

# Augsburg College

## Transgender Inclusion Policy for Intercollegiate Athletics; Health, Physical Education and Exercise Science Classes; and Intramural Sports Activities

### Table of Contents

- I. College Values & Non-Discrimination
  - A. Non-Discrimination Statement
  - B. Values
  - C. Reporting Discrimination
  - D. Confidentiality & Privacy
- II. Participation on National Collegiate Athletic Association (NCAA) Athletic Teams
  - A. NCAA Guiding Principles for Participation in Athletic Activities
  - B. NCAA Policies for Participation in Intercollegiate Athletics
  - C. Process to Participate
  - D. Appeals Process
  - E. Confidentiality
  - F. Communications & Publications
  - G. Travel Accommodations
  - H. Dress Code & Uniforms
  - I. Enforcement & Non-Retaliation
- III. Intramural Sports, Physical Education and Exercise Science Classes, and Other College Athletic/Recreational Activities Policy
- IV. Facilities
- V. Education
- VI. Revising this Policy
- VII. Current Contacts

### **I. College Values and Non-Discrimination**

This document includes policies specific to NCAA athletes; intramural sports; Health, Physical Education and Exercise Science classes; and other exercise and wellness opportunities available to Augsburg community members.

#### **A. Non-Discrimination Statement**

Augsburg College, as affirmed in its mission, does not discriminate on the basis of race, color, religious belief, national or ethnic origin, age, disability, gender, sexual orientation, gender identity or expression, marital status, familial status, genetic information, status with regard to public assistance, or citizenship in its educational policies, admissions policies, employment, scholarship and loan programs, athletic

and/or school-administered programs, except in those instances where there is a bona fide occupational qualification or to comply with state or federal law. Augsburg College is committed to providing reasonable accommodations to its employees and students with disabilities.

## **B. Values**

Augsburg College aims to provide equal opportunity for all students to participate in athletic activities. Our values include:

1. Augsburg College is an institution committed to creating, sustaining, and supporting a culture of inclusion, diversity and social justice.
2. Transgender and gender nonconforming students should have equal opportunity to participate fully and safely in all campus activities, including exercise; physical education; intramurals; intercollegiate athletics; and Health, Physical Education and Exercise Science classes.
3. The general well-being of all student athletes is of the utmost priority.
4. Augsburg Athletics; Health, Physical Education and Exercise Science; Intramurals; and the College as a whole support students participating with the teams that fit best with their own gender identity.

As an NCAA member institution, Augsburg College appreciates the leadership the NCAA has had on creating policies around transgender inclusion. However, the College believes these NCAA policies are just the beginning, but not the end, of conversations to develop a comprehensive policy that aims to create full inclusion and participation in collegiate athletics. Moreover, such future policies would not be limited by the concept of the gender binary or assumptions around individuals assigned male at birth having an inherent athletic advantage over individuals assigned female at birth.

## **C. Reporting Discrimination**

Augsburg College cares about the safety of its students and creating an inclusive community. All members of the Augsburg Community are subject to Augsburg College non-discrimination policies and the expectation that they will uphold [Augsburg's commitment to diversity](#).

Students, faculty and staff who have experienced any discrimination, harassment, bias or retaliation are encouraged to communicate their concerns through Augsburg's Discrimination and Bias Reporting Form. [The form and other information are available here.](#)

## **D. Confidentiality and Privacy**

The privacy of all students is a priority. In addition, Augsburg College follows the requirements of the Family Education rights to Privacy Act (FERPA), and any relevant state laws. All discussion among involved parties and required written supporting

documentation will be kept private, unless the student makes a specific request otherwise. All information about an individual student's transgender identity will be kept private and medical information provided pursuant to this policy will be maintained confidentially per institutional policy.

## **II. Participation on NCAA Athletic Teams**

### **A. NCAA Guiding Principles for Participation in Athletic Activities**

1. Participation in athletic activities is a valuable part of the educational experience for all students.
2. Transgender student-athletes should have equal opportunity to participate in sports.
3. Policies governing sports should be based on sound medical knowledge and scientific validity.
4. Policies governing sports should be objective, workable, and practical; they should also be written, available, and equitably enforced.
5. The legitimate privacy interests of all student-athletes should be protected.
6. The medical privacy of transgender students should be preserved.
7. Athletic administrators, coaches, staff, families of athletes, and student-athletes should have access to sound and effective educational resources and training related to the participation of transgender and gender nonconforming students in athletics.
8. Policies governing the participation of transgender students in athletics should comply with Augsburg policies, as well as state and federal laws, protecting students from discrimination.

### **B. NCAA Policies for Participation in Intercollegiate Athletics**

#### **1. Transgender Student-Athletes Undergoing Hormone Treatment**

- a. A transgender female student-athlete who is taking medically prescribed hormone treatment related to gender transition may participate on a men's team at any time but must complete one year of hormone treatment related to gender transition before competing on a women's team.
- b. A transgender male student-athlete who is taking medically prescribed testosterone related to gender transition may not participate on a women's team after beginning hormone treatment, but may compete on a men's team after requesting a medical exception from the NCAA prior to competing on a men's team since testosterone is a currently a NCAA banned substance.
- c. All student-athletes undergoing hormone treatment related to gender transition must be monitored by a physician, and the NCAA and Title IX

Deputy for Athletics must receive regular reports about the athlete's eligibility to compete according to these guidelines.

**2. Transgender Student-Athletes Not Undergoing Hormone Treatment**

- a. Any transgender student-athlete who is not undergoing hormone treatment related to gender transition may compete in sex-segregated sport activities in accordance with the sex assigned at birth after reviewing eligibility requirements with the Title IX Deputy for Athletics.
- b. A transgender student-athlete who was assigned female sex at birth and who is not taking hormones related to gender transition may participate on a men's or women's team.
- c. A transgender student-athlete who was assigned male sex at birth and who is not taking hormones related to gender transition may not compete on a women's team.

**3. Participation in Mixed Gender Sport Activities**

- a. A mixed team has both female and male participants and may be restricted in championship play according to specific national governing body rules.
- b. NCAA rules state that:
  - i. An individual who is participating in competition on a female team who (A) was assigned male sex at birth and has not undergone hormone treatment, (B) was assigned male sex at birth and has undergone hormone treatment for less than a year, or (C) has started testosterone treatment makes the team a "mixed team." The mixed team can be used for sports sponsorship numbers and counts towards the mixed/men's team minima within the membership sports-sponsorship requirements. Such a team is ineligible for a women's NCAA championship but is eligible for a men's NCAA championship.
  - ii. An individual who is participating in competition on a male team does not impact sports sponsorship, regardless of gender identity or hormone treatment status; in the application of the rule, the team still counts towards the mixed/men's team numbers. Such a team is eligible for a men's NCAA championship.
  - iii. Once a team is classified as a mixed team, it retains that status through the remainder of the academic year without exception.

**C. Process to Participate**

- 1. A transgender student-athlete wanting to participate in NCAA intercollegiate athletics should first arrange to meet with the Title IX Deputy for Athletics to review institutional procedures. If desired, the student-athlete may also elect to meet with one of the following additional individuals who are available to provide information, assist with support, or attend meetings with the Athletics Department: Vice President of Student Affairs; Dean of Students; or Director of

Lesbian, Gay, Bisexual, Transgender, Queer, Intersex and Asexual (LGBTQIA) Student Services.

2. Per NCAA rules, a student-athlete who has completed, plans to initiate, or is in the process of taking hormones as a part of one's transition must submit a written request to the Title IX Deputy for Athletics to participate on a varsity sports team upon matriculation or when the decision to undergo hormonal treatment is made. This request must include a letter from the student-athlete's health-care provider, which clearly documents the following:
  - a. the student-athlete's intent to transition or the student-athlete's current transition status;
  - b. the prescribed hormonal treatment for the student-athlete's desired transition; and
  - c. when relevant, documentation of the student-athlete's testosterone levels.
3. The Title IX Deputy for Athletics will meet with the student-athlete to review the NCAA eligibility requirements and procedures for NCAA approval of transgender participation. The NCAA policy on the Inclusion of Transgender Student-Athletes can be found [here](#).
4. If hormone treatment is indicated as part of the student-athlete's transition, the Title IX Deputy for Athletics will notify the NCAA of the student-athlete's request and the NCAA will assign a facilitator to assist the Title IX Deputy for Athletics in responding to the student-athlete's request to participate in intercollegiate athletics.
5. If the Title IX Deputy for Athletics approves the student-athlete's request to participate on an intercollegiate team, the Title IX Deputy for Athletics will notify the NCAA of the decision. If the student is deemed eligible to compete by the NCAA, the applicable Conference Office will be notified and the student may participate on the intercollegiate team.
6. If the student-athlete is subject to a one-year transition period, the Title IX Deputy for Athletics will support the student in petitioning the NCAA for a one-year extension of eligibility to be granted at the end of the transition period.
7. In the event that an opposing team or school challenges the student-athlete's eligibility, the Title IX Deputy for Athletics will refer the challenge to the NCAA for resolution.

#### **D. Appeals Process**

If a transgender student-athlete requests an appeal, the denied request to participate on an intercollegiate team will be reviewed by the Transgender Student-Athlete Inclusion

Committee, per NCAA rules, within 14 days of the decision notification. Committee members will be convened by the Vice President of Student Affairs and shall be comprised of a representative from the Center for Wellness and Counseling, the Faculty Athletics Representative, the campus Title IX officer, at least one Deputy Title IX officer, and the Director of LGBTQIA Student Services. If a student desires, they may select a student advocate appointed by the Day Student Body President to serve on the committee.

The student-athlete may bring an advocate of their choosing to any meeting with the Transgender Student-Athlete Inclusion Committee.

The Transgender Student-Athlete Inclusion Committee will be responsible for reviewing denials of requests for participation and will notify the student-athlete and the Athletic Department of the committee's decision. If the Transgender Student-Athlete Inclusion Committee grants approval, the Title IX Deputy for Athletics will be responsible for informing the NCAA and the appropriate conference office of the appeal outcome.

**E. Confidentiality**

All discussions among involved parties and written supporting documentation surrounding a student-athlete's request and appeal process shall be kept confidential in accordance with state and federal laws, unless the Department of Athletics receives written permission from the student-athlete. All information about an individual student's gender identity, and medical information and records provided pursuant to this policy, shall be maintained confidentially per state and federal laws. The Title IX Deputy for Athletics will retain the files for seven years.

**F. Communication and Publications**

Teammates, coaches, and all other college personnel shall refer to students, staff and faculty by their preferred names and pronouns.

All college and athletic department representatives who are authorized to speak with the media should receive information about appropriate terminology, use of names and pronouns, and college and NCAA policies regarding the participation of transgender student-athletes on college sports teams. Protecting the privacy of transgender student-athletes must be a top priority. All medical information shall be kept confidential, in accordance with applicable state, local and federal privacy laws.

Any requests for varsity intercollegiate sports information, publication, announcing and/or broadcasting (i.e., names and pronouns) should be made to the Augsburg Sports Information Office one week prior to the event.

**G. Travel Accommodations**

When competing off campus, student-athletes should be provided accommodations based on their gender identity. If a transgender student-athlete requires a particular accommodation to ensure access to appropriate changing, showering, or toilet facilities, the athletic director and coach, in consultation with the transgender student-athlete, should communicate with their counterparts at the other schools prior to competition to ensure that the student has access to facilities that are comfortable and safe. This notification should maintain the student-athlete's confidentiality and under no circumstance should a transgender student-athlete's identity be disclosed without the student-athlete's explicit permission.

When traveling, student-athletes shall be assigned lodging accommodations based on their gender identity, with the recognition that any student-athlete who needs extra privacy should be accommodated whenever possible.

#### **H. Dress Codes and Uniforms**

Dress codes should enable all student-athletes and sports participants to dress in accordance with their gender identity. Official team uniforms and warm-ups that are sport specific, ideally, should not conflict with a student's gender identity or expression. If a coach sets a dress code or expectation, the dress code should be gender-neutral and comfortable for all members of the team.

#### **I. Enforcement and Non-Retaliation**

Augsburg will ensure that all campus policies; and federal, state, local, NCAA or other applicable laws and regulations are followed to provide an appropriate environment for transgender student-athletes, including non-retaliation if a transgender student-athlete reports an incident of discrimination or a hostile environment.

### **III. Intramural Sports, Physical Education and Exercise Science Classes, and Other College Athletic/Recreational Activities Policy**

Students, staff or faculty participating in intramural sports; Health, Physical Education and Exercise Science classes; or other college athletic activities may participate in accordance with their gender identity. If conflicts arise, the Transgender Student-Athlete Inclusion Committee shall be consulted for advice and resolution.

Gender-neutral intramural activities will be open to all students. In the event of an athletic activity requiring certain numbers of a particular gender, accommodations will be made for any interested student to participate as the gender in which they identify.

### **IV. Facilities**

Augsburg students, staff and faculty using Augsburg athletic facilities shall have access to a changing room, shower, and toilet facilities in a safe, comfortable, and convenient environment and may use the changing room, shower, and toilet facilities in accordance with their gender identity. If requested by a student/staff member, a private facility will be made available. However, transgender members should not be required to use these private facilities.

As new spaces are designed and as existing spaces become available or repurposed the College shall include plans to accommodate transgender students, staff, and faculty. It is recommended that all locker rooms should have private and enclosed changing areas, showers, and toilets for use by any member who desires them.

Coaches and team members are strongly encouraged not to use a common locker room as a team meeting space. Instead, coaches and team members are encouraged to identify other neutral spaces to conduct team meetings.

Any visitor to Augsburg's facilities seeking access to private changing, shower, and toilet facilities should make such a request to the Augsburg Athletic Department (612-330-1249) at least one week in advance and all efforts will be made to accommodate such requests.

## **V. Commitment to creating an inclusive environment**

Student-athletes, coaches, trainers and other athletics staff members should be educated about transgender and gender nonconforming identities and the principles of transgender inclusion. Each member should be knowledgeable about how, in their particular roles, to support transgender people and be prepared to put this knowledge to use in order to ensure an inclusive team and departmental environment.

## **VI. Annual Policy Review**

In consideration of the changing nature of medical science, changing nature of terminology, and changing NCAA and National Sport Governing Body rules/regulations/recommendations, this policy document will be reviewed annually by the Title IX Deputy for Athletics and the Transgender Student-Athlete Inclusion Committee. This review will be made open and accessible to all members of the Augsburg community.

## **VII. Current Contacts**

For a list of current Title IX Officers and other contacts, please see the [Augsburg College Sexual Misconduct policy](#).