

## **Minnesota State High School League Policy Regarding Participation of Transgender Students**

The Minnesota State High School League allows participation for all students regardless of their gender identity or expression. The purpose of this policy is to designate a set of criteria in which student athletes are able to compete on a level playing field in a safe, competitive and friendly environment, free of discrimination. Fundamental fairness, as well as most local, state and federal rules and regulations, requires schools to provide transgender students athletes with equal opportunities to participate in athletics. This policy creates a framework for such participation.

### **GUIDING PRINCIPLES**

- The MSHSL is committed to the providing transgender students with the opportunity to participate in MSHSL-sponsored athletics;
- Members schools shall ensure that all students have access and opportunities to participate in athletics without discrimination based on disability, race, creed, color, gender, sexual orientation, gender identity, gender expression, religion, age, national origin, or ancestry;
- Policies governing athletic participation for transgender students must be formed by sound medical knowledge and scientific validity; and
- Protecting the privacy of transgender student athletes must be a priority for all athletic department and affiliated school personnel. All medical information shall be kept confidential in accordance with applicable local, state, and federal laws. All discussions and documentation at each level of the process shall be kept confidential unless the student and family make a specific request otherwise.

### **Section 1. DEFINITIONS**

1. "Transgender" means having a gender identity or gender expression that differs from societal expectations based on gender assigned at birth.
  - a. Female-to-Male ("FTM") transgender person means one whose gender assigned at birth was female but who identifies as male.
  - b. Male-to-Female ("MTF") transgender person means one whose gender assigned at birth was male but who identifies as female.
2. "Gender identity" means an innate sense of one's gender.
3. "Gender expression" means a persons external characteristics and behavior that are socially defined as either masculine or feminine, such as dress, mannerisms, speech patterns and social interactions..

### **Section 2. IDENTIFICATION PROCESS**

1. The MSHSL Transgender Policy addresses only transgender students and does not alter existing MSHSL rules. Minnesota State law does not prohibit girls from playing on teams traditionally identified as boys' teams. Specifically, Minn. Stat. § 121A.04, subd. 3(d) states the following:

“If two teams are provided in the same sport, one of these teams may be restricted to members of a sex whose overall athletic opportunities have previously been limited, and members of either sex shall be permitted to try out for the other team.”

2. The MSHSL member school must determine the student’s ability to participate in interscholastic athletics. The following information and criteria should be used by the member school to determine which gender the student will participate on the school’s teams:

- A. The student’s high school transcript and/or registration information and the student’s participation physical examination forms for each year of athletic participation;
- B. A written statement from the student and parent(s)/guardian(s) affirming the consistent gender identity and expression to which the student self-relates;
- C. Affirmation from an appropriate healthcare professional within the scope of practice of the healthcare provider regarding the student’s consistent gender identification and expression;
- D. Appropriate medical documentation documenting the student-athlete’s intention to transition or the student’s transition status if the process has already been initiated, including, but not limited to, hormonal therapy and/or sexual reassignment surgery. This documentation should identify the prescribed hormonal treatment for the student’s gender transition and documentation of the student’s testosterone levels, if relevant.
  - (i) To ensure safety and competitive equity, a FTM student who has started hormone therapy (i.e. testosterone) is only eligible to participate on male teams. A FTM student who has NOT started hormone therapy may participate on female or male teams if desired.
  - (ii) To ensure safety and competitive equity, a MTF student must have (TBD) of medically documented testosterone suppression therapy in order to be eligible to participate on female teams. To further ensure safety and competitive equity and comply with Minn. Stat. § 121A.04, subd. 3(d), a MTF student who has NOT started testosterone suppression therapy may only participate on male teams.
  - (iii) For purposes of this policy, hormone supplementation/suppression therapy under the supervision of a licensed physician when taken as prescribed does not violate any MSHSL policy regarding performance enhancing supplements.

3. Once a student has been approved to participate as a transgender student athlete in MSHSL sport(s), the student may not return to his/her gender identified at birth for athletic participation purposes unless a subsequent evaluation is undertaken by the member school due to a change in circumstances. If the member school denies a

change for participation as a transgender student athlete, the student's eligibility remains with the school's teams as determined by gender most recently affirmed..

### **Section 3. APPEAL**

If the school does not affirm the transgender student's participation, the student and/or parent(s)/guardian(s) may file an appeal, in writing, to the student's local school board per the local school policy. The school must have a local appeal policy in place whereby the student, in concert with the student's parent(s) or legal guardian(s), are provided an opportunity to address and provide relevant information to the local eligibility committee.

Relevant documentation, including subsequent information submitted by the student and/or parent(s)/guardian(s), must be received as determined by the school. The school must send its appeal decision, in writing, to the student, and the student's parent(s)/guardian(s), and to the Executive Director of the MSHSL within five (5) business days following the hearing at the local school level.

### **Section 4. LEAGUE-LEVEL HEARING**

1. If the local appeal does not affirm the transgender student's participation, the student and/or parent(s)/guardian(s) may file an appeal, in writing, to the MSHSL. Upon receipt of the appeal, the Executive Director of the MSHSL shall review the submitted documents and respond to the member school, in writing, whether the MSHSL agrees or disagrees with the member school's participation determination. The MSHSL may extend the response to the member school in order to confer with a licensed physician experienced with gender identification before making a participation ruling.

2. Unless the Executive Director of the MSHSL extends the response time in order to consult with a licensed physician experienced with gender identification, the final decision of the MSHSL shall be affirmed by the MSHSL Board of Directors and communicated to the member school within ten (10) business days following the initial receipt of the information from the member school.

3. If the MSHSL does not affirm the transgender student's participation, the student or the student's parent(s)/guardian(s) may appeal the decision to an Independent Hearing Officer as identified in the current appeal procedure identified in the most current MSHSL Official Handbook. (See Fair Hearing Procedure).

### **Section 5. FACILITIES ACCESS FOR MSHSL TOURNAMENTS**

1. **Locker Room, Shower, Toilet Facilities:** Transgender student-athletes should be able to use the locker room, shower, and toilet facilities in accordance with the student's gender identity. When possible, every locker room should have some private, enclosed changing areas, showers, and toilets for use by any athlete who desires them. When requested by a transgender student-athlete, the MSHSL will make reasonable efforts to provide private, separate changing, showering, and toilet facilities for the

student's use, but transgender students should not be required to use separate facilities.

If a transgender student-athlete requires a particular accommodation to ensure access to appropriate changing, showering, or bathroom facilities, school administrators, athletic directors, and/or coaches, in consultation with the transgender student-athlete, should notify the MSHSL prior to competition to ensure that the student has access to facilities that are comfortable and safe. This notification should maintain the student's confidentiality. Under no circumstances should a student-athlete's identity as a transgender person be disclosed without the student's express permission.

**2. Hotel Rooms** – Transgender student-athletes generally should be assigned to share hotel rooms based on their gender identity, with a recognition that any student who needs extra privacy should be accommodated whenever possible.

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