
23. TRANS INCLUSION POLICY

This policy is informed by the recommendations of the Canadian Centre for Ethics in Sport, as detailed in “Creating Inclusive Environments for Trans Participants in Canadian Sport”, the Basketball Nova Scotia Trans Inclusion Policy & the Ontario Volleyball Association Trans Inclusion Policy. The Organization also sought advice, recommendation, and guidance from Christine Hsu at Challenge Accepted.

23.1 **Our Commitment to Diversity and Inclusion:**

Sport inclusion is a fundamental value for the Organization and a True Sport principle. We also recognize that having a more diverse organization will only strengthen our sport. As a result, our organization is fully committed to providing a safe, supportive, and respectful environment for all individuals, members, and staff regardless of any differences based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity and expression, or disability.

The Organization recognizes that discrimination, prejudice, and victimization based on personal attributes, including gender identity and expression, is a violation of human rights and will not be tolerated. Our organization is fully committed to putting in place policies and practices that ensure trans identities can participate in a safe, supportive, and respectful environment in our sport.

Recognizing that the work of inclusion continues to evolve, this policy is a living document that will shift regularly as the sport community culture and environment changes. Regular updates will be made to ensure alignment with the needs of sport and individuals to guarantee a safe and welcoming environment. In the event this policy is not updated or aligned with a particular shift or inclusion best practice, the foundational principles and common sense supporting diversity, inclusion, and welcoming and safe spaces will prevail.

23.2 **Definitions:**

“*Individual*” refers to and includes an employee, coach, volunteer, athlete, individual, or parent/spectator.

- a) **Gender** refers to the socially constructed roles, behaviours, activities, and attributes that a society assigns to masculinity or femininity depending on the time and place of consideration.
- b) **Gender Binary** means a social system whereby people are thought to have either one of two genders: man or woman. These genders are expected to correspond to sex assigned at birth: male or female. In the gender binary system, there is no room for diversity outside of man or woman, for living between genders or for crossing the binary. The gender binary system is rigid and restrictive for many people who feel that their natal sex (biological sex they were labelled at birth) does not reflect their gender expression or gender identity.
- c) **Gender Expression** means the way an individual communicates their gender identity to others. This is done through behaviour, body language, voice, emphasis or de-emphasis of bodily characteristics, choice of clothing, hairstyle, and wearing make-up and/or accessories. The traits and behaviours associated with masculinity and femininity are culturally specific and change over time. How a person chooses to express their gender(s) is also determined by how safe an environment is.
- d) **Gender Identity** means a person’s innermost sense of their own gender. This can include man, woman, both, neither or something else entirely. Gender also refers to a variety of social and behavioural characteristics (e.g. appearance, mannerisms). There are lots of words people may use to talk about their gender identity and expression.

- i. **Cis or cisgender** is a term to describe a person whose gender identity corresponds with the biological sex assigned at birth in alignment with the dominant social expectations (e.g. someone whose gender identity is man and was assigned male at birth).
 - ii. **Trans or transgender** is an umbrella term that describes people with diverse gender identities and gender expressions that do not conform to stereotypical ideas about what it means to be a girl/woman or boy/man in society. It includes but is not limited to people who identify as transgender, transsexual, cross dressers (adjective) or gender non-conforming (gender diverse or nonbinary).
 - iii. **Gender Confirmation/Affirmation Surgery** refers to medically-supervised program of treatment to transition a person's body to align with their gender identity through hormone therapy and/or surgery. Not all trans people need, want, or have access to gender confirmation/gender affirming hormones or surgeries, but that doesn't make their identity invalid.
 - iv. **Transgender Woman/Girl** (including trans female, trans femme, trans woman or trans feminine) is someone who was assigned the male sex at birth, but whose gender identity is female.
 - v. **Transgender Man/Boy** (including trans male, male, trans man, trans masc or trans masculine) is someone who was assigned female sex at birth, but whose gender identity is male
 - vi. **Gender fluid** means those who identify outside the categories of woman/man, those who see their gender identity(ies) as fluid and moving between different genders at different times in their life. "Genderqueer" and "gender diverse" are increasingly common terms used to identify this fluidity.
- e) **LGBTQ2S** is an umbrella acronym for lesbian, gay, bisexual, trans, queer, intersex, and two-spirit. Other acronyms commonly used are 2SLGBTQI, LGBTQ+ and LGBTQ2.
 - f) **Two-spirit** is an English umbrella term coined and used by Indigenous people rather than, or in addition to, identifying as LGBTQ. This term affirms the interrelatedness of all aspects of identity - including gender, sexuality, community, culture, and spirituality.
 - g) **Sex** refers to the biological classification of people as male, female or intersex. Sex is usually assigned at birth and is based on an assessment of a person's reproductive system, hormones, chromosomes, and other physical characteristics, most notably by external genitalia.
 - i. **Intersex** is an umbrella term used for a variety of situations in which a person is born with reproductive or sexual anatomy that doesn't fit the boxes of typically "female" or "male." There are 30 most common variations of intersex and 1 in 200 are of the experience.
 - h) **Sexual Orientation (Attraction)** describes human sexuality – the ways in which a person may or may not experience feelings of attraction. A person's gender identity is fundamentally different from and not related to their sexual orientation. Because a person identifies as trans does not predict or reveal anything about their sexual orientation. A trans person may identify as gay, lesbian, queer, straight, or bisexual.

23.3 *Scope and Application*

This policy and practice guidance applies to the Organization as follows:

- It shall be binding on the Board of Directors,
- It shall be binding on all staff, including managers and supervisors; full-time, part-time or casual, temporary or permanent staff,
- It shall inform all aspects of employment, recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; toilet arrangements, workload; workplace environment; equipment and transport,
- It shall be binding on all volunteers and interns acting in their designated capacity with our organization, for example, as a member of a formal Committee or ad hoc working group, or at a

specific sporting event provided the volunteer or intern has expressly agreed to become subject to it,

- It shall inform all aspects of participation in our sport, including team selection and participation, membership, and service delivery (such as providing coaching services to individuals),
- It shall be applicable whether the individual is on-site, off-site or performing after-hours work; at work-related social functions or at conferences – wherever staff or volunteers or interns may be as a result of their duties, and
- It shall govern the treatment of other staff, members (including athletes, coaches and officials), clients and the public encountered in the provision of services and other organizational duties.

23.4 Guiding Principles

The Organization was guided by the following principles in developing our policy and practice guidance on trans inclusion in our sport:

23.4.1 People of trans identities should have equal opportunities to participate in our sport and strive for excellence at all levels and in all capacities. This should be done through challenging existing cultures that uphold existing barriers rooted in misogyny, transphobia, cissexism, and binarism as well as other intersecting systems of oppressions.

23.4.2 Policies governing participation of trans identities should prioritize safety and access, and nurture fair play, honesty and respect, and integrity.

23.4.3 Policies governing participation of trans identities in our sport should embrace diversity and inclusion, resulting in a positive sporting experience, free of discrimination or harassment based on gender identity and expression. This will be done through:

- The establishment of a special committee to address Equity, Diversity & Inclusion within the artistic swimming community in BC.
- A review of international, national and provincial policies that hinder equitable, diverse, inclusive, and safe artistic swimming environments.
- The development of new or revised rules, policies and procedures that foster equitable, diverse, inclusive, and safe artistic swimming environments.
- The development and delivery of education and training programs to support ongoing member engagement in matters related to equity, diversity, and inclusion.

23.4.4 Participation in our sport should prioritize sense of belonging and feelings of safety and connectedness that can lead to celebrating differences and focus on the benefits and the joy of sport.

23.4.5 Policies governing the participation of trans people, particularly for our athletes, should be evidence-based and informed by the voices of trans peoples, recognize the necessity to protect the privacy rights of trans individuals, and strive to prevent physical, emotional and mental harm.

23.4.6 Policies governing the participation of trans people should foster access and equitable participation for all individuals.

23.4.7 Practices that encourage understanding and support people of trans identities need to be enhanced to acknowledge the challenges and recognize the value of advocating for sport that is fair, safer and open to everyone.

23.5 Purpose

The Organization believes in accessible opportunities and recognizes all forms of gender expressions and gender identities. Therefore, the Organization supports athletes competing in the gender category they identify with and/or the category that best suits the athletes' needs, regardless of the sex/gender that was assigned to them at birth. The Organization will consider the eligibility guidelines set out in this policy in order to ensure a fair and level playing field for all individuals.

23.6 Supporting the Inclusion of Transgender/Trans Individuals

23.6.1 The Organization is an inclusive organization and welcomes participation of all individuals in our programs and activities, irrespective of race, ancestry, place of origin, colour, religion, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, or physical or mental disability.

23.6.2 The Organization supports full inclusion of transgender individuals in all aspects of Artistic Swimming.

23.6.3 Processes for reporting incidents can be found in the Organization's Conduct Policy.

23.6.4 Issues relating to this policy can be brought to the Organization's leadership for review by the Board of Directors.

23.7 Eligibility Guidelines

Athletes shall be allowed to participate in any sanctioned event in accordance with their gender identity(ies), irrespective of the gender or sex listed on their birth certificate or other official government documents, and regardless of whether they have undergone any medical treatments. It is not up to anyone to question any athletes' gender. If someone has indicated that they identify as a man/boy, woman/girl, or any way that are associated with the aforementioned, it is of utmost importance to honor what they have communicated. It does not matter what sex they were assigned at birth and it is private information that one should not be expected or demanded to share.

23.8 Genderfluid and Non-Binary Athletes

The Organization recognizes that not all people identify within the gender binary as either man or woman. Additionally, not everyone experiences their gender identity as constant. Therefore, the above policy guidance should apply equally to genderfluid or non-binary individuals. These individuals will be able to participate in the category of competition with which they feel most comfortable and safe, which may not be the same in each sport or consistent in subsequent seasons. Most importantly, genderfluid and non-binary athletes must have their pronouns, name(s), and gender respected by teammates, coaches and any and all other team personnel while having to choose a binary option. Respect in this instance is based on how the athlete would like to be treated and it is critical to engage meaningfully with the athlete on how to best support their experience in the sport.

23.9 Facility Use – Washrooms and Changerooms

Participants may use washroom and change room facilities that are deemed the safest and most accessible to them. This may mean facilities that are most gender affirming to the participant, if available and accessible. The Organization recommends provision of gender-neutral facilities where available. This requires being proactive to retro-fit the existing spaces if they are gendered and use temporary signs to ensure a gender neutral space is available ahead of time.

23.10 Disclosure

Disclosure of an individual's trans identity(ies) is that individual's choice. While the Organization is entirely supportive of trans athletes' participation and welcomes disclosure where an individual prefers, disclosure of gender identity(ies) is not a requirement of participation. Such disclosure should not be sought of any Individual by any Individual.

23.11 Confidentiality

The Parties agree that they will not at any time disclose information identified by the other party as confidential to any person, corporation or third party and will make no use whatsoever of any information identified as confidential (other than in the ordinary and usual course of implementing this policy) without the prior written consent of the disclosing party, unless required by law. There needs to be consent given by the participant at any point in any process for any information to be shared beyond the informed contexts. Procedures that require providing gender identity information and names are to be reviewed for the purpose of gathering such information in order to ensure that if there are changes to names and gender(s), those are to be made completely confidential and not to be shared. For people who have not had their ID documentation changed to their current names, there needs to be a section for participants to provide this information and they are to be informed explicitly who would have access to this information to make the consenting process accessible.

23.12 Appeal

Any decision rendered in accordance with this policy may be appealed in accordance with the Organization's Appeal Policy.

23.13 Review

The Organization commits to monitoring ongoing developments regarding national and international participation guidelines for transgender athletes and pledges to review and/or revise this Policy whenever new information becomes available, and at a minimum every 3 years.