

Transgender Participation Policy: Proposed changes to MPA By-Laws:

Article I

Add:

Section 35 (new)

The Gender Identity Equity Committee shall be composed of five members, four of whom shall be present/former high school principals/assistant principals, and one of whom shall be a non-member who shall be a physician, psychiatrist, psychologist, or licensed mental health professional with experience in gender identity health care and the World Professions Association for Transgender Health (WPATH) standards of care.

Article II

Section 2

A student shall be eligible to participate in any interscholastic secondary school athletic contest:

Add: "L":

L. A student is eligible to compete on a single sex team only if he or she is a member of that sex, either as reflected on his or her birth certificate or, in the case of a transgender student, as approved in accordance with Article II, Section 12, except that a female to male (FTM) transgender student who has been or is being treated with testosterone related to gender transition may compete only as a male. A single sex team is one on which only members of one gender are allowed to compete, either because the school sponsors both boys' and girls' teams in the particular sport or because the sport has been limited to participation by one gender in order to provide overall equal athletic opportunity (e.g., girls' field hockey). Single sex teams do not include teams open to both boys and girls but where no girls have tried out or made the team (e.g., football).

Section 12 (new)

Transgender Student Athlete Participation

The MPA is committed to maximizing the opportunities for all students to participate in interscholastic activities and athletics, regardless of their gender identity or expression. At the same time, the MPA is committed to ensuring fair competition and adequate protection of student athletes. Consistent with its principles, the MPA believes that all students should have the opportunity to participate in MPA activities in a manner that is consistent with their gender identity, unless such participation would result in an unfair athletic advantage or would present an unacceptable risk of injury to other student athletes. This policy establishes eligibility guidelines and procedures to address the participation of transgendered students in MPA sponsored interscholastic competition.

A. DEFINITIONS: For purposes of this policy, the following definitions will apply:

1. *Transgender Person:* A person whose gender identity does not match the sex assigned to him or her at birth. A transgender person who is born female-bodied but identifies as male is referred to as a

transgender man or a female-to-male (FTM) transsexual. A transgender person who is born male-bodied but identifies as female is referred to as a transgender woman or a male-to-female (MTF) transsexual.

2. *Gender Identity*: A person's deeply-felt internal sense of being male or female.
3. *Gender Expression*: A person's external characteristics and behavior that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions.
4. *Birth-assigned Gender*: Gender assigned at birth based on the anatomical, physiological and chromosomal characteristics associated with males, females, or intersex people.

B. PRIVACY STATEMENT: All discussions and documents at all levels of the eligibility determination process, either by a member school, appeals panel, and/or MPA staff, shall be kept confidential unless the student and/or his or her family make a request otherwise.

C. PROCEDURE:

1. **School Level Procedure.**
 - a. **Student Contacts School.** The student and/or parent(s)/guardian shall contact the school administrator or athletic administrator at his or her member school notifying the school that the student has a consistent gender identity different than the gender of the student's birth-assigned gender or the student's school registration records and that the student desires to participate in activities in a manner consistent with his/her gender identity.
 - b. **School Requests a Hearing.** The school shall contact the MPA at the earliest possible opportunity to request the scheduling of a hearing with the Gender Identity Equity Committee ("GIE Committee"). The student athlete shall not participate in any countable athletic contest prior to obtaining approval from the GIE Committee.
 - c. **Documents in Support of Request.** The school and the student and/or his parents shall collect some or all of the following information for transmittal to the MPA prior to or at the hearing:
 - i. Current transcript and school registration records showing gender identity used for school registration records
 - ii. Pertinent personal characteristics of the student (e.g., date of birth, grade, height, weight, birth-assigned gender, pre- or post-pubescence status)
 - iii. A list of the athletic activities that the student seeks to participate in during the current school year, if selected through the team try-out process
 - iv. Documentation establishing the student's consistent gender identity (e.g., a statement from a parent or guardian; a letter from a teacher, administrator or coach; a statement from the student)
 - v. Medical documentation related to the student's consistent gender identity and/or athletic advantage or disadvantage (e.g., a statement from a health care provider who has treated the student-athlete; records of hormonal treatments (if any), sexual re-assignment surgery (if any), counseling, etc.)
 - vi. Documentation describing the student-athlete's prior athletic participation, either during or prior to high school, including relevant statistics related to the student's prior athletic performances
 - vii. Other documentation that the school, student or parent feels should be considered in the MPA's determination

2. **MPA Procedure:**

- a. **Initial Hearing.** The GIE Committee shall schedule a confidential hearing to consider the student's request within 7 business days of the request. Present at the hearing will be the student, his or her parents/guardians, a representative of the student's school, members of the Committee and a representative of the MPA staff. One or more of the Committee members may participate by telephone or other electronic means if participation in person is not feasible. Although not necessary, the student/parents may also request the attendance of any individual(s) the student wishes to speak on behalf of the request. To protect the privacy of the student, no other individuals will attend the meeting unless the student and/or his parents/guardians so request.
- b. **Standard of Proof.** The GIE Committee shall grant the student's request to participate in accordance with the student's stated gender identity unless it is convinced that the student's claim to be transgender is not bona fide or that allowing the student to compete on a single sex team consistent with his or her gender identity would likely give the student athlete an unfair athletic advantage or pose an unacceptable risk of physical injury to other student athletes.
- c. **GIE Decision.** The GIE Committee will issue its decision in writing, addressed to the sponsoring school, within five (5) business days of the hearing.
- d. **Effect of Approval.** Approval of the student athlete's eligibility shall be binding on all member schools and shall be valid through the duration of the student's high school career, unless the GIE Committee explicitly states that the approval is valid for a shorter period. The GIE Committee may approve a student's request for less than the student's high school career only in cases where it is reasonably foreseeable that the student's athletic advantage or the risk of injury to others may increase as the student matures. Except in unusual circumstances and only with the express approval of the GIE, a student who has been granted approval to compete consistent with his or her gender identity may not thereafter seek to compete as a member of his or her birth-assigned gender.
- e. **Right to Appeal.** If the GIE Committee denies the student's request, the student and/or the student's school may appeal this ruling to the MPA Interscholastic Management Committee (IMC) by filing a request in writing within five (5) business days following receipt of the written decision of the GIE Committee.

D. APPEAL PROCESS: The IMC shall meet to consider the appeal of a student's denial of eligibility within ten (10) business days of receipt of the written notice of appeal. The appeal will be decided upon the written record created at the GIE Committee, and any other written submission the sponsoring school and or student/parents wish to submit. The determination of the IMC shall be issued in writing to the student's school within three (3) business days of the meeting of the IMC to review the appeal. The decision of the IMC shall be final and binding on all parties.