

Agenda Item Details

Meeting

Dec 03, 2014 - December 2014 Executive Committee Meeting

Category

10. Action Agenda

Subject

10.01 December Action Items

Type

Action

Action Agenda:**1. Updated Transgender Policy:****VHSL Proposed Transgender Policy (12-14)**

Students who wish to participate in a VHSL gender-specific sports team that is different from the gender identity listed on the student's official birth certificate or school records are advised to address the gender identification issue with the local school district well in advance of the deadline for athletic eligibility determinations for a current sports season. Students should not be permitted to participate in practices or to try out for gender-specific sports teams that are different from their publicly identified gender identity at the time or to try out simultaneously for VHSL sports teams of both genders.

When a school identifies a transgender student who seeks to participate in VHSL sports and/or activities, the school principal should submit a letter requesting an appeal to the district chairman and the VHSL executive director. The letter should be responsive to the conditions in the policy below.

Privacy Statement: All discussions and documents at all levels of the process either by a member school, appeals panel, and/or the VHSL shall be kept confidential unless specifically requested by the student and family.

Note: VHSL honors and respects all individuals based on gender, gender identity, gender expression, race, sexual orientation and creed while striving to provide safe and equitable competition. VHSL rules and regulations allow transgender student-athlete participation under the following conditions:

A. The student/or parents shall contact the school principal or athletic director indicating that the student has a consistent gender identity different than the gender listed on the student's official birth certificate or school registration records, and that the student desires to participate in activities in a manner consistent with his/her gender identity.

B. The first level of review shall be the District Committee. All documentation supporting the appeal shall be forwarded to the District Chairman. The District Chairman does not have to call a meeting until the request and all materials are filed with the District Chairman. The District Committee (three members only) shall review the case within three working days. The student/appellant is entitled to be present at hearing. If they choose not to attend, a conference call shall suffice. The District Committee must confer with the Executive Director or VHSL Assistant Director for Compliance before rendering a final decision. Within 24 hours, the District Committee will provide the student/appellant in writing the Committee's recommendation as to whether eligibility should or should not be granted. Within 24 hours, the District Chairman will provide the Executive Director with a copy of the District Committee's recommendation plus a copy of the student/appellant's application and documentation.

C. The second level of review shall be the Executive Director. If the Executive Director concurs with a favorable District Committee decision that eligibility should be granted, the student shall become eligible immediately. In all other cases, the Executive Director will advise the student/appellant of his decision regarding the case, and the student/appellant has the option of requesting in writing that the appeal advances to the Executive Committee. The Executive Director will send a written notice to the student/appellant and the District Chairman.

D. If the recommendation of the District Committee or the decision of the Executive Director is not to grant eligibility, the student/appellant may file a written application for appeal to the Executive Committee. Within 10 working days after the written request and all materials are filed at the VHSL office, the Executive Committee will hear all cases advanced by the Director. The Director will inform all parties of the date, time and site of hearing. The student/appellant is entitled to be present. At least two-thirds favorable vote is required for a waiver. The Executive Committee may not grant retroactive eligibility. The Executive Director will provide the decision in writing to the student/appellant and the District Chairman.

E. **Documentation:** The student/appellant must provide the principal or athletic director and the VHSL with the following documentation and information:

- A written statement from the student affirming the consistent gender identity and expression of which the student relates;
- Documentation – preferably no more than one or two letters – from individuals such as, but not limited to, parents, friends and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent gender identification and expression;
- A complete list of all the student's prescribed, non-prescribed or over the counter, treatments or medications;
- Written verification from an appropriate health-care professional (doctor, psychiatrist, and psychologist) of the student's consistent gender identification and expression; and
- Any other pertinent documentation or information which the student or parent(s) believe relevant and appropriate.

Note: The VHSL discourages submission of documents providing medical or psychological information that is unrelated to a student's gender identity and/or transgender transition.

F. The school principal is expected to provide a current transcript and school registration information as well as a statement that he/she has determined that the expression of the student's gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics (or indicate that he/she does not believe such is the case).

G. At each level of review, the goal is to determine if the evidence and documentation submitted is sufficient to establish that the expression of the student's gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics. In the second and third levels of review (to the Executive Director and the Executive Committee), consultation with medical professionals from the VHSL Frank C. McCue Sports Medicine Advisory Committee (SMAC) or those familiar with World Professional Association for Transgender Health (WPATH) protocols for transitioning (the process by which a transgender person lives consistently with their gender identity) is encouraged.

H. As a general matter, after the issue of gender identity has been addressed by the student and the VHSL appeals process, the determination shall remain consistent for the remainder of the student's high school sports eligibility and does not need to be renewed every sports season or school year.

Staff recommends approval.

December Executive Committee vote: _____

B. Criteria for Transgender Appeals:

CRITERIA FOR VHSL TRANSGENDER RULE APPEALS

PURPOSE: The intent of the Transgender Rule is to clarify the process for allowing transgender students to ~~be approved to~~ participate in the gender consistent with their gender identity and expression and with their transgender transition.

Procedure – Appeals will be reviewed by the District Committee and the Compliance Director, with appeal of adverse decisions to the Executive Committee (or a duly authorized sub-committee thereof) as outlined in Sections 28 and 33-1-1 through 33-7-1 (6).

Vote Requirement: Majority of the District Committee, followed by approval of the Compliance Director. In the event either recommends denial, then two-thirds of the Executive Committee (or a duly authorized sub-committee thereof).

Waiver WILL be considered:

A. For a student-athlete who has undergone sex reassignment before puberty

or

B. For any student who is verified by appropriate medical documentation as having a consistent identity different than the gender listed on the student's official birth certificate or school registration records

or

C. For any student where hormonal therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time to minimize gender-related advantages in sports competition.

Waiver WILL NOT be considered:

A. If the student competed in a VHSL activity in one gender and subsequently requests a waiver to compete in the other gender without sufficient documentation to show compliance within the timeframe between activities.

B. For loss of eligibility in itself, as a result of reassignment preventing the student from exercising an opportunity to participate.

C. For situations in which the student and/or parent/guardian make/made a decision which results in participation in the inappropriate identifying gender.

D. If it is determined that the gender identity is not bona fide or is for the purpose of gaining an unfair advantage in competitive athletics.

Staff recommends approval with slight changes (from November 21 posting) noted above.

December Executive Committee vote: _____