

Request for Decision (R.F.D.)

April 2012

R.F.D. # 2012-010
Revision Date: 11/04/2012
Subject Title: Transgender Players
Submitted by (name of person authoring RFD form) Bruce Henderson, Director of Organizational Development on 11/04/2012
Organization Submitting RFD: Executive Committee
Programme Area: Registration
Secondary Programme Area(s): Competitions
Present Situation:

Many sport organizations have adopted policies regarding transgender athletes. "Transgender" describes an individual whose gender identity (one's internal psychological identification as a boy/man or girl/woman) does not match the person's sex at birth. It is important that all people and organizations recognize and respect the transgender person's identification as a man or a woman. Although the number of transgender athletes is small, research indicates that their number is growing.

Courts are now taking the position that sex discrimination laws protect transgender athletes. To respond to these realities, sport organizations are well advised to proactively adopt policies that provide equal opportunities for transgender athletes. Moreover, in the spirit of encouraging sport participation for all, it is the right thing to do.

Under the Ontario Human Rights Code, it is a discriminatory practice in the provisions of services or accommodation customarily available to the public to deny, or deny access, to any services or accommodation to any individual, or to differentiate adversely in relation to any individual on a prohibited ground of discrimination, including sex.

By including a policy governing transgender players, it furthers the OSA's core value of equal opportunity and inclusion. This is an issue of basic fairness and equity that demands the expansion of our thinking about equal opportunity in soccer. The right of transgender soccer players to participate in OSA sanctioned competition must be a part of the OSA philosophy of equal opportunity, inclusion and non-discrimination.

A transgender player can be:

- **Transgender Female** - a male-to-female (MTF) transgender person is someone who was born with a male body, but who identifies as a girl or a woman and who is being treated for sex reassignment through hormone administration (testosterone suppression).
- **Transgender Male** - a female-to-male (FTM) transgender person is someone who was born with a female body, but who identifies as a boy or a man and who is being treated for sex reassignment through hormone administration (testosterone administration).

In the past six months, two situations in Ontario have been brought to the attention of the OSA:

1. In Lambton Kent, a male soccer player has begun, but not completed, the procedure to become a **Transgender Female**.
2. In Eastern Ontario, a male soccer player has completed the procedure to become a **Transgender Female**.

In order to address these two situations, the OSA needs to adopt a policy regarding Transgender Players.

The OSA has consulted the Sport Law & Strategy Group about transgender players. Rachel Corbett has done considerable research regarding how transgender players have been addressed by various sport organizations including the IOC, the NCAA, the CCAA, Waterski Wakeboard Canada, Canadian Cycling Association, Golf Canada and other National Sport Organizations. Rachel has advised us that several Sport Organizations have already adopted policies to address transgender players. The proposed policies for the OSA are based on Rachel's recommendations about what to include in the policies.

Specific Decision Requested:

To approve the following new definitions in Section 1, Policies 1.71 and 1.72 and re-number the current Policies 1.71 to 1.73 accordingly.

1.71 Transgender Female - MTF . shall mean someone who was born with a male body, but who identifies as a girl or a woman and who is being treated for sex reassignment.

1.72 Transgender Male - FTM . shall mean someone who was born with a female body, but who identifies as a boy or a man and who is being treated for sex reassignment.

To approve the following new Registration Policy 5.22 and to renumber the current Registration Policies 5.22 to 5.29 accordingly.

5.22 Transgender Player

5.22.1 A Transgender Female (MTF) person being treated with testosterone suppression medication for gender reassignment purposes may register and play on a male team or a mixed team, but may not compete on a female team until after completing one calendar year of testosterone suppression treatment. This rule is binding on all leagues, cup competitions, tournaments and exhibition games under the jurisdiction of The Ontario Soccer Association and all of its member organizations.

5.22.2 A Transgender Male (FTM) person being treated with testosterone administration medication for gender reassignment purposes may register and play on a male team or a mixed team. This rule is binding on all leagues, cup competitions, tournaments and exhibition games under the jurisdiction of The Ontario Soccer Association and all of its member organizations.

5.22.3 Any transgender person who is not taking hormone treatment for gender reassignment purposes may register and play for a mixed team or for a male or female team in accordance with his or her birth gender. This rule is binding on all leagues, cup competitions, tournaments and exhibition games under the jurisdiction of The Ontario Soccer Association and all of its member organizations.

5.22.4 Any Transgender Female or Transgender Male seeking registration not in accordance with their birth gender will submit a letter from a physician that describes the Transgender Female or Transgender Male's transition status, outlines the general nature of the hormone treatment being received and indicates the length of time since treatment began.

The OSA, with reasonable cause, may request that a Transgender Female or Transgender Male provide an updated physician's letter at any time.

In accordance with **Policy 5.7** of the "Development And Approval Of Policies And Procedures", the Board is being requested to approve this RFD at one Board meeting (ie., the Concept approval and also the Final approval).

As the policies contained in this RFD are time sensitive policies, these policies shall go into effect on May 27, 2012.

Budget Requirements (Change if any): This **\$0.00**
year:
Availability of Funds if not included in this **not applicable**
year's budget:

Advantages:

- 1. This policy addresses the situations in Lambton Kent and Eastern Ontario.**
- 2. Provides equal opportunity and inclusion for all individuals wishing to play soccer under OSA structure.**
- 3. Eliminates sexual discrimination.**
- 4. Avoids legal actions or human rights cases being taken against OSA, District**

Associations. Leagues and Clubs.

5. If policy is approved effective May 27, 2012, it will permit the transgender female (MTF) person in Eastern Ontario to play in the Ottawa Women's League as of May 27, 2012.

Possible
Objections:

1. A male may pretend to be a female and apply as a transgender female (MTF) person in order to compete in female soccer. However, in the entire 40-year history of "sex verification" procedures in international sports competitions, there have been no instances of such "fraud".
2. It is assumed that all male-bodied persons are taller, stronger, bigger and more skilled than all female-bodied person. This is not true. According to medical experts, the assumption that a transgender female competing on a women's team would have a performance advantage outside the range of performance that already exists among female athletes is not supported by evidence. As well, any physical advantages a transgender female might have disappears after about one year of hormone therapy.

Alternatives:

Attachments: **None**

Decision **Approved**

Date 27 - April - 2012