



## TRANSGENDER-INCLUSION POLICY

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### Preamble

Football Canada is committed to being a transgender-inclusion leader in sport and promoting substantive equality. Football Canada created a Transgender-Inclusion Ad Hoc Committee consisting of Directors from the Football Canada board, Member representation from its provincial partners and thought leaders (from TransFocus Consulting Inc., the Canadian Centre for Ethics in Sport and the Sport Law and Strategy Group) to conduct a holistic review of its current policy which was implemented May 2020. Due to the needs within the football community, the Committee reviewed the policy. The Committee determined that Football Canada's policy of requiring athletes to participate in the gender category in which they identify, without any need for disclosure of information or other requirements, is legal, inclusive and gender affirming for transgender women and men. Football Canada is committed to working with its provincial partners and athletes to close this programming gap. Recognizing that this will take time, Football Canada is temporarily amending this Policy to allow trans-athletes to play on a team that corresponds with either their sex assigned at birth or their gender identity. While the Committee was reviewing the policy for transgender athletes, the Committee decided to include more specific reference to non-binary athletes given their specific needs. Football Canada recognizes that the current configuration of teams designated for girls/women and boys/men does not align with non-binary gender identities (as is the case in many other sports). Long-term solutions are needed to address this current gap and Football Canada is committed to working with provincial and national sports organizations to develop these solutions. In the interim, the Association supports non-binary athletes to play with a team of their choice (male, Women and girls or mixed). Football Canada is further committed to working with its provincial partners to provide education on transgender-inclusion to its stakeholders and transition support measures for its participants.

## **Football Canada Guiding Principles**

Football Canada utilizes the following guiding principles in developing and applying this Policy:

1. Transgender girls/women and transgender boys/men in developmental and recreational sport will be able to participate in either their sex assigned at birth or the gender category in which they identify. Any transgender girl/woman or transgender boy/man who needs to invoke this Policy must only communicate this to the applicable organization to allow for implementation. The same policy of inclusion would apply to high performance athletes up until the point where they must comply with international federation rules;
2. Non-binary athletes in development and recreational sport will be able to participate in any gender category of their choice. Any non-binary athlete who needs to invoke this Policy must only communicate this to the applicable organization to allow for implementation. The same policy of inclusion would apply to high performance athletes up until the point where they must comply with international federation rules.

## **Transgender-Inclusion policy**

The Association supports transgender and non-binary athletes and will provide a supportive stance for athletes that decide to share their identity with the Association: Recognizing the unique needs and experiences of transgender and non-binary athletes, the Association seeks to work collaboratively with the athlete to determine the best course of action for them based on complex factors, including gender affirmation, privacy, safety, and program availability.

3. Transgender girls/women and transgender boys/men and non-binary athletes should be able to use the change rooms of their choice.
4. Hormone replacement therapy (HRT) should not be required for an athlete to participate in high performance sport (up to the point where international federation rules would take effect); and
5. Surgical intervention should never be required for a transgender or non-binary athlete to participate in high performance sport.

## Definitions

The following terms are applicable to this document:

- a. "Association" – Football Canada;
- b. "Bona fide" – Acting in good faith, without deception or fraud;
- c. "Cisgender" – A term to describe a person whose gender identity corresponds with their birth-assigned sex (e.g. someone whose gender identity is woman and was assigned Women and girls at birth);
- d. "Gender binary" – 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 Women and girls. In the gender binary system, there is no room for diversity outside of man or woman, for living between or outside of these genders;
- e. "Gender Expression" – The way an individual expresses themselves in terms of their 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 are labeled as masculine, androgynous, feminine are culturally- and geographically-specific and change over time;
- f. "Gender Identity" – A person's innermost sense of their own gender. This can include man, woman, both, neither or something else entirely. There are lots of words people may use to talk about their gender identity;
- g. "Gender affirming procedures" – Medically-supervised program of treatment to transition a person's body to align with their gender identity through hormone therapy, surgeries, and other procedures;
- h. "Non-binary" – People whose gender identity is neither exclusively Women and girls nor male. Some individuals self-identify as non-binary, whereas others may use terms such as genderqueer, bi- or polygender, genderfluid, gender non-conforming, or agender. Non-binary people may or may not conform to societal expectations for their gender expression and gender role, and they may or may not seek gender affirming medical or surgical care.
- i. "Participant" – Includes all individuals employed by or engaged in Football Canada activities and programs;

j. "Sex" – The classification of people as male, female or intersex. Sex is usually assigned at birth (with the exception of intersex) and is based on an assessment of a person's reproductive system, hormones, chromosomes and other physical characteristics, most notably by external genitalia;

K. "Substantive Equality" – means understanding and meeting the needs of disadvantaged persons or groups using historical, legal and social contexts.

L. "Transgender" – People whose gender identity differs from the sex they were assigned at birth. In order to align their bodies with their sense of gender, some transgender individuals undergo gender affirming procedures;

m. "Transgender Girl/Woman" – Someone who was assigned the male sex at birth, and identifies as a woman;

n. "Transgender Boy/Man" – Someone who was assigned Women and girls sex at birth, and who identifies as man; and

o. "TUE" - Therapeutic Use Exemption.

## **Purpose**

The Association believes that all Participants deserve respectful and inclusive environments for participation that value the Participant's gender identity and gender expression. The Association wishes to ensure that all Participants have access to programming in which they feel comfortable and safe. The Association is committed to implementing this Policy in a fair and equitable manner.

## **Actions for Inclusion**

### **The Association pledges to:**

a. Provide this Policy to Association staff, Directors, national team coaches, managers, and trainers and offer additional inclusion education and training opportunities on its implementation;

b. Provide registration forms and other documents that enable:

i. The Participant to indicate their gender identity, rather than their sex or gender;

- ii. The Participant to abstain from indicating a gender identity with no consequence to the Participant;
  - iii. The Participant the opportunity to indicate the pronoun(s) they use; and
  - iv. The Participant to indicate the name they go by on a daily basis (called a Lived Name), if different from their legal name.
- c. Maintain organizational documents on the Association website in a manner that promotes inclusive language and images;
- d. Refer to Participants by their lived name and pronouns;
- e. Work with transgender and non-binary Participants on the implementation and/or modification of this Policy;
- f. To establish change room guidelines;
- g. Ensure uniforms and dress codes that respect a Participant's gender identity and gender expression; and
- h. Determine Eligibility Guidelines for transgender and non-binary participants (as described in this Policy).
- i. Transition support: Transgender athletes can request and expect to receive confidential support from coaches and leagues to explore options for staying or leaving their current team, washrooms and change room access, if/how to announce to others, and surfacing and addressing challenges (e.g., misgendering and misnaming).

### **Eligibility Guidelines – Exceptions**

As applicable, the eligibility guidelines of the International Federation of American Football regarding transgender and non-binary athlete participation will supersede the eligibility guidelines as outlined in this Policy during any international competition.

### **Eligibility Guidelines**

As a general guiding principle for the Association's eligibility guidelines, the Association supports the following statement from Creating Inclusive Environments for Trans Participants in Canadian Sport:

- Based on this background and available evidence, the Expert Working Group felt that trans athletes should be able to participate in the gender with which they identify, regardless of whether or not they have undergone hormone therapy. Exceptions could be made if a sport organization is able to provide evidence that demonstrates hormone therapy is a reasonable and bona fide requirement (i.e., a necessary response to a legitimate need) to create a fair playing field at the high-performance level (p. 19).
- At both recreational and competitive levels, a Participant is able to participate in either their sex assigned at birth or the gender category in which they identify or choose in the case of a non-binary Participant.
- The Association welcomes all Participants, non-binary, cisgender and transgender, to participate in our programs and to experience football. Further, and consistent with our mission of providing an inclusive environment in which children and adults can build a lifelong love of sport, we encourage Participants to reference Football Canada's Equal Opportunity for Participation Guidelines.
- Participants are not required to disclose their gender identity or history to the Association or any of the Association's representatives (e.g., Coaches, Staff, Directors, Officials, etc.).
- All athletes must be aware that they may be subject to doping control testing pursuant to the Canadian Anti-Doping Program. The administration of hormones as a component of gender reassignment will, in most cases, contravene the World Anti-Doping Code. Transgender athletes undergoing gender reassignment are encouraged to contact the Canadian Centre for Ethics in Sport (CCES) to determine what actions, if any, are required to obtain a TUE.

### **Confidentiality**

The Association will not disclose to outside parties any documentation or information about a Participant's gender identity.

### **Ongoing Monitoring**

The Association 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.

### **Resolving Gender Identity and Expression Issues**

Should a Participant feel they have been subject to, or witness, discrimination, bullying, harassment, sexual harassment, vilification, or victimization based on gender identity or expression, they should take appropriate action through the Association's Discipline and Complaints Policy.

### **Appeal**

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

This Policy is subject to review at least once every three years

Date of last review: February 2022

The publication of Football Canada policies will be in the English and French languages. In the case of conflicting interpretations, the English version will prevail.

### **More Information**

Canadian Association for the Advancement of Women and Sport and Physical Activity (CAAWS) (2017 Second Edition). *Leading the Way: Working with LGBT Athletes and Coaches. A Practical Resource for Coaches.* Access at: <http://www.caaws.ca/e/wp-content/uploads/2017/05/LeadingTheWay-v2017.pdf>

Canadian Centre for Ethics in Sport (CCES) - Sex and Gender Diversity