

CHSAA Transgender Inclusion Bylaw & Policy

Bylaw 300.

EQUITY CODE

1. The Colorado High School Activities Association is committed to ensuring that all students have equal access and opportunities to participate in CHSAA sponsored activities and athletics.
2. Member schools shall ensure that all students have equal access and opportunities to participate in activities and athletics without unlawful discrimination based on disability, race, creed, color, gender, sexual orientation, religion, age, national origin, or ancestry.
3. The Colorado High School Activities Association recognizes the right of transgender student-athletes to participate in interscholastic activities free from unlawful discrimination based on sexual orientation. In order to insure appropriate gender assignment for purposes of athletic eligibility, a transgender student-athlete's home school will perform a confidential evaluation to determine the gender assignment for the prospective student-athlete. The CHSAA will review athletic eligibility decisions based on gender assignment of transgender student-athletes in accordance with its approved policies and appeals procedures.

CHSAA INCLUSION POLICY & OCR DEAR COLLEAGUE LETTER ON TRANSGENDER STUDENTS

The Colorado High School Activities Association (CHSAA) Board of Directors approved this policy and process to address the eligibility of transgender/transitioned/student-participants in CHSAA sanctioned activities/athletics.

For the purposes of this policy, the following definitions will apply:

1. The term "sexual orientation" means a person's orientation toward heterosexuality, homosexuality, bisexuality, transgender status or another person's perception thereof.
2. The term "gender identity" means an individual's internal sense of gender.
3. The term "sex assigned at birth" refers to the sex designation recorded on an infant's birth certificate should such a record be provided at birth.
4. The term "transgender" describes those whose gender identity is different from the sex they were assigned at birth.
5. The term "gender expression" means external appearance, characteristics or behaviors typically associated with a specific gender.
6. The term "covered entity" means any person, business, or institution required to comply with the antidiscrimination provisions of the law.
7. Unlawful harassment includes severe or pervasive conduct that creates an environment that is subjectively and objectively hostile, intimidating, or offensive on the basis of gender identity, gender expression, or sexual orientation. Prohibited conduct includes, but is not limited to, the following:
 - a. Asking unwelcome personal questions about an individual's gender identity;
 - b. Intentionally causing distress to an individual by disclosing to others the individual's sexual orientation or transgender status;
 - c. Using offensive names or terminology regarding an individual's gender identity, gender expression, or sexual orientation; or
 - d. Deliberately misusing an individual's preferred name, form of address, or gender-related pronoun.

Policy Privacy:

All discussions and documentation in each level of the process either by a member school and/or CHSAA shall be kept confidential unless the student and family make a specific request.

Procedures:

The student's member school will be the first point of contact for determining the student's eligibility to participate in CHSAA sanctioned event(s). The student and parent(s)/guardian must notify the school in writing that the student has a consistent gender identity different than the student's gender assigned at birth and list the sanctioned event(s) in which the student would like to participate. A transgender student shall participate in accordance with their gender identity, and CHSAA Bylaw 2850.3 shall still apply.

The school *may* use the following criteria to determine participation:

- Current transcript and school registration information
- A written statement from the student affirming their gender identity.

The school may consider but *may not require* the following information, if it is voluntarily provided by the student or their parent/guardian:

- Documentation from individuals such as, but not limited to, parents, friends, and/or teacher, which affirm that the actions, attitudes, dress and manner demonstrate the student's gender identity.
- Written verification from an appropriate health-care professional (doctor, psychiatrist, psychologist) of the student's gender identity.
- Medical documentation (hormonal therapy, sexual re-assignment surgery, counseling, medical personnel, etc.)

Areas of Awareness for Schools:

- Review the OCR Dear Colleague Letter on Transgender Students (May 13, 2016) and ensure compliance.
- Have a plan in place and be proactive.
- Use correct names/pronouns according to the student's self-identification, and permit the student to dress according to gender identity and or expression.
- Allow restroom and locker room access consistent to gender identity.
- Educate teachers, counselors, coaches, administrators, parents and students on transgender inclusion and awareness.

Resources:

- CHSAA Contact:
Bethany Brookens, Assistant Commissioner
14855 E. Second Avenue – Aurora, CO 80011
Office Phone: 303-344-5050
Office E-mail: bbrookens@chsaa.org
- OCR Dear Colleague Letter on Transgender Students:
 - <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>