of Non-Discrimination and Scope of the Policy

Earlham College prohibits discrimination on the basis of sex, gender, gender identity, or gender expression. In order to uphold the principles of equity and inclusion, Earlham Athletics maintains the following to facilitate and encourage the participation of transgender students, staff, faculty, and visitors. These policies cover participation in intercollegiate athletics and accommodation for individuals who attend and participate in athletic programming at Earlham.

Definitions (taken from the [GLAAD Media Reference Guide](#))

Transgender: an umbrella term for people whose gender identity differs from the sex they were assigned at birth. People under the transgender umbrella may describe themselves using one or more of a wide variety of terms.

Nonbinary and/or genderqueer: describes someone who does not identify within the gender binary. This could mean:

- identifying somewhere between the binary “ends” (male and female)
- identifying with more than one gender
- identifying as a separate third gender
- identifying as no gender (agender)
- having a fluctuating gender identity



Intersex: describes someone born with reproductive anatomy that does not fit typical definitions of “male” or “female”. There is nothing wrong with their bodies, this is just a normal and natural expression of human biological diversity.

Gender non-conforming: a term for those who do not follow gender stereotypes.

Gender identity: a person's internal, deeply held sense of their gender. For transgender people, their own internal gender identity does not match the sex they were assigned at birth. Unlike gender expression, gender identity is not visible to others.

Gender expression: external manifestations of gender, expressed through a person's name, pronouns, clothing, haircut, behavior, voice, and/or body characteristics. Typically, transgender people seek to align their gender expression with their gender identity, rather than the sex they were assigned at birth.

Please note that for the remainder of this policy, we will use the all-encompassing term ‘transgender’ to include all transgender, nonbinary, genderqueer, intersex, gender non-conforming student-athletes.

Statement on Title IX

Title IX of the Education Amendments of 1972 states that:

*“No person in the United States shall, **on the basis of sex**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”*

The Department of Education has long defined the meaning of Title IX’s prohibition on sex discrimination to include various forms of sex- and gender-based discrimination and sexual harassment that interfere with a student’s ability to equally access educational programs and opportunities. Athletics are considered an integral part of an institution's education program and are therefore covered by federal regulations. It is the responsibility of the Department of Education’s Office for Civil Rights to assure that athletic programs are operated in a manner that is free from discrimination on the basis of sex.



Earlham College is committed to providing an educational and workplace environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To this end, all forms of sexual misconduct are strictly prohibited. This prohibited conduct can affect all genders, gender identities, and sexual orientations. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Earlham has developed internal [policies](#) and [procedures](#) that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment and for allegations of retaliation. The Office of Title IX will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and redress its effects on any individual or the community.

For more information as well as administrative contact, please visit:

<https://earlham.edu/office-of-title-ix/>

Policy on Transgender Student-Athlete Participation in Intercollegiate Athletics

The following policies are consistent with the [NCAA Inclusion of Transgender Student-Athletes Handbook](#) (Griffin & Carroll, 2011), which provides “guidance to NCAA athletic programs about how to ensure transgender student-athletes fair, respectful, and legal access to collegiate sports teams based on current medical and legal knowledge” (p. 2).

1. A transgender student-athlete assigned female at birth (AFAB) who has received a NCAA medical exception for testosterone treatments may compete on a men’s team but is no longer eligible to compete on a women’s team without changing that team status to a mixed team.
2. A transgender student-athlete assigned male at birth (AMAB) being treated with testosterone suppression medication may continue to compete on a men’s team but may not compete on a women’s team without changing it to a mixed team status until completing one calendar year of testosterone suppression treatment.
3. Any transgender student-athlete AFAB or AMAB who is not undergoing hormone treatment related to gender transition may:
 - a. participate in sex-separated sports activities in accordance with their assigned gender at birth if they wish to engage in athletic competition.



- b. participate in sex-separated sports activities in accordance with their gender identity if they do not wish to engage in athletic competition. These student-athletes are a part of the team and may practice and travel with the team but they are not permitted to participate in competition in accordance with NCAA rules.¹
4. A transgender student-athlete AFAB who is not taking testosterone related to gender transition may participate on a men's or women's team.
5. A transgender student-athlete AMAB who is not taking hormone treatments related to gender transition may compete on a men's team but not on a women's team.
6. A transgender student-athlete AFAB who is not taking hormone treatments related to gender transition may compete on a women's or men's team.

¹NCAA eligibility rules apply for seasons of participation regardless of a change in team or sport.

Note: Participation in athletic competition is limited to available sports. If a transgender student-athlete wishes to participate in sex-separated sports activities in accordance with their gender identity, they are welcome to try-out for available sports. The same standards for participation apply.

Relevant [NCAA Bylaws](#)

- [NCAA Policy on Inclusion of Transgender Student-Athletes](#)
- 14.2.4 - Criteria for Determining Season of Eligibility
- 20.11 - Division III Membership Requirements
- 31.2.3 - Ineligibility for Use of Banned Drugs (testosterone)

Seasons of Participation

NCAA student-athletes are allowed to compete for four seasons in one sport. Division I and II student-athletes who compete for any amount of time during a season use up one season in their sport. *Division III student-athletes who practice or compete after the first date of competition in their sport use up one season in their sport.* NCAA Bylaw 14.2.4.1 states specifically:



A student-athlete must count a season of participation when the student-athlete practices or competes during or after the first contest following the student-athlete's initial participation at that school.

Two areas of NCAA regulations can be impacted by transgender student-athlete participation: *mixed team status* and *use of banned substances*.

Mixed Teams

A mixed team is a varsity intercollegiate sports team on which at least one individual of each gender competes. NCAA Bylaw 18.02.2 for purposes of meeting the required minimums set forth in Bylaws 18.2.3 and 18.2.4, a mixed team shall be counted as one team. A mixed team shall count toward the minimum sponsorship percentage for men's championships.

NCAA rules state that a male participating in competition on a female team makes the team a "mixed team." The mixed team can be used for sports sponsorship numbers (provided other conditions, such as being an acceptable NCAA sport, outlined in Bylaw 20.9 (Division I), 20.10 (Division II) and 20.11 (Division III) are met) and counts toward the mixed/men's team minimums within the membership sports-sponsorship requirements. Such a team is ineligible for a women's NCAA championship but is eligible for a men's NCAA championship.

- A female on a men's team does not impact sports sponsorship in the application of the rule—the team still counts toward the mixed/men's numbers. Such a team is eligible for a men's NCAA championship.
- Once a team is classified as a mixed team, it retains that status through the remainder of the academic year without exception.

Banned Substances

NCAA Bylaw 31.2.3 identifies testosterone as a banned substance, and provides for a medical exception review for demonstrated need for use of a banned medication. It is the responsibility of the NCAA institution to submit the [request for a medical exception](#) for testosterone treatment prior to the student-athlete competing while undergoing treatment. In the case of testosterone suppression, the institution must submit written documentation to the NCAA of the year of treatment and ongoing monitoring of testosterone suppression.



Student-Athlete and School Responsibilities

The Student-Athlete's Responsibilities

1. A student-athlete who has completed, plans to initiate, or is in the process of taking hormones as part of a gender transition should submit a **Request for Athletics Participation** (Appendix A) in writing to the Head Athletic Trainer, allowing up to 4 weeks for processing and accommodation.
 - a. Student-athletes who wish to compete in women's varsity sports, must complete the following forms. These forms request documentation from a physician:
 - i. [NCAA Transgender Student-Athlete Eligibility Report Form](#)
 - ii. [NCAA Medical Exception Documentation Reporting Form](#)
 - b. Student-athletes who wish to compete in men's varsity sports, must complete the following form. This form requests documentation from a physician:
 - i. [NCAA Medical Exception Documentation Reporting Form](#)
2. A student-athlete who wishes to change or initiate participation on a sports team in accordance with their gender identity but who are not undergoing hormone treatment should submit the **Request for Athletics Participation**, indicating their intent to participate but will not be allowed to compete.
3. A student-athlete who requests reasonable accommodations for athletics participation and/or competition should submit the **Request for Athletics Accommodation** (Appendix B) to the Head Athletic Trainer.
4. If reasonable accommodations are not met at any opposing institution, the student-athlete is responsible for communicating this to their Coach who will work to address any concern with the opposing team's Game Day Manager.

The School's Responsibilities

1. Earlham College will provide the means for student-athletes to confidentially self-report their gender with which they most closely identify. Students are requested to set a meeting with the Head Athletic Trainer to discuss any gender-related information or concerns with respect to athletic programming participation.
2. If hormone treatment is involved in the student-athlete's transition, the Head Athletic Trainer will notify the NCAA of the student's request to participate with their completed forms.



3. All discussions among involved parties and required documentation will be confidential unless the student-athlete makes a specific request to share information with members of the athletic staff. All information about an individual student's transgender identity and medical information shall be maintained confidentially.
4. All policies governing the participation of transgender students in athletics comply with state and federal laws protecting students from discrimination on the basis of sex, disability, gender identity, and/or sexual orientation.
 - a. Upon approval of reasonable accommodations, the Head Athletic Trainer will share this information with the Coaching Staff of the student-athlete's sport(s). It will be the Coaches responsibility to forward the reasonable accommodations to the parties responsible for coordinating athletic competition at each opposing institution. If accommodations are not met, the Coach will work to address any concern with the opposing team's Game Day Manager.
 - b. If a resolution for accommodation cannot be achieved, the Head Coach will make a decision as to next steps, which may include, but is not limited to, providing alternative accommodation, withdrawing from competition, or filing a complaint with the opposing institution's Title IX Coordinator. The Head Coach may consult the Director of Athletics as they deem necessary.
5. A Transgender Participation Committee is established to ensure equitable access to competitive intercollegiate sport for individuals identifying as non-binary or transgender.

Accommodations

The following are a list of reasonable accommodations to facilitate participation and inclusion of transgender student-athletes in intercollegiate athletics. Please note that this list is not exhaustive. Reasonable accommodations can be made using the **Request for Athletics Accommodation**. Once received, the Athletic Trainer will set a meeting with the student-athlete to discuss. A finalized copy of the reasonable accommodations will be kept on file in the Department of Athletics and shared with the Coaching Staff of the student-athlete's sport(s). Their gender identity will not be shared without the student-athlete's express permission.



Facilities Access Changing Areas, Rest Rooms, Showers: Transgender student-athletes may use the locker room, shower, and rest room facilities in accordance with the student's gender identity. If requested by a transgender student-athlete (either an EC student-athlete or a visiting student-athlete), Earlham College will provide private changing, showering, and toilet facilities for the student's use when possible. Transgender students are not required to use separate facilities.

Competition at Another School: If a transgender student-athlete requires a particular accommodation to ensure access to appropriate changing, showering, or toilet facilities, then athletics directors and coaches, in consultation with the student-athlete, will notify their counterparts at other schools prior to competition to ensure that the student has access to comfortable and safe facilities. This notification shall be confidential. Under no circumstances should a student-athlete's identity as a transgender person be disclosed without the student's permission.

Hotel Rooms: Transgender student-athletes will be assigned to share hotel rooms based on their gender identity, with a recognition that any student who needs extra privacy will be accommodated when possible.

Pronouns: Teammates, coaches and all of those within the Department of Athletics will refer to student-athletes by their chosen name and pronouns. Pronoun use in reference to student-athletes will reflect the student's gender and chosen pronouns.

Team Uniforms: All team members will have access to uniforms that are appropriate for their sport. No student-athlete will be required to wear a gendered uniform that conflicts with the student's gender identity but must be acceptable by NCAA standards for competition (if applicable).

Procedural Considerations

Media

All school or athletics representatives (sports information personnel, school leaders, athletics administrators, team members, and coaches) who are authorized to speak with the media will receive information about appropriate terminology, use of names and pronouns, and school, conference, and NCAA policies regarding the participation of transgender student-athletes on sports teams.



Confidentiality

Protecting the privacy of transgender student-athletes is a top priority for all athletics and affiliated school personnel. All medical information shall be kept confidential in accordance with applicable state, local, and federal privacy laws. A student-athlete's gender identity will not be shared without the student-athlete's express permission.

Policy Enforcement

Any athletics or affiliated school personnel or student-athlete who fail to provide equitable athletic opportunity and/or reasonable accommodation, threaten to withhold opportunity or deny reasonable accommodation, harass or intimidate, or breach medical confidentiality of any student-athlete on the basis of their sex, gender, gender identity or expression, or sexual orientation will be subject to disciplinary action, up to and including expulsion (for students) or dismissal (for employees). Any member of the Department of Athletics who becomes aware of conduct that violates this policy shall report the conduct to the Office of Title IX. [Grievance Procedures for Sexual Harassment](#) outline the process for informal and formal resolution of any complaint of sex- and gender-based discrimination, sexual harassment, and/or retaliation for the assertion of rights.

Retaliation for the assertion of rights is prohibited conduct under Earlham College's [Sexual Harassment Policy](#). No administrator, faculty, staff member, student or visitor may engage in retaliatory behavior in response to a complaint of discrimination based on sex, gender, gender identity or expression, or sexual orientation. While it is understood that some action may be made in error (e.g., misgendering a student-athlete in pronoun use), it is expected that patterns of discriminatory behavior will not develop. Should this expectation not be met, the employee or student could face disciplinary sanction per institutional policies and procedures.

Charge of the Transgender Participation Committee

Earlham's Transgender Participation Committee is charged with facilitating equitable access to competitive intercollegiate sport for individuals identifying as non-binary or transgender. The committee is committed to increasing the visibility of the achievements of transgender athletes, coaches and athletic professionals. This committee will assist in shaping trans-friendly policies to improve the competition, working and learning environment within Earlham's Athletic department. The Transgender Participation Committee is also charged with working collaboratively with



other diversity committees and stakeholders in Earlham's community to ensure compliance with the Office of Title IX and Earlham's Principles and Practices.

Members may include: Student-athlete Representative from Student-Athlete Advisory Committee, Faculty Athletic Representative or any faculty member, Health Services or Athletic Training staff member, Compliance Officer, Student Representative from Spectrum, Black & Lavender, and/or Queer Athletes and Allies Collective.

References

Griffin, P., & Carroll, H. (2011). *NCAA inclusion of transgender student-athletes handbook*. NCAA Office of Inclusion. Retrieved November 4, 2021 from https://ncaaorg.s3.amazonaws.com/inclusion/lgbtq/INC_TransgenderHandbook.pdf

GLAAD. *Media reference guide-transgender*. Retrieved November 11, 2021 from <https://www.glaad.org/reference/transgender>

International Olympic Committee. (2021, November 16). *IOC framework on fairness, inclusion and non-discrimination on the basis of gender identity and sex variations*. Retrieved from <https://stillmed.olympics.com/media/Documents/News/2021/11/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf>

NCAA. (2022, January 28). *Phase one implementation of 2022 updates to the NCAA transgender student-athlete participation policy frequently asked questions*. NCAA Office of Inclusion. Retrieved from https://ncaaorg.s3.amazonaws.com/inclusion/lgbtq/SSI_TransgenderSAPolicyFAQ.pdf



Appendix A: Request for Athletics Participation

Name: _____ Pronouns: _____

Student ID: _____ Email: _____

Gender Identity (Check all that apply):

- Transgender Woman Transgender Man Non-binary Intersex
 Gender Non-Conforming Other: _____

I wish to participate in the following sport per my identified gender:

- | | |
|--|--|
| <input type="checkbox"/> Men's Baseball | <input type="checkbox"/> Women's Field Hockey |
| <input type="checkbox"/> Men's Basketball | <input type="checkbox"/> Women's Basketball |
| <input type="checkbox"/> Men's Cross-country | <input type="checkbox"/> Women's Cross-country |
| <input type="checkbox"/> Men's Golf | <input type="checkbox"/> Women's Golf |
| <input type="checkbox"/> Men's Lacrosse | <input type="checkbox"/> Women's Lacrosse |
| <input type="checkbox"/> Men's Soccer | <input type="checkbox"/> Women's Soccer |
| <input type="checkbox"/> Men's Track & Field | <input type="checkbox"/> Women's Track & Field |
| <input type="checkbox"/> Men's Tennis | <input type="checkbox"/> Women's Tennis |
| | <input type="checkbox"/> Women's Volleyball |

Athlete signature: _____ Date submitted: _____

Submitted to: _____ Date received: _____

OFFICE ONLY

- Approved Denied
 Require More Information: _____

Notes:



Appendix B: Request for Athletics Accommodation

Name: _____ Pronouns: _____

Student ID: _____ Email: _____

Request for reasonable accommodation in reference to:

- Facilities Competition Uniform Travel/Lodging
 Other: _____

Specify Date(s): _____

Describe the reasonable accommodations requested (see policy for examples):

I understand that information included on this form will be shared with Sports Medicine and the Head Coach to facilitate this request for accommodation.

Athlete signature: _____ Date submitted: _____

Submitted to: _____ Date received: _____

OFFICE ONLY

- Reasonable accommodations approved (list with detail to facilitate accommodation):

Copies sent to: Compliance Officers Game Day Manager