



LGBTQ NONDISCRIMINATION POLICY GUIDE

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prohibition of discrimination in our education
olicies, employment, campus services and activities
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Introduction

As part of the NCAA's commitment to foster athletics programs in which everyone is safe, welcomed and respected, the Division III Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Working Group is pleased to provide an LGBTQ Nondiscrimination Policy Guide to help member institutions and conferences establish welcoming environments on their campuses. As a core value, the NCAA believes in and is committed to an inclusive culture that fosters equitable participation for student-athletes and career opportunities for coaches and administrators from diverse backgrounds.

In 2016, the Division III Management and Presidents Councils endorsed establishing a Division III LGBTQ Working Group — the first of its kind in the NCAA. While respecting the unique missions of our institutions, the working group aims to ensure Division III is safe for, inclusive of and welcoming to the LGBTQ community and its allies. To that end, the working group has focused on increasing engagement, education and understanding of LGBTQ issues at all levels of Division III by examining current resources and areas of need, and creating programmatic, resource and recognition opportunities for everyone.

Research shows that diversity and inclusion improve the learning environment and enhance the likelihood of an organization's success. The LGBTQ Working Group's mission is to support the Division III educational environment by promoting efforts from Division III institutions and conferences to be more inclusive of all LGBTQ student-athletes, coaches, administrators, fans and their advocates within the parameters of their institutional and conference missions.

To assist in this regard, the working group in the fall of 2017 surveyed Division III members from four demographic groups: presidents and athletics direct reports (80 responses); athletics administrators and coaches (1,384 responses); commissioners and assistant commissioners (44 responses); and student-athletes (3,033 responses) to better understand the current landscape and climate surrounding LGBTQ issues on Division III campuses and within conferences. The survey focused on four areas: landscape and culture; education and resources; visibility and recognition; and policies.

Some of the findings pertaining to athletics LGBTQ nondiscrimination policies are listed below. The feedback led the working group to prioritize developing LGBTQ-inclusive policy template language that may be used in athletics department, student-athlete and conference office handbooks.

- Sixty (60) percent of athletics administrators and coaches reported their institution has a written LGBTQ non-discrimination policy, while only 38 percent indicated their athletics department has such a policy. Seventy-five (75) percent noted policies explicitly included sexual orientation, gender identity and gender expression.
- Fewer than 50 percent of survey respondents indicated their athletics department and their student-athlete handbooks included supporting and promoting an inclusive, respectful environment for the LGBTQ community.

- Fewer than 20 percent of commissioners and assistant commissioners reported their conference has a written LGBTQ nondiscrimination policy.
- Forty-four (44) percent of commissioners and assistant commissioners said their conference has a transgender student-athlete participation policy.

During the Division III Business Session at the 2018 NCAA Convention, the working group solicited additional information via polling questions (one response per institution and conference office). Eighty-five (85) percent of respondents noted that if made available, they would use template language to develop LGBTQ-inclusive policy statements and nondiscrimination clauses for their handbooks.

The working group collected and reviewed sample LGBTQ-inclusive policies from several Division III institutions and conferences with the ultimate goal of creating an LGBTQ-inclusive policy template for Division III institutions and conferences to use in athletics department, student-athlete and conference handbooks. The template language is broad in concept but succinct in content. It accounts for the diversity of institution types (e.g., public, private faith-based and private secular) in Division III. The policy guide allows institutions and conferences to include web links to their own policies to ensure institutional and conference autonomy. It also directs institutions and conferences to consult with their campus leadership, including general counsels, before adoption to ensure all athletics-specific LGBTQ-inclusive policies align with institutional and conference missions and comply with policies that apply to general student bodies and/or personnel.

The Division III LGBTQ Working Group invites you to use the following sample policy templates, guiding questions and additional resources as you consider developing an LGBTQ-inclusive nondiscrimination policy on your campus and in your conference.

Sincerely,

The Division III LGBTQ Working Group

Mika Costello, Student-Athlete Advisory Committee Representative, Willamette University.

Brit Katz, Vice President and Dean of Student Life, Millsaps College.

Chris Kimball, President, California Lutheran University.

Kyrstin Krist, Faculty Athletics Representative, Methodist University.

Crystal Lanning, Director of Athletics, University of Wisconsin-River Falls.

Donna Ledwin, Commissioner, Allegheny Mountain Collegiate Conference.

Emet Marwell, Student Representative, Mount Holyoke College.

Kathleen Murray, President, Whitman College.

Julie Shaw, Director of Education, Women's Sports Foundation.

Mike Vienna, Director of Athletics, Emory University.

Neil Virtue, Head Men's and Women's Swimming and Diving Coach, Mills College.

Handbook Template Language

The NCAA Division III Management and Presidents Councils endorse developing athletics-specific policies that ensure the safety and respect of all student-athletes, coaches and administrators, including those who are lesbian, gay, bisexual, transgender and questioning (LGBTQ).

Athletics participation provides a unique identity for our student-athletes, and athletics departments have a leadership opportunity to create LGBTQ nondiscrimination policies that complement their institutions' nondiscrimination policies and ensure an athletics environment that is welcoming and safe. When students, coaches and administrators can express their orientations and identities without fear of repercussion or retaliation, they are able to more fully focus on their educational objectives and their athletics participation.

Accordingly, the Division III Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Working Group offers the following sample language that institutions and conference offices may choose to adopt or incorporate into their own LGBTQ nondiscrimination policies. These samples are the result of a comprehensive review of existing policies at Division III institutions and conferences and may act as a foundation for your own LGBTQ nondiscrimination policy.

Specific recommendations include, but are not limited to, the following:

- Collaborate with campus and conference leadership, including general counsels, to ensure policies are consistent and congruent with institutional and conference mission and policies.
- Incorporate inclusive policies in handbooks, websites, participation forms, announcements and meetings.
- Enforce inclusive policies. Develop fair and consistent enforcement (consequences) for incidents related to the inclusive nondiscrimination policies.
- Prohibit anti-LGBTQ behavior and language at athletics events.
- Offer options to note sexual identity, gender identity and gender expression on student-athlete participation forms.

Sample Nondiscrimination Statements

SAMPLE 1

[Institution/Conference X] athletics is committed to safety, fairness and respect for all participants. Collegiate athletics provides an opportunity for students to compete with and against others who come from a variety of backgrounds, but all of whom share the common goal of achieving athletics excellence. Valuing this common ground enhances the social and competitive experience for all and is important to team success and to individual development. Teams that value each member's contribution to the unit, while respecting individual differences, provide a healthy foundation for the team and each member of the team to focus on achieving their athletics and educational goals.

We have an obligation to provide equal opportunity for our student-athletes and staff. All those involved in athletics shall be aware of these obligations and treat them as core values. Discrimination toward lesbian, gay, bisexual, transgender and questioning people (actual or perceived) negatively affects all who participate in athletics competition. If discrimination is accepted as part of the common practice of an athletics department, it undermines the core principle of equal opportunity.

SAMPLE 2

Diversity and inclusion are essential to the fulfillment of our [institutional/conference] mission. We value inclusive excellence in learning, curricular and co-curricular programming; campus climate; recruitment; admissions; hiring; and retention. We are deeply committed to promoting and maintaining a civil community that facilitates opportunities for shared understanding and expression of individual and collective truths. Moreover, we resolve to create and uphold a community that is respectful of all persons despite differences in age, class, creed, disability, educational background, gender expression, gender identity, geographical location, income, marital status, national origin, parental status, race, religion, sex, sexual orientation, work experiences and other dimensions of diversity.

SAMPLE 3

[Institution/Conference X] is committed to its diversity and inclusion of its student-athletes, athletics administrators and staff, which is a point of pride and a hallmark of the institution. The framework for our commitment to diversity sits within our active prohibition of discrimination in our educational policies, employment, campus services and activities on the basis of age, class, creed, disability, educational background, gender expression, gender identity, geographical location, income, marital status, national origin, parental status, race, religion, sex, sexual orientation, work experiences, and all classifications protected by law.

SAMPLE 4

[Institution/Conference X] is committed to safety, fairness and respect for all participants. Collegiate athletics provides an opportunity for students to compete with and against others who come from a variety of backgrounds, but all of whom share the common goal of achieving athletics excellence. Valuing this common ground enhances the educational, social and competitive experience for all and is important to team success and to individual development. We believe that our intercollegiate athletics program/conference has a responsibility to promote the well-being of all students regardless of sexual orientation, gender identity or gender expression. We believe that all students should be safe and treated with respect and dignity as consistent with our institutional/conference values and mission. Moreover, we extend welcoming hospitality to LGBTQ visitors and guests. We are committed to identifying practical “common ground” ways for people of all faiths, sexual orientations and gender identities to participate in intercollegiate athletics programs that model respect for all without compromising our core values. We believe in the power of dialogue, collaboration and building relationships as the most effective route to realizing our goal. We believe that, working together, we can identify conference and institutional practices that respect those who identify as lesbian, gay, bisexual, transgender or questioning, or as people of faith, including LGBTQ people of faith.

Questions to Consider

The following questions are designed to help Division III institutions and conferences establish LGBTQ-inclusive athletics programs. By answering these questions, institutions and conferences can evaluate whether they have the policies, resources and infrastructure necessary to be LGBTQ-inclusive. Your institution or conference is encouraged to convene a review panel of campus, athletics department and conference office personnel to review the questions and determine the most appropriate next steps for your institution or conference.

1. How do we incorporate the use of inclusive language? In written documents and in general spoken language, it is best to use gender-neutral language. In personal interactions, the best alternative is to ask the person what pronouns they use or use the person's proper name.
2. Can we change our student-athlete participation forms to include the LGBTQ community (e.g., offer an option for student-athletes to indicate non-binary gender identities)?
3. Do our facilities have gender-inclusive, single-occupancy changing rooms and restrooms that could be available to *all* student-athletes, fans and staff?
4. How do we report incidents of nondiscrimination policy infractions? (Consider reviewing and incorporating campus reporting procedures.)
5. Have we evaluated and/or created department policies that consider how to navigate relationships on a team or within a department?
6. What are our policies for away trips (e.g., rooming assignments, accommodations and communication plan with our opponent's institution)?

7. How does our institution include transgender/gender-fluid/gender non-conforming student-athletes before, during and after transitioning socially and/or medically?
8. How does our department refer to transgender/gender-fluid/gender non-conforming student-athletes in written, spoken or video media outlets? What systems are in place for student-athletes to indicate how they want to be represented (e.g., sports information forms)? What policies apply if someone's gender identity or expression changes mid-season?
9. Are there policies related to team uniforms/dress codes that may inadvertently discriminate or marginalize?
10. How do we create environments that enhance communication and relationship-building?
Do our policies and practices encourage seeking common ground, mutual respect and civility?

Because LGBTQ-inclusive efforts are evolving, we recommend reviewing and updating your LGBTQ nondiscrimination policies annually, if not more frequently.

Additional Resources

NCAA Champions of Respect: Inclusion of LGBTQ Student-Athletes and Staff in NCAA Programs

www.ncaapublications.com/productdownloads/CRLGBTQ.pdf

NCAA Five Ways to Have an LGBTQ-Inclusive Athletics Department

www.ncaa.org/sites/default/files/2017INC_5WaystoHaveanLGBTQ-InclusiveAthleticsDepartment_20170316.pdf

NCAA Inclusion of Transgender Student-Athletes

www.ncaa.org/sites/default/files/Transgender_Handbook_2011_Final.pdf

NCAA Mind, Body and Sport: Harassment and Discrimination – LGBTQ Student-Athletes

www.ncaa.org/sport-science-institute/mind-body-and-sport-harassment-and-discrimination-lgbtq-student-athletes

NCAA LGBTQ Organizational Resources

www.ncaa.org/sites/default/files/LGBTQ%2BOrganizational%2BResources.pdf

NCAA Division III LGBTQ Terminology and Definitions

www.ncaa.org/sites/default/files/2018DIIDivInc_LGBTQTerminologyandDefinitionResource_20180123.pdf





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