

Proposal 2020.01 - USA Ultimate Gender Inclusion Policy

Presented for approval to the Board of Directors by the Community Liaison Working Group, the Competition Working Group, the EDI Working Group, and the Medical Working Group.

Thank you to the Community Liaison Working Group members who met in December 2019 and made this proposal and policy what they are today: Ashleigh Buch, Jack Verzuh, Kellan Gibboney, and Mags Colvett.

Proposal

Adopt the Gender Inclusion Policy as written, thereby repealing the current Transgender Inclusion Policy.

Gender Inclusion Statement (from Policy)

Within our divisions as they currently exist, USA Ultimate will not discriminate on the basis of gender identity, regardless of sex assigned at birth, or any other form of gender expression for participation in any division. We affirm that people of all gender identities should have the freedom to participate in USA Ultimate sanctioned or championship series events in the division in which they feel most comfortable and safe based on their gender identity and should be recognized, respected and included at every level of the sport.

Basis for Proposal

“Inclusion is not bringing people into what already exists, it is making a new space, a better space for everyone.” - Dr. George Dei (from Creating Inclusive Environments for Trans Participants in Canadian Sport)

Introduction

Historically, many sports, including ultimate, have separated players according to participants' gender identity in relation to their biological binary sex assigned at birth (i.e., male and female). However, gender identity is not a static binary of being male or female, and the reasons for and ways in which a person expresses their gender identity vary from person to person.

Based on our desire to prioritize inclusion and access, and consistent with the guiding principles of USA Ultimate's current strategic plan, we want to encourage and welcome people of all gender identities to play the sport of ultimate. Our aim is to avoid limiting participation for transgender, non-binary and gender nonconforming athletes in ultimate activities simply because their gender identity doesn't align with their sex assigned at birth. By adopting the Gender Inclusion Policy as written, USA Ultimate would open the sport to people of all gender identities at all levels of play and for all age groups, creating a safe space for everyone to

participate as they are. We have an opportunity to focus on inclusion for all athletes, including those most marginalized by society. Let's choose inclusion.

Note: We are choosing to use "trans" throughout this proposal to refer to transgender, non-binary and gender nonconforming athletes. The Canadian Centre for Ethics in Sport defines trans as follows:

An umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. Trans can mean transcending beyond, existing between or crossing over the gender spectrum. It includes but is not limited to people who identify as transgender, transsexual, cross dressers (adjective) or gender non-conforming (gender diverse or genderqueer).

Trans includes people whose gender identity is different from the gender associated with their birth-assigned sex. Trans people may or may not undergo medically supportive treatments, such as hormone therapy and a range of surgical procedures, to align their bodies with their internally felt gender identity.

Trans people may identify their gender in many ways. There is no single or universal experience of what it means to be trans. As a result, different trans people face distinct forms of discrimination in society, and this may relate to whether they identify as male, female, a person with a trans history, a person in the process of transitioning, a trans man, trans woman, transsexual or gender non-conforming.³

Inclusion

"The Expert Working Group emphasized the importance of sport organizations framing their policies and practices from an inclusion-first perspective. Instead of focusing only on eligibility criteria, which can sometimes have a tone of *keeping people out of sport*, inclusive policies and enlightened best practices have the potential to affirm and encourage individuals to *participate* in sport rather than feeling marginalized or unwelcome. These policies and practices should address issues that affect trans participants, but not be exclusive to them."³ - The Canadian Centre for Ethics in Sport.

Across all age levels, the benefits of participation in physical activity and sport are undeniable, and we believe that people of all gender identities should be able to realize these benefits.

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. ⁵

Given the established mental and physical health benefits of engaging in physical activity and sport, the barriers that transgender people experience are a significant limitation to the promotion of healthy behaviors in transgender individuals. ¹

The authors of “Sport and Transgender People: A Systematic Review of the Literature Relating to Sport Participation and Competitive Sport Policies” identified a “lack of inclusive and comfortable environments to be the primary barrier to participation for transgender people”.¹ The review also found that “transgender people had a mostly negative experience in competitive sports” because of the restrictions the sports’ policies placed on them. ¹

Gender as a Continuum

We agree with the CCES’s stance on applying this policy to gender fluid or gender non-binary individuals with respect to their eligibility in multiple gender divisions:

Given the Expert Working Group’s consensus that all individuals should be welcome to participate in sport in accordance with the gender with which they identify without having to undergo medically supportive treatments, it was agreed that the above policy guidance should apply equally to gender fluid or gender non-binary individuals.

Unless a sport organization can provide evidence that hormone therapy is a reasonable and bona fide requirement, these individuals should be able to participate in the gender with which they feel most comfortable and safe, which may not be the same in each sport or consistent in subsequent seasons. The Expert Working Group’s inclusion-first approach suggested that the onus is on sport organizations to adjust to become more inclusive of participants who are gender fluid or gender non-binary. ³

In stating that we will not discriminate against “gender identity, regardless of sex assigned at birth, or any other form of gender expression,” we want to acknowledge and emphasize that one’s *physical expression* of their gender identity will have **no impact** on their ability to participate in a division. Our basis for this stance comes from the following definition and explanation of gender expression:

Gender expression is how a person outwardly shows their gender identity. It includes physical expressions such as a person’s clothing, hairstyle, makeup, and social expressions such as name and pronoun choice.

Some people have the same gender expression all the time, while others may change their expression over time or based on circumstances. Some play with gender expression for theatrical purposes, or ‘drag’, and people can choose to express their

gender identity in different ways at different times. It can be psychologically distressing for some people who do not feel safe or comfortable expressing their gender identity.⁷

Current Transgender Inclusion Policy

USA Ultimate passed its Transgender Inclusion Policy in October 2018. Since then, the staff at USA Ultimate have struggled to apply the policy as players and teams have come forward looking for guidance. While our purpose for the current policy was based on inclusion - “all individuals deserve safe and inclusive environments for participation that value the individual’s gender identity and expression” - we find that the current policy restricts the ability for many trans athletes to participate and compete within our divisions as they currently exist. As outlined in the Eligibility Guidelines section, the current policy not only places restrictions on what divisions or teams a person can participate in, but also attempts to regulate what forms of gender expression will be allowed for competitive play by highlighting the use or suppression of testosterone as the sole measure for determining where someone can participate.

Based on our understanding of inclusion with respect to gender identity and expression as outlined above, USA Ultimate’s current Transgender Policy is not inclusive and has been found to negatively impact trans players in our community. The ways in which a person expresses their gender identity are up to the sole discretion of that individual. One person may undergo gender confirmation surgery, another may elect to take hormone therapy and a third may express their identity without any medical changes. The reasons for these decisions are complex and nuanced, so creating a restrictive policy that tries to encompass all of them is nearly impossible.

Athletes should not be kept from living as themselves due to a desire to play sports, nor should an athlete be kept from playing sports in a safe environment due to their gender identity or expression. For example, a trans player assigned female at birth who is taking low levels of hormones to match their gender identity may feel uncomfortable or unsafe being forced to compete in the men’s or mixed division for a number of reasons unrelated to physical size (e.g. existing team relationships, commitment to the culture for women’s sports and/or concerns about safety and inclusion among cisgender males).

Additionally, requiring hormone therapy or other forms of medical treatment places additional barriers on trans participants. The Canadian Center for Ethics in Sport (CCES) found that “while most individuals who socially transition undergo hormone therapy, individuals may choose not to do so for a number of reasons, which could include:

1. **Some people do not want to undergo hormone therapy.** It is important to remember that each individual has the right to choose their own approach.
2. **Difficulty accessing or tolerating hormone therapy.** Even though trans individuals have a number of clear treatment options, individuals often have trouble finding a doctor who is able or willing to help them. Even for individuals who are able to access medical

practitioners who are qualified to supervise hormone therapy, treatment can be expensive and may not be a viable option for everyone. And in some cases, discomfort with the potential or actual side effects experienced with hormone therapy may make this option untenable.”³

Lastly, access to good medical care is a privilege in our country, and finding a doctor who is willing and able to support hormonal transition as well as being able to afford to pay for that transition are all barriers for a lot of people. Noting a history of medical personnel’s discriminatory treatment toward trans folks, limiting ultimate to those who have gone through hormone therapy further limits the population that is able to afford to play ultimate as their full selves.

Medical Basis and Perceived Competitive Fairness

We first want to recognize the medical and sociological studies conducted in society with regards to transgender people’s participation in competitive sports and sport-related physical activity. We think it is imperative to acknowledge these studies and how their results are interpreted to help inform our decision to move forward with this policy.

While there have been studies conducted that look into the impact of elevated hormones and physical ability, we don’t believe the results of these singular studies on hormones sufficiently inform policy decisions regarding hormone therapy and competitive fairness for trans athletes. Just as there are a number of factors that can determine one’s gender identity and how they express that identity, there are also a wide variety of factors that impact an individual’s athletic performance beyond hormone treatment. We think it’s irresponsible and damaging to give more weight to hormone levels or any other singular factor of athletic performance, and instead believe all of them should be weighed equally in any evaluation of competitive fairness.

Additionally, research has not been done to make the determination that elevated hormone levels alone directly impact competitive fairness, nor that requiring hormone therapy would create a fair playing field.

With that, we are moving forward with this policy on the basis of inclusion. We know that trans inclusion in society is evolving, and we firmly believe that our trans athletes do not deserve to be marginalized by biased perspectives on the intersection of sports and gender or broadly interpreted results of limited, narrow research. Because our primary concern is inclusion, we are choosing to prioritize access for all athletes.

Lastly, while we understand there are likely to be concerns in the community around perceived competitive fairness or “cheating” should this policy be approved, we have always stood behind the integrity of our community. With Spirit of the Game as the foundation of our sport, we always ask and expect that our players and other stakeholders uphold this, and the Gender Inclusion

Policy is no exception. To that effect, we are choosing to open participation to athletes of all gender identities at all levels and for all age groups.

Competition

We are having ongoing discussions with our competition staff and working group members to address concerns related to how this policy would affect on-field matchups and the gender ratio in the mixed division. However, the TCT guidelines were updated in the spring of 2020 to outline on-field positions as “man-matching” or “woman-matching,” and we believe this to be a good first step. This creates a system that supports a trans athlete in the mixed division, who would indicate, based on their individual gender identity and expression, their intent to matchup against either a cisgender man or woman in that position (or another man-matching or woman-matching gender nonconforming athlete). Once we’ve had the opportunity to run a TCT season, we will further refine the process and then explore ways to implement this policy across other competition divisions.

Additionally, work will be done prior to the December Competition Meeting to modify the Gender Division Eligibility section of the competition guidelines for each level of competition (youth, college, beach, TCT, and masters) which states specifically which gender identities are eligible to play in each division. Language will be added to the event sanctioning agreement that is in line with the competition guidelines.

Disclosure

We support the following policy guidance and reasoning from the CCES on disclosure and evidence requirements:

“Individuals should not be required to disclose their trans identity or history to the sport organization in order to participate in high-performance sport, that is LTAD stages Train to Compete (once international federation rules become a factor) and Train to Win, unless there is a justified reason requiring them to do so.”³

“However, the policy guidance provided by this Expert Working Group recommended that all individuals should be able to participate in sport in the gender category with which they identify without being required to undergo any kind of medical intervention. As a result, a sport organization would not need to know an individual’s trans identity or history and as such, disclosure would not be required. In some cases, however, trans participants will feel it necessary to disclose their trans status to the organization in order to move from one competitive gender category to another during transition.”³

Ultimate Canada’s and Triathlon’s Inclusion Policies

Ultimate Canada has adopted an open and inclusive policy based on guidance from ‘Creating Inclusive Environments for Trans Participants in Canadian Sport’ from the Canadian Centre for

Ethics in Sport. Per Danny Saunders, Executive Director for Ultimate Canada, they have experienced zero incidents under their inclusive policy, outside of some need to educate coaches of youth players to help them foster an atmosphere of inclusion and acceptance at the youth level.

USA Triathlon adopted a similar policy in Summer 2019, and they also have experienced zero incidents under their new policy. To us, this is further evidence that open and inclusive trans policies can exist in sport and be successful.

However, the USA Triathlon policy is not consistent with Ultimate Canada and the CCES's policy on disclosing gender identity information, as it does ask the athlete to provide evidence confirming the consistent gender identity. **We do not recommend this step for USA Ultimate** as it creates an additional barrier, both for the athlete and the USA Ultimate staff, in light of what is mentioned in the "Disclosure" section above. USA Ultimate's current member system asks for gender identity and pronouns, which we believe supplies enough information about the athlete.

Once the Gender Inclusion Policy is passed, we recommend that USA Ultimate build training around the policy and support for LGBTQIA+ athletes into the coach education program. It should also be included in materials for both the Tournament Directors Certification and the Observer Program.

Conclusion

Based on the overwhelming evidence presented above and the clear organizational guidance around inclusion provided in USA Ultimate's current strategic plan, the Working Group encourages the board members of USA Ultimate to adopt the Gender Inclusion Policy as written, thereby repealing the current Transgender Inclusion Policy.

Reference Materials

1. [Sport and Transgender People: A Systematic Review of the Literature Relating to Sport Participation and Competitive Sport Policies](#), Bethany Alice Jones, Jon Arcelus, Walter Pierre Bouman, Emma Haycraft
2. [Ultimate Canada Inclusion Policy](#), Ultimate Canada
3. [Creating Inclusive Environments for Trans Participants in Canadian Sport](#), Canadian Centre for Ethics in Sport
4. [USA Triathlon Transgender Athlete Participation Policy](#), USA Triathlon (scroll down to the section with the articles and other links to access the policy)
5. [On the Team: Equal Opportunity for Transgender Student Athletes](#), Dr. Pat Griffin and Helen J. Carroll
6. [Premier Ultimate League Mission Statement](#), Premier Ultimate League
7. [Gender Identity and Expression](#), Smart Sex Resource