


Transgender, Nonbinary & Gender Nonconforming Policy

May 2023

Terminology: (Abridged from <https://www.glaad.org/reference>)

- **Sex at Birth:** Infants are assigned a sex at birth, “male” or “female,” based on the appearance of their external anatomy, and an M or an F is written on the birth certificate
 - **Cisgender:** A cisgender person is a person whose gender identity is aligned with the sex they were assigned at birth.
 - **Transgender:** An adjective to describe people whose gender identity differs from the sex they were assigned at birth... it is important to note that being transgender is not dependent upon physical appearance or medical procedures.
 - **Trans Woman:** A woman who was assigned male at birth
 - **Trans Man:** A man who was assigned female at birth
 - **Nonbinary People:** Nonbinary is an adjective used by people who experience their gender identity and/or gender expression as falling outside the binary gender categories of "man" and "woman."
 - **Gender Non-Conforming (GNC):** A term used to describe people whose gender expression differs from conventional expectations of masculinity and femininity.
 - Please note that many cisgender people have gender expressions that are gender non-conforming. Simply having a non-conforming gender expression does not make someone trans or nonbinary. Nor are all transgender people gender non-conforming.
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Why is this needed?

- From 2023 Culture and Demographics Survey:
 - 3% of athlete respondents identified as Non-Binary
 - 0.5% of athlete respondents identified as Transgender
- Currently there is no written policy to address Transgender and Non-Binary athletes in the ICSA
- US Sailing currently operates under an interim policy



Who helped write this policy?

Current and former College Sailing athletes and coaches

Members of the LGBTQ+ community (including non-binary and transgender individuals)

Director of Sexuality, Women and Gender (Ph.D in Gender Studies and taught classes in transgender studies)

Associate Dean of Student Affairs for Inclusion and Diversity

Director of Diversity & Inclusion in Student Affairs



Details of Policy

Open Sailing

Athletes of any gender identity are permitted to compete in Open competitions* without gender identity- or sex-related restrictions**, and athletes are not required to provide any documentation of their sex or gender to compete in Open competitions.

*Open events include, but are not limited to, any conference/regional fleet race event, team race event, and match/sloop race event.

**A specific Open competition may impose additional requirements for the gender composition of a team to promote inclusion (such as requiring more than one gender to be represented on each boat).

Women's Sailing

Female-identifying and non-binary athletes are permitted to compete in Women's competitions, including, but not limited to, fleet and team race events.

Single-handed Sailing

For Single-handed sailing events, if the class division is based on gender—Men's and Women's—then male-identifying and female-identifying sailors are permitted to compete, respectively, in those classes; non-binary athletes are permitted to compete in either class (but not both within the same competition year unless petition is approved by the board).

In Open singlehanded events, athletes are permitted to sail in the event of their choice, regardless of gender identity.

Comparison to other Leagues/Sports Governing Bodies:

British Youth Sailing (RYA): https://www.rya.org.uk/-/media/dam/website-documents/racing/youthjunior/web-documents/policies/trans-and-non-binary-sailor-policy-final_july-2020.pdf

Excerpts from policy:

"The RYA's policy is to ensure that a sailor who has a genuine and serious desire to identify in a different gender to that assigned at birth ('trans sailor') or a sailor who does not identify as either male or female ('non-binary sailor') is treated fairly, sensitively and with respect. All reasonable steps will be taken to ensure that a trans or non-binary sailor is able to participate in the RYA squad programme **appropriate to their acquired or identified gender** and is protected from discrimination, bullying or harassment."

"National events: **A trans or non-binary sailor should be able to compete in their chosen gender at club, class association or national level.**"

USA Curling policy: https://www.transathlete.com/files/ugd/2bc3fc_9eea2478e21d4181b3efc9b18e655263.pdf

"an **athlete's declaration of gender identity through the process of registering for a gendered event is sufficient**. If the athlete has declared a gender different from sex assigned at birth, the declaration cannot be changed, for sporting purposes, for the duration of the curling season."

"Members who identify themselves as non-binary (or any equivalent genderless status) may declare themselves as eligible to compete in either gender's events, but they can only compete as one gender (of their choosing) for the duration of the curling season. This is not intended to be discriminatory, but to ensure evenness of treatment, as members who do identify as one gender or the other are only eligible to compete in one gender's events."



Benefits of Inclusion

- "The Trevor Project found that having a supportive coach can be lifesaving for LGBTQ youth, **reducing the risk of suicide by 40%**"
 - GLAAD, Covering LGBTQ Athletes at the 2020 Olympics and Paralympics, page 12
- "Without the support of coaches, teammates and/or governing bodies, LGBTQ youth drop out of sports at a rate almost twice that of their non-LGBTQ peers. Furthermore, youth who drop out deal with mental health outcomes worse than their peers who still play and those who never played at all."
 - Human Rights, Play to Win

Questions from feedback form



Would allowing Trans women to compete in women's events violate Title IX?

Probably not – Trans women are women and the Dept. of Education recently proposed an amendment to Title IX against restrictions:

“If a recipient adopts or applies sex-related criteria that would limit or deny a student's eligibility to participate on a male or female team consistent with their gender identity, such criteria must, for each sport, level of competition, and grade or education level: (i) be substantially related to the achievement of an important educational objective, and (ii) minimize harms to students whose opportunity to participate on a male or female team consistent with their gender identity would be limited or denied.”¹

What does this mean?

“schools could also not justify an exclusion of trans students based on over broad generalizations or false assumptions, such as restrictions that assume physical advantages for trans athletes across all sports”²

1 <https://www.federalregister.gov/documents/2023/04/13/2023-07601/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>

2 <https://letusplay.team/faq>

Why is this being proposed?

- Currently there is no formal policy for Trans and non-binary sailors
- Without a written policy, assumptions are made about ICSA's policy. Current athletes, coaches and other organizations assume what our policy is

When can we expect a non-binary option to be added to Techscore?

This was looked into in March but we do not have an update at this time

Why should Non-Binary Athletes be allowed to sail in Women's events?

Anyone who does not identify with a binary gender group should be able to choose the one they feel comfortable with.



Discussion Guidelines

- Please be respectful of others as this can be a sensitive subject
 - Try your best to use respectful language (reference Terminology slide)
- Please respect current and former athletes by refraining from mentioning specific athletes either by name or in general



Recommended Reading

- <https://www.cces.ca/sites/default/files/content/docs/pdf/transgenderwomenathletesandelitesport-ascientificreview-e-final.pdf>
- Athlete Ally's ATHLETIC EQUALITY INDEX
 - https://www.athleteally.org/wp-content/uploads/2019/12/AEI_Dec_10_2019.pdf
- <https://nwlc.org/resource/trans-and-intersex-inclusion-in-athletics/>
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