

July 11, 2022

NCAA Transgender Student-Athlete Participation Policy: Clarifying Phase Two and Phase Three

LaGwyn Durden, Director, SSI

Jean Merrill, Director, Office of Inclusion

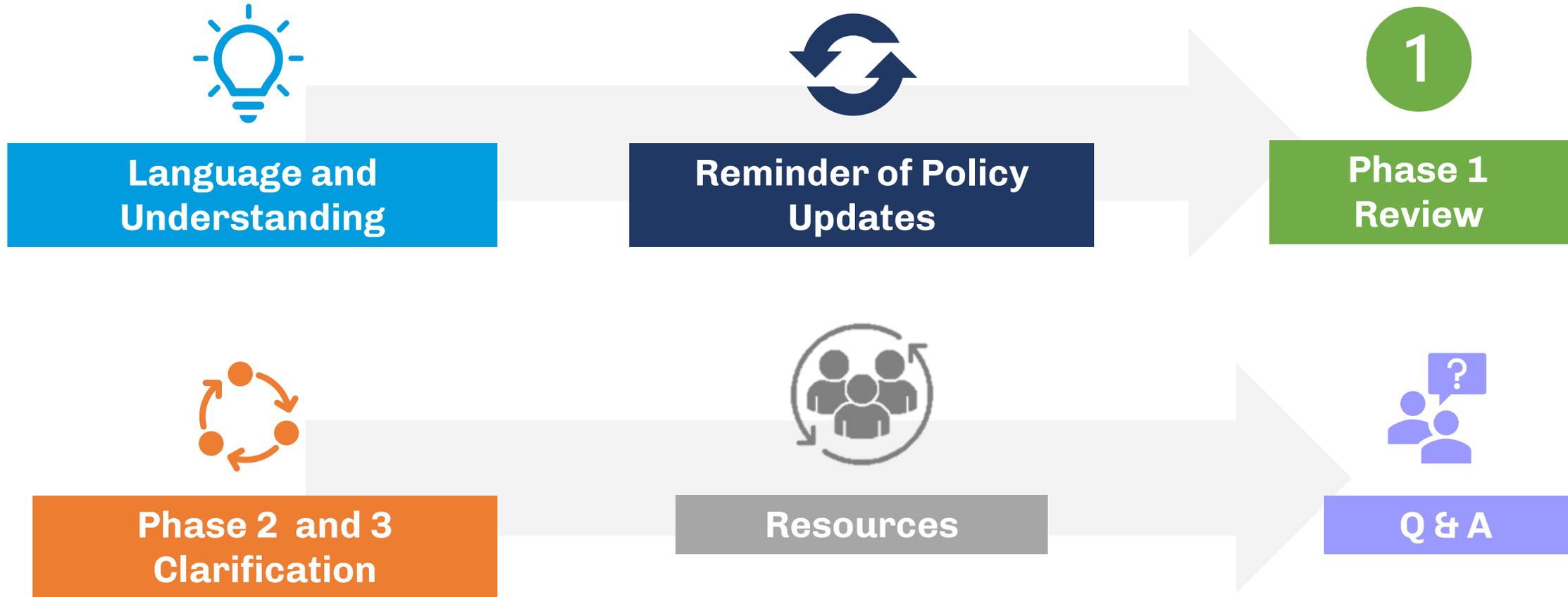
Mallory Mickus, Associate Director, SSI

Anne Rohlman, Director, SSI

Scope of Presentation and Legal Disclaimer

- Presentation is designed and intended for use by the NCAA membership.
- Scope is limited to key components of the published policy, related procedural guidance and supporting educational materials.
- Staff may not share information about the discussions/deliberations of the NCAA Board of Governors or other governance committees involved in policy decision-making or any other non-public, confidential information.
- Staff may not respond to questions regarding the adequacy or impact of specific individual or institutional practices as they relate to compliance with the policy.
- National office protocols **prohibit the recording** and any other use of video content beyond the event day activity. Presentation slides will be available following the session.
- Closed-captioning is available through the webinar platform.

Webinar Overview



Language and Understanding

- **Gender identity:** one's internal sense of their own gender. This does not have to match one's sex or gender assigned at birth. Though it often does as most people are not transgender.
- **Sex/Gender assigned at birth:** the designation of a newborn child's sex or gender based on inspection of their external genitalia.
 - *Note: "sex/gender assigned at birth" is a more inclusive phrase than "biological male" or "born male"; or "biological female" or "born female."*
- **Gender expression:** ways in which a person communicates their gender identity to others through behavior, clothing, haircut, voice, name, pronouns, and other forms of self-presentation.

- **Transgender/Trans**: an adjective used to describe a person who does not identify as the gender they were assigned at birth.
 - **Trans man/male (FTM)**: a man assigned female at birth.
 - **Trans woman/female (MTF)**: a woman assigned male at birth.
 - *Note: References to "FTM" or "MTF" may be problematic for some trans persons.*
- **Cisgender/Cis**: an adjective used to describe a person who identifies as the gender they were assigned at birth.
 - **Cis man/male**: a person who was assigned male at birth and identifies as male.
 - **Cis woman/female**: a person who was assigned female at birth and identifies as female.

- **Non-Binary:** Term used to describe a person who does not identify with the male/female gender binary. For some, this means identifying somewhere between male and female; for others, it means identifying as a combination of genders; for others, it means not having a gender identity.
 - **Genderqueer, gender expansive, gender non-conforming:** terms similar to non-binary that a person may choose to use when their gender identity is neither male nor female.
- **Transition:** any step(s) a person takes to affirm their gender identity; this may or may not include changes in one's name, pronouns, physical appearance, taking hormones, undergoing surgery, among many others. There are various ways through which an individual can choose to transition.
- **Misgender:** the act of referring to someone in a way that does not reflect that person's gender identity (e.g., using deadnames or incorrect pronouns or prefixes).
- **Deadname:** the name someone was given or used before they transitioned and/or discovered their true gender identity.

Language and Application to NCAA Policy

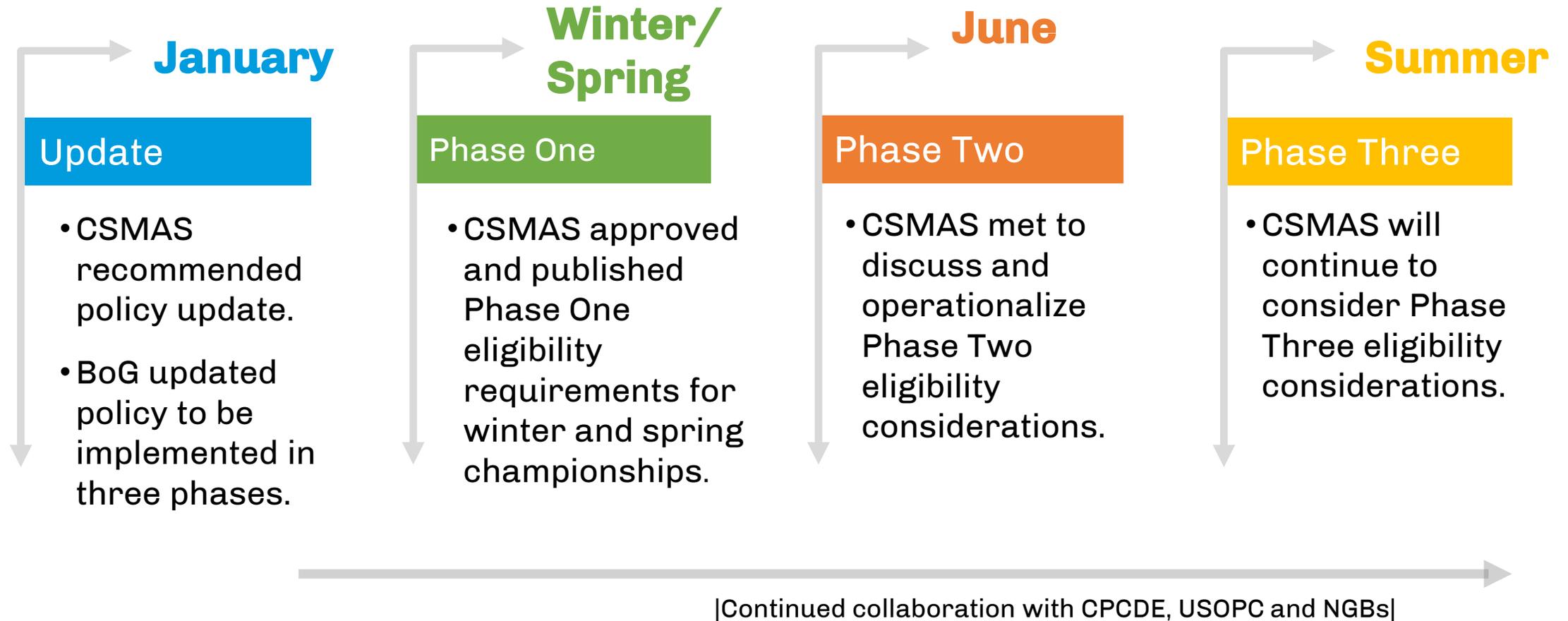
- NCAA sports historically have been categorized according to the participant's sex assigned at birth (male and female sports).
- Transgender Student-Athlete Participation Policy (TSAP) applies to any SA who plans to compete in an NCAA sport that does match the SA's sex assigned at birth.
 - Applies to a multitude of identities (e.g., transgender, nonbinary, genderqueer).
- TSAP does not apply to intersex SAs, whose reproductive anatomies do not fit traditional definitions of male or female.
- TSAP does not factor a SA's sexual orientation.

Transgender Student-Athlete Participation Policy

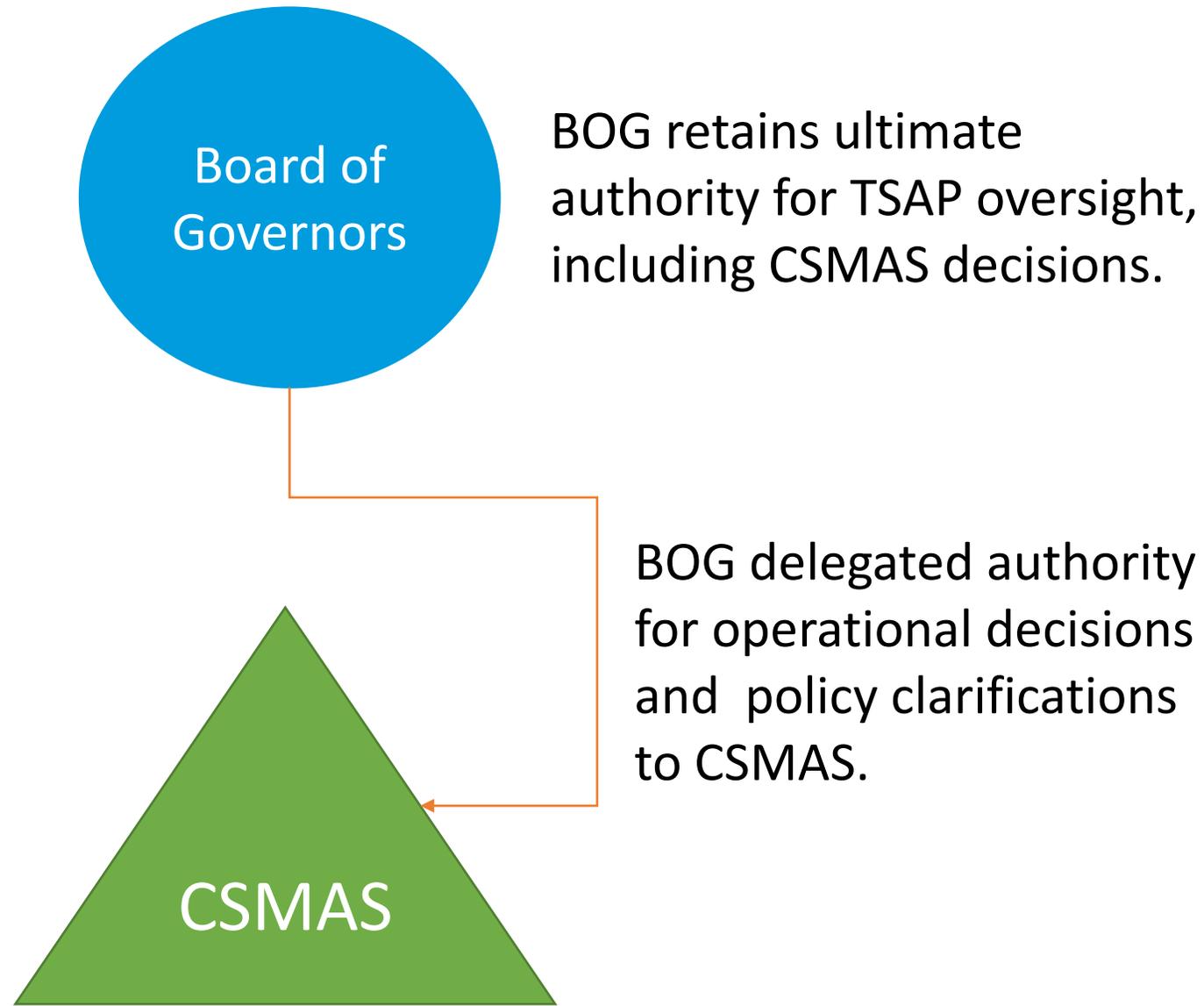
ncaa.org/transgender



Timeline of TSAP Policy Work



Policy Authority

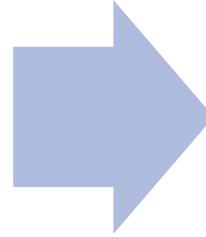


2022 Policy Updates

2022 Update to NCAA Policy

Competitive Safeguards and Medical Aspects of Sports

Association-wide
23 members
Medical personnel and athletics administrators



Board of Governors

Highest governing body
25 members
Presidents/chancellors & 5 independent members

Consensus:

1. Testosterone thresholds can facilitate and support fair competition while providing participation opportunities for trans athletes.
2. Consistency with Olympic model intended to provide continuity for student-athletes. Deference to sport-specific rules intended to rely on those who have studied and manage potential impact in the sport.
3. Flexibility should be considered for SAs who lose eligibility, but are able to meet requirements in the future.

2022 Update to NCAA Policy

Alignment with Olympic Movement to balance fairness, inclusion, equity and well-being.

January 2022: BOG adopts policy as recommended by CSMAS:

1. Trans student-athletes must continue to meet 2010 policy; and
2. Meet sport-specific eligibility requirements that are reviewed and approved by CSMAS, in each case to be informed by national governing body policy (or international federation policy or 2015 IOC policy).
3. Implemented over three phases.

1. Meet 2010 Transgender SA Participation Policy.

Trans Men

- A trans man with a medical exception for testosterone may compete on a men's team but not on a women's team.
- A trans man who is not taking hormone treatment may compete on a men's or women's team.

Trans Women

- A trans woman may not compete on a women's team until completing one calendar year of testosterone suppression treatment.
- Managed by student-athlete's institution, unless medical exception is needed.

2. Meet Sport-Specific Eligibility Requirements.

Examples of Trans Athlete Policy Components

1. Testosterone Threshold.

- E.g., 5 nmol/L.

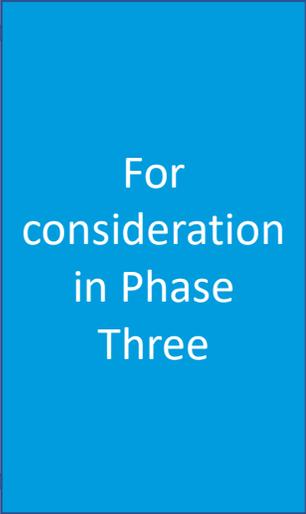
Applicable
Phase One and Two



2. Length of Testosterone Mitigation and Maintenance.

- Requirement that testosterone threshold be continuously met for specific number of months (e.g., 12 months).
- Requirement to maintain testosterone threshold level throughout period of participation.

For
consideration
in Phase
Three



3. Additional policy considerations.

- E.g., gender declaration, case-by-case review, gender-affirming surgery, birth certificate aligns with gender identity, proof of mitigated advantage.

2015 IOC Guidelines for Trans Women

1. Declaration. Declare gender identity is female. Cannot be changed, for sporting purposes, for a minimum of four years.
2. Pre-Participation Threshold and Length of Mitigation. Demonstrate total testosterone level has been below 10 nmol/L for at least 12 months prior to first competition.
3. Maintenance. Testosterone level must remain below 10 nmol/L throughout the period of participation.

3. Implemented Over Three Phases.

Phase One 2022 Winter/Spring

- Only impacted trans women.
- Only impacted championship competition.
- 2010 NCAA policy; and
- One-time sport-specific testosterone threshold.

Phase Two 2022-23 Academic Year

- Impacts all competition.
- Additional eligibility documentation submission requirements.
- Only testosterone threshold component of sport-specific policy apply.
- Only impacts trans women.

Phase Three 2023-24 Academic Year

- All parts of applicable sport-governing policy to be considered by CSMAS, including:
 - Length of testosterone mitigation; and
 - Other requirements.
- May impact trans men.

Eligibility Review Process

Medical Exception Process

Established process for use of NCAA banned substances.

- Anabolic agents.
- Peptide hormones.
- Diuretics.
- Stimulants (ADHD/ADD).



Transgender SA Participation Eligibility Review

Phase I Documentation Requirements.

- 12 months of hormone suppression.
- Serum testosterone lab* results within allowable levels.
 - *Lab must be within four weeks of championship selection date.

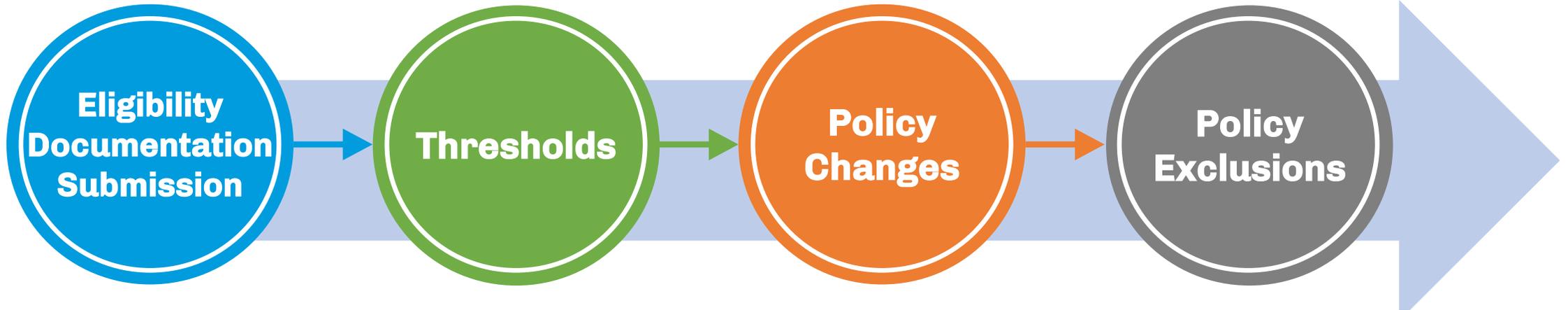
Student-Athlete Privacy



- Medical Review Panel.
- Anonymous review process (eligibility documentation de-identified prior to review).
- Communication limited to SA-identified school contact.
- Limited scope of communication for eligibility determination.

Phase Two

Phase 2 Policy Clarifications



- Clarify when submission must occur.
- Address potential impact on multisport SAs (e.g., XC, T&F).

- Approve sport-specific testosterone thresholds and deadlines.

- Identify process for responding to NGB/IF policy changes that occur mid-cycle.

- PHASE THREE: Consider whether certain NGB/IF criteria are inconsistent with NCAA core values (e.g., gender-affirming surgery, no access).

Eligibility Documentation Submission

Submission Timeline Questions

Trans women must “... meet the sport standard for documented testosterone levels at the beginning of their *competition season* and *again six months later*...”.

1. “Competition season” ambiguity.



2. Submission compression.

Submission Requirements



Annual Submission Requirements

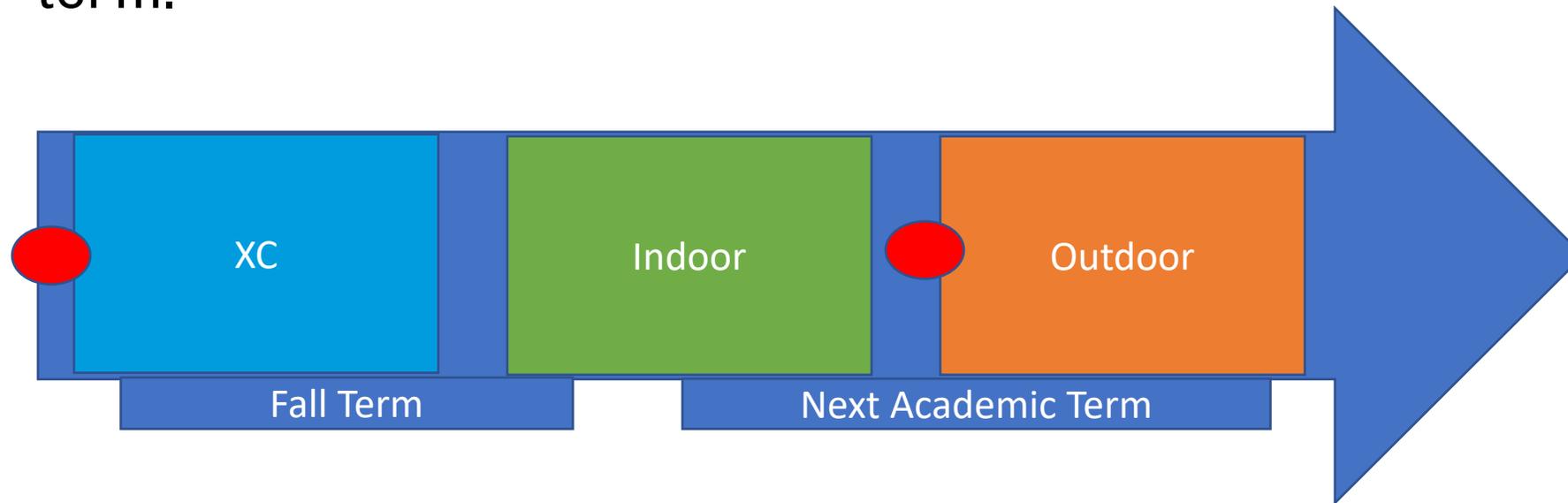
Softball
Submit before
nontraditional
competition in fall

Softball
Submit again before
traditional competition
in spring

- Competition season refers to both traditional and non-traditional segments; and
- Eligibility must be reviewed by Medical Review Panel before the SA competes in each segment.

Annual Submission - Multi-Sport Student-Athletes

- At least twice per academic year:
 1. Before initial contest in fall term; and
 2. Before initial contest of an additional sport in the following academic term.



Championship Submission

- Same as Phase 1.
- Submit if possibility SA will qualify for championship.

4

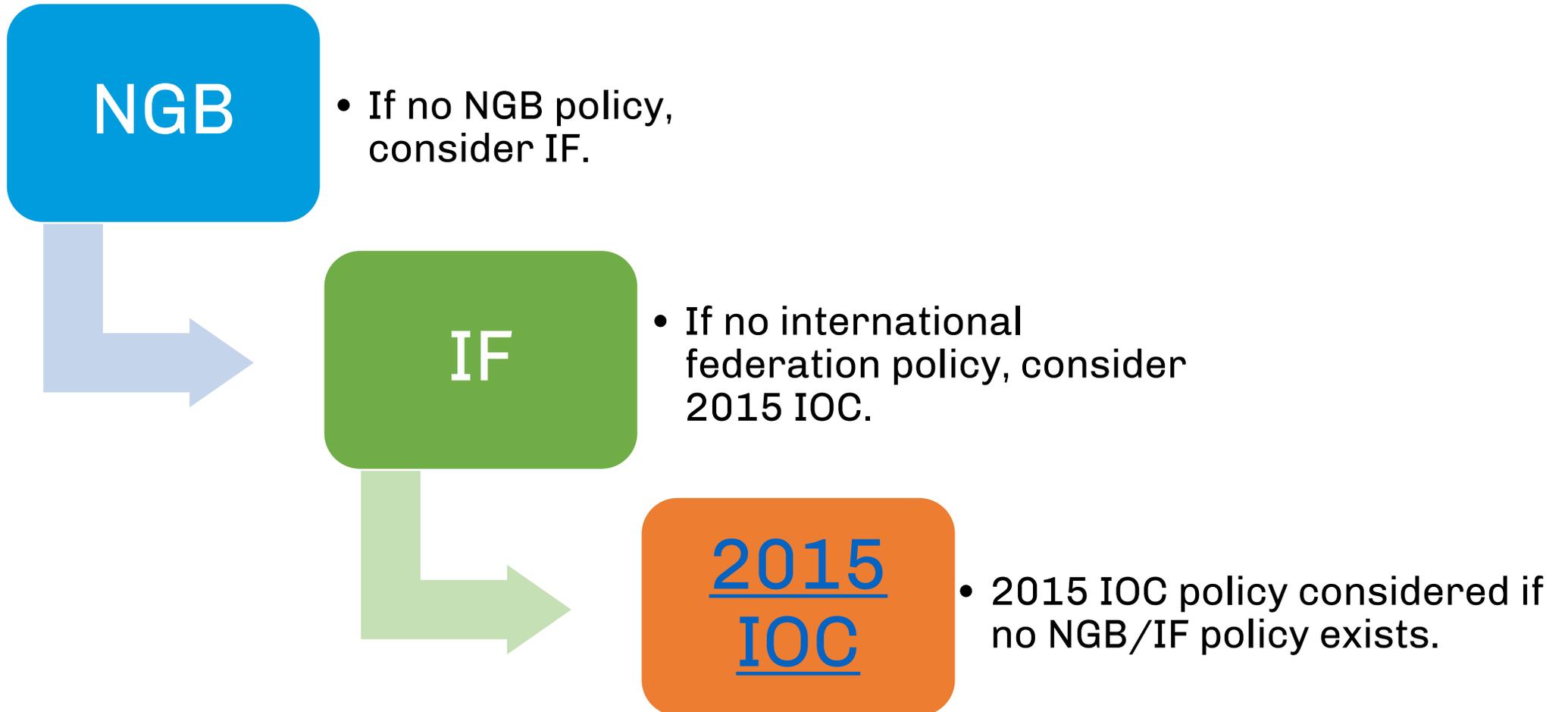
Lab results
within four
weeks of the
championships

1

Submit \geq one week
before championship
selections.

Thresholds

NCAA TSAP Policy Logic



Example

- Like Phase One, in Phase Two, sport-specific testosterone thresholds apply. Length of testosterone mitigation, other requirements are not applicable.
- Example. Women's Ice Hockey

NGB	International Federation	CSMAS Approved Threshold
No Policy	Threshold: <5 nmol/L;	Threshold: <5 nmol/L. Other policy components: Not applicable in Phase One or Two.

Phase Two Thresholds

- All CSMAS approved sport-specific thresholds are consistent with policy logic and align with thresholds specified by applicable governing body policy.
 - Water polo threshold is set at <2.5 nmol/L.
 - Women's ice hockey, women's swimming and diving, women's tennis and rowing thresholds are set at <5 nmol/L.
 - All other sports set at <10 nmol/L.
 - No threshold required for rifle (mixed sport).

Emerging Sports

- Acrobatics & Tumbling (<10 nmol/L)
 - Equestrian (<10 nmol/L)
 - Rugby (<10 nmol/L)
 - Triathlon (<10 nmol/L)
 - Women's Wrestling (<10 nmol/L)
-
- While not NCAA championship sponsored sports, transgender SA's will still be required to meet annual submission requirements and eligibility review.

Mid-Cycle NGB/IF Policy Updates

Background

- TSAP policy dictates that CSMAS must consider NGB/IF policy when setting eligibility requirements for each sport.
- NGB/IF may establish or make changes to policy after the NCAA TSAP policy eligibility requirements have been approved and published for an academic year.

CSMAS Approved Procedure for Mid-Cycle NGB/IF Changes

- NCAA transgender SA eligibility requirements shall be reviewed annually and published not later than May 1 each year.
- Changes after May 1 will not be reconsidered for that academic year.
 - Such changes to NGB/IF policy will be considered during the following annual review of NCAA transgender SA eligibility requirements.

Phase Three

Policy Exclusions

Alignment with NCAA Core Values & Objectives

- NCAA core values include commitment to diversity, inclusion, equity and SA well-being.
- Seek to establish and maintain inclusive culture that fosters equitable participation, and to continue to abide by the principles established in 2010 *Recommendations for Including Transgender Student-Athletes*.
- Some NGB/IF transgender athlete participation policies include criteria that could be considered inconsistent with one or more NCAA core values and objectives.

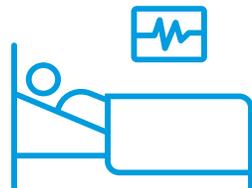
Membership Guidance - Examples

CSMAS will not consider including eligibility criteria or other components of sport-governing policies that are determined to be fundamentally inconsistent with the NCAA's values of fairness, inclusion, equity and well-being. For example:

Complete
Prohibition



Surgery



Gender
Determinations



(e.g., review panel, align
with ID docs, physical
evaluation)

Inquiries or
Challenges



Simplification

Phase 3: Seeking Simplification

- Continued evaluation of policy and related eligibility requirements.
- Aim to prioritize simplification while balancing objectives of inclusion, equity, fairness and well-being.
- Consider emerging medical and scientific information, trends in policy landscape and possible sport “classification” (e.g., contact sport).

Resources and Support

Gender Identity Summit

- Commissioned in October 2020 with over 60 participants.
- Brought together experts in inclusion, endocrinology, athletics administrators, cisgender student-athletes, transgender and nonbinary (TGNB) student-athletes, and other external stakeholders.
 - Included representatives from the Committee to Promote Cultural Diversity and Equity (CPCDE) and Committee on Competitive Safeguards and Medical Aspects in Sports (CSMAS).
- Consensus statements were developed for consideration by governance groups, not membership requirements.

Additional Resources

- Inclusion page on [ncaa.org](https://www.ncaa.org) (core area: LGBTQ).
- Sport Science Institute page on [ncaa.org](https://www.ncaa.org).
- Gender Identity and Student-Athlete Participation Summit Outcomes ([Final Report](#)).
- [Champions of Respect](#).
- [Five ways](#) to have an LGBTQ-inclusive athletics department.
- Inclusion of Transgender Student-Athletes Best Practices [Handbook](#).
- NCAA Inclusion Forum.



ssi@ncaa.org

Contact Sport Science Institute
for questions on policy
application or document
submission.



SPORT SCIENCE
INSTITUTE™



inclusion@ncaa.org

Contact office of inclusion for
questions on creating inclusive
environments or related
resources.



INCLUSION