

# Clemson University Athletic Department Inclusion of Transgender Students

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## Policy on Inclusion of Transgender Students

In accordance with the Clemson University (CU) policy on non-discrimination :“Clemson University does not discriminate against any individual or group of individuals on the basis of age, color, disability, gender, national origin, race, religion, sexual orientation or veteran's status or genetic information”; the Clemson University Athletic Department (CUAD) strives to identify practices to ensure fair and equitable treatment and participation for all student-athletes (“students”) and coaches, including those who identify as transgender.

The CUAD intends that this policy comply with relevant laws and regulations, including but not limited to, *Title IX of the Education Amendments of 1972 (Title IX)*. (Accordingly, this policy should be interpreted in a manner that is consistent with the legal obligations of CU and CUAD. Further, in creating this policy, the CUAD intended to closely follow the recommendations offered by: the NCAA Office of Inclusion and the 2010 report “On the Team: Equal Opportunity for Transgender Student-Athletes”.)

### i. Relevant Terminology

*Gender identity* refers to an individual’s internal sense of gender. A person’s gender identity may be different from or the same as the person’s sex assigned at birth.

*Sex assigned at birth* refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.

*Transgender* describes those individuals whose gender identity is different from the sex they were assigned at birth. A *transgender male* is someone who identifies as male but was assigned the sex of female at birth; a *transgender female* is someone who identifies as female but was assigned the sex of male at birth.

*Gender transition* refers to the process in which transgender individuals begin asserting the sex that corresponds to their gender identity instead of the sex they were assigned at birth. During gender transition, individuals begin to live and identify as the sex consistent with their gender identity and may dress differently, adopt a new name, and use pronouns consistent with their gender identity. Transgender individuals may undergo gender transition at any stage of their lives, and gender transition can happen swiftly or over a long duration of time.

### ii. Participation on Athletic Teams

All participation rules stated in this policy that provide for gender-segregated athletic teams shall be based on sound, current, research-based medical knowledge about the competitive fairness and physical safety of the sport. Further, the participation rules stated in this section shall be consistent with the current, relevant National Collegiate Athletic Association (NCAA) participation rules. Specifically, a transgender student is permitted to participate in a gender-segregated sport as long as their hormone use (if any) and subsequent

physiological levels is consistent with the National College Athletic Association (NCAA) existing policies on banned substances.

The following clarifies participation of transgender students who have completed or are in the process of undergoing hormonal treatment for gender transition:

1. Because of the NCAA policies on banned substances, a student undergoing hormonal treatment associated with gender transition needs to obtain a medical exception for such treatment prior to the student competing while undergoing hormonal treatment under the monitoring of a physician. Documentation and monitoring reports regarding the treatment will need to be submitted during the treatment. CUAD will assist the student in seeking the exception and providing any necessary follow-up documentation and monitoring reports through the *Transition Review / Support Team* (see below).
2. A transgender male student who has received a medical exception from the NCAA for treatment with testosterone for gender transition, for purposes of NCAA competition may compete on a men's team, but is no longer eligible to compete on a women's team after commencing medically prescribed hormone treatment without changing that team status to a mixed team.
3. A transgender female student being treated with testosterone suppression medication for gender transition, for the purposes of NCAA competition may continue to compete on a men's team but may not compete on a women's team without changing it to a mixed team status until completing one calendar year of testosterone suppression treatment.

The following clarifies participation of transgender students who have not taken and are not taking hormone treatment related to gender transition:

1. A transgender student may participate in sex-segregated sports activities in accordance with their assigned birth gender.
2. A transgender male student who is not taking testosterone related to gender transition may participate on a men's or women's team.
3. A transgender female transgender student who is not taking hormone treatments related to gender transition may not compete on a women's team without changing it to a mixed team status.

### **iii. Names and Pronouns**

Transgender students will be addressed by their preferred name. Likewise, pronoun references to the student will reflect the gender with which the student identifies.

### **iv. Locker Rooms and Bathrooms**

Every student will have access to locker-rooms and bathrooms in a safe and comfortable environment. Students, coaches, and other athletics personnel may access, and use those facilities that correspond to the gender with which they identify. That is: transgender women will have access to women's facilities, and transgender men will have access to men's facilities. A transgender student, coach, or other athletics personnel can request, to have access to a private, individual-user facility (e.g. gender neutral identified facility such as a family bathroom), and the CUAD will make reasonable efforts to comply with this request.

However, transgender students are not *required* to use these individual-user facilities and any individual user facilities will be available to all students, coaches, and other athletics personnel.

**v. Uniforms and Dress Codes**

Whether or not there are identified transgender students on the team, the coach will set gender neutral dress policies for travel and appearances. Dress codes should allow the student to dress with appropriate formality according to the gender with which they identify. Since not everyone, gender identity aside, is comfortable in any one style of dress; appropriate options should be outlined by all teams. Since team uniforms should not, ideally, conflict with a student's gender identity, coaches and their sports administrators should be mindful in their decisions on uniform.

**vi. Travel and Team Hotel Accommodations**

If, upon travel to an away event, a transgender student wishes to request a particular accommodation (e.g. seeking access to an individual-user facility related to changing, showering or bathroom access), the student should communicate this request to their sports administrator, who upon consultation with the student will attempt to obtain such accommodation through their host counterpart.

When traveling, students will be assigned rooms according to their gender identity. If the student requests greater privacy, their request will be accommodated, if possible. Transgender students will not be required to stay in single-occupancy accommodations.

**vii. Privacy and Confidentiality**

Under no circumstances, without consultation and permission of the student will CUAD disclose the student's identity as a transgender to third-parties. Under no circumstances, without consultation and permission of the student will CUAD disclose the student's identity as a transgender to CU or CUAD personnel unless they have a legitimate educational interest in the information. Any discussions, documentation, written support, appeals processes, etc., regarding the student's gender identity will be maintained according to University policies and the Family Educational Rights and Privacy Act (FERPA).

All medical information shall be maintained in accordance with state, local and federal privacy laws.

Interactions with the media should not make reference to the student's previous name or assigned gender without the student's permission.

**viii. Student Responsibility**

It is the responsibility of the transitioned / transitioning student / prospect to make a request to participate on a team different than their gender assigned at birth to the *Transition Review and Support Team*. In addition, student-athletes are also required to report any use of hormonal treatment to the CUAD sports medicine staff and to assist the CUAD sports medicine staff with requesting a medical exception for

hormonal treatment from the NCAA and to provide documentation and monitoring reports of hormonal treatment that are required by NCAA policies.

#### *Transition Review and Support Team*

The Director of Athletics will appoint a Transition Review and Support Team (TRST), the purpose of which will be to review a transitioning/transitioned student's request for participation and provide recommendations to the Director of Athletics. Additionally, it will be the responsibility of the TRST to make reasonable efforts to ensure that adequate support and accommodations are provided for the student throughout their collegiate career. Additionally, the TRST will ensure appropriate education is in place for the coaches, team members and others on transgender issues and the treatment of transgender students in general terms without referencing specific students.

The TRST membership will have representation from: Sports Medicine, Mental Health, Student-Athlete Wellness/ Development, Compliance, and Sport Administrator for the team in question, Access and Equity and others that may be appropriate for specific cases.

#### **ix. Amendment or Correction of Educational Records**

If the CUAD receives a request from a transgender student requesting that the student's educational records be updated to reflect the student's gender identity, CUAD will treat the request consistent with all of other requests to amend educational records and the transgender student shall have all rights under FERPA consistent with such request.

#### **x. Discrimination, Harassment, Retaliation**

Clemson University does not tolerate discrimination or harassment of any individual as defined in its Anti-Harassment and Non-Discrimination policy <http://www.clemson.edu/campus-life/campus-services/access/anti-harassment-policy.html>, and individuals found to be in violation of this policy will be subject to a review with appropriate sanctions. Moreover, retaliation is a violation of the Anti-Harassment and Non-Discrimination Policy and appropriate sanctions will be taken against anyone found to have participated in any acts of retaliation.