

ARTICLE 3

300.

EQUITY CODE

1. The Colorado High School Activities Association is committed to ensuring that all students have equal access and opportunities to participate in activities and athletics under the Title IX Education Amendment.
2. Member schools shall not participate in or condone unfair discrimination practices in regards to age, gender, race, ethnicity, religion, sexual orientation or disability.
3. The Colorado High School Activities Association in accordance with Equal Protection Clause of the United States Constitution does not prohibit transgender students from participating in athletics. A transgender student-athlete's home school will perform a confidential evaluation to determine the appropriate gender assignment for the prospective student-athlete. The CHSAA will follow approved policy procedures to ensure that gender-related advantages and safety concerns are minimized.

Policy Statement and School Recommendations Regarding Transgender Participation:

The Colorado High School Activities Association (CHSAA) Executive Committee approved this policy and process to address the eligibility of transgender/transitioned/student-participants in CHSAA sanctioned activities/athletics.

For the purposes of this policy, the following definition will apply:

1. **Transgender Person:** A person whose gender identity does not match the sex assigned to him or her at birth. This cross "gender dysphoria". When gender dysphoria causes clinically significant distress or impairment, it is sometimes classified as Gender Identity Disorder. A transgender person who is born female bodied but identifies as male is referred to as a transgender male. A transgender person who is born male-bodied but identifies as female is referred to as a transgender female.

Transgender is the umbrella term that describes people whose gender identity or expression does not conform to the prevailing social expectations.

Policy Privacy:

All discussions and documentation in each level of the process either by a member school, appeals panel and/or CHSAA shall be kept confidential unless the student and family make a specific request.

Procedures:

- I. The students member school will be the first point of contact for determining the student's eligibility to participate in CHSAA sanctioned event(s). The student and parent(s)/guardian must notify the school in writing that the student has a consistent gender identity different than the gender of the student's birth certificate and list the sanctioned event in which the student would like to participate. The school may use the following criteria to determine participation.
 - Gender identity use for school registration records
 - Medical documentation (hormonal therapy, sexual re-assignment surgery, counseling, medical personnel, etc.)
 - Gender Identity related advantages for approved participation.

Once the member school has rendered a decision the school administrator shall communicate with the CHSAA office in writing of the decision, the students classified gender and sanctioned activities in which the student-participant would like the opportunity to participate if they are selected through the team try-out process.

CHSAA:

The CHSAA Equity Liaison will only become involved in the process if:

- Member school denies participation and student with parents/guardian appeal to the CHSAA in writing
- A member school appeals in writing to the CHSAA Equity Liaison, for a review of the student's member school decision.

The CHSAA will not consider any appeals from outside organizations or non-member schools.

Appeal Process:

The CHSAA will conduct a confidential case by case as expeditiously as possible. An appeal hearing will be scheduled by the CHSAA Equity Liaison to address the written appeals either by student-participant with parent/guardian or member schools. An Equity Appeals Panel will be assembled with seven (7) business days of written appeal to CHSAA. The equity appeals panel will be comprised of a minimum of three of the following persons, one of whom must be from the physician or mental health profession category.

- A. Physician with experience in gender identity health care and the World Professions Association for Transgender Health (WPATH) standards of care.
- B. Psychiatrist, psychologist, or licensed mental health professional familiar with the World Professional Association for Transgender Health (WPATH) standards of care.
- C. School administrator representative of the student's league and from the non-appealing school.
- D. Representative(s) from the CHSAA staff.
- E. Advocate familiar with Gender Identity and Expression Issues.

The student-participant with parent/guardian and/or appealing school will have the opportunity to address the panel prior to a decision.

Documentation:

The appealing parties should provide the panel with the following documentation:

- A. Current transcript and school registration information.
- B. Documentation of student's consistent gender identification (e.g. affirmed written statements from student and/or parent/guardian and/or health care provider.
- C. Any other pertinent documentation or information.

The Appeal's Panel will consider all aspects of the appeals procedures when rendering a decision. The panel will forward their decision to the Commissioner of the CHSAA. The Commissioner will forward correspondence of the panel's decision to the appealing student-participant and parent/guardian or appealing member school within three (3) business days of the decision.

The Appeals Panel decision will be final under the parameters of the CHSAA transgender participation eligibility process.

Areas of Awareness:

- Have a plan in place
- Using correct names/pronouns – according to students self-identification
- Gender appropriate restroom accessibility
- Locker room accessibility
- Educational training of teachers, counselors, coaches, administrator and students on transgender sensitivity in relation to student
- Manner of dress according to gender identity
- Access to resources and accurate information

Resources:

- CHSAA Contact:
Rhonda Blanford-Green, Associate Commissioner
14855 E. Second Avenue – Aurora, CO 80011
Office Phone: 303-344-5050
Office E-mail: rblanfordgreen@chsaa.org
- Transgender Law Center (www.transgenderlaw.org)

- Appreciation to the Washington Interscholastic Activities Association and Equity Resources for their forethought in creating a policy for final draft of the CHSAA Policy Statement for eligibility parameters addressing transgendered student participation.