

ARTICLE 3

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.

Policy Statement and School Recommendations Regarding Transgender Participation:

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,” as defined in the Law, means a person’s orientation toward heterosexuality, homosexuality, bisexuality, transgender status or another person’s perception thereof.
2. The term “transgender” means having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth.
3. The term “gender identity” means an innate sense of one’s own gender.
4. The term “gender expression” means external appearance, characteristics or behaviors typically associated with a specific gender.
5. The term “covered entity” means any person, business, or institution required to comply with the antidiscrimination provisions of the Law.
6. Unlawful harassment: severe or pervasive conduct that creates an environment that is subjectively and objectively hostile, intimidating, or offensive on the basis of sexual orientation. Prohibited conduct included, but is not limited to, the following:
 - a. Asking unwelcome personal questions about an individual’s sexual orientation;
 - b. Intentionally causing distress to an individual by disclosing to others the individual’s sexual orientation;
 - c. Using offensive names or terminology regarding an individual’s 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, appeals panel and/or CHSAA shall be kept confidential unless the student and family make a specific request.

Procedures:

- I. 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 gender of the student's birth certificate and list the sanctioned event in which the student would like to participate. The school may use the following criteria to determine participation:
 - Current transcript and school registration information
 - **A written statement from the student affirming the consistent gender identity and expression to which the student self-relates.**
 - **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 consistent gender identification and expression.**
 - **Written verification from an appropriate health-care professional (doctor, psychiatrist, psychologist) of the student's consistent gender identification and expression.**
 - Medical documentation (hormonal therapy, sexual re-assignment surgery, counseling, medical personnel, etc.)

Once the member school has rendered a decision, the school administrator shall communicate with the CHSAA office in writing of the decision. The school shall list the student's classified gender and sanctioned activities in which the student-participant would like the opportunity to participate if he/she is selected through the team try-out process.

CHSAA Equity Liaison and Appeals:

The CHSAA Equity Liaison will become involved in the process if:

- A member school denies participation and the student, with parents/guardian, appeals to the CHSAA in writing.
- Another member school appeals, in writing, to the CHSAA Equity Liaison for a review of the student's member school decision.
- The CHSAA will not consider any appeals from outside organizations or non-member schools.

An appeal under this policy shall be submitted in writing to the CHSAA Commissioner's office within thirty (30) days after the school level decision that is being appealed. The procedures in this policy supersede the appeals procedures in CHSAA Bylaws 2520, 2530, and 2540.

Appeal Process:

The CHSAA will conduct a confidential review of the case in accordance with the procedures provided herein. A hearing will be scheduled by the CHSAA Equity Liaison before an Equity Appeals Panel (the Panel). The Panel will be assembled promptly after receipt of the written appeal. The Panel will be comprised of a minimum of three of the following persons, one of whom must be from the physician or mental health professional category:

- A. A physician with experience in gender identity health care and the World Professions Association for Transgender Health (WPATH) standards of care.
- B. A psychiatrist, psychologist, or licensed mental health professional familiar with the WPATH standards of care.

- C. A school administrator representative of the student's league and from the non-appealing school.
- D. Representative(s) from the CHSAA staff.
- E. An advocate familiar with gender identity and expression issues.

The student-participant with parent/guardian and/or appealing school will have the opportunity to address the panel and present evidence in writing and/or by testimony at the hearing. If the appeal is brought by a member school, the student-participant with parent/guardian shall have the right to participate and present evidence at the hearing. The hearing will be informal in nature. Any party may be represented by an attorney at his/her/its expense. If the CHSAA, the Panel, or a party requests in writing at least three (3) days in advance, the hearing will be recorded.

Documentation:

The appealing party shall provide the Panel with the following documentation:

- A. The student-participant's current transcript and school registration information.
- B. Documentation relevant to the student's consistent gender identification and/or expression (e.g., written statements from student and/or parent/guardian and/or health care provider).
- C. All documentation presented to the student-participant's school in support of the request for participation.
- D. Any other pertinent documentation or information.

The Panel will consider all aspects of the appeal when rendering a decision. The panel will forward their written decision to the Commissioner of the CHSAA. The Commissioner will forward the Panel's decision to the parties within three (3) business days after receipt of the decision.

The Appeals Panel decision may be appealed to the CHSAA Board of Directors according to CHSAA Bylaw 2550.

Areas of Awareness for Schools:

- Have a plan in place.
- Use correct names/pronouns according to the student's self-identification.
- Ensure gender appropriate restroom accessibility.
- **Reasonable accommodate equitable** locker room accessibility
- Educate teachers, counselors, coaches, administrators, **parents** and students on transgender sensitivity in relation to students. **Also educate booster clubs as needed with regards to potential funding issues.**
- **Permit the student to** dress according to gender identity
- Provide all members of the school community with access to resources and accurate information.

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
- Transgender Law Center (www.transgenderlaw.org)