

## Gender Identity Participation in MSHSL Activities

The Minnesota State High School League (MSHSL) allows participation for all students regardless of their gender-related identity or expression. This policy is designed to guide member school personnel as they create an environment free from discrimination and provide an equal opportunity for participation in athletics in accordance with applicable state and federal laws, rules and regulations.

To assist member schools with eligibility determinations, the following definitions shall apply.

- **Transgender Person:** a person whose gender-related identity is different from and does not match the gender assigned at birth.
- **Gender Identity:** a person's deeply felt internal sense of being male or female.
- **Gender Expression:** a person's external characteristics and behaviors that are socially defined as either masculine or feminine (ie. dress, speech, mannerisms, social interactions, etc.)

Consistent with Minnesota State High School League Bylaws 301,305, 306, and 408 the student's member school is the first point of contact for determining the student's eligibility to participate in MSHSL sanctioned activities.

When the administration of a member school is notified, in writing, by a student and the student's parent(s)/legal guardian(s) that the student has a consistent and uniform gender-related identity or that the gender-related identity is sincerely held as part of the student's core identity and the gender-related identity is different from the student's gender-related identity described on the student's school registration records or birth certificate, and that the student wishes to participate in athletics in a manner consistent with the student's current gender-related identity, the student's school must review the following information prior to determining the appropriate gender team on which the student will participate.

- The student's current transcript, school registration, and any additional relevant information.
- The written statement from the student and the student's parent(s)/legal guardian(s) affirming the consistent and uniform gender-related identity and expression to which the student self-relates.
- Statements from individuals such as, but not limited to parents, friends, and/or teachers, which affirm that the actions, attitudes, dress and manner demonstrate the student's consistent or sincerely held gender-related identification and expression.

- A written statement from an appropriate health-care professional, acting within the scope of his/her licensure that verifies the existence of the student's consistent and uniform gender-related identity or sincerely held gender-related identity.

When there is confirmation of a student's consistent and uniform gender-related identity or any other evidence that the gender-related identity is sincerely held as part of the person's core identity, the student will be eligible to participate in MSHSL activities consistent with the student's gender-related identification for the balance of the student's high school eligibility.

All communications among involved parties and required supporting documentation and records shall, to the extent permitted by law, be kept confidential unless the student and the student's parent(s)/legal guardian(s) make a specific request otherwise.

**Appeal Process:**

If a member school denies participation and the student, the student's parent(s)/legal guardian(s) wish to appeal the decision of the member school, the Executive Director of the MSHSL, or the Director's designee, will become involved in the eligibility determination as identified in the MSHSL Fair Hearing Procedure as amended.

**Other:**

Every student athlete and fine arts participant should have access to a locker room, bathroom and shower facility in a safe, comfortable and convenient environment. Such arrangements must be fully considered by member schools to ensure such access and privacy.

Nonpublic schools are exempt from mandatory compliance consistent with Minn. Stat. 363A.24, 363A.26 and as required by federal law.

This policy shall be construed and interpreted in accordance with applicable federal and state laws, rules and regulations.

The policy shall be effective on \_\_\_\_\_  
(date)

*DRAFT November 20, 2014*