



Memo: **Guidance for Inclusion of Transgender and Gender-Diverse Participants**
From: **Special Olympics, Inc.**
To: **All U.S. Programs**
Date: **November 13, 2018**

Participation Philosophy

Special Olympics promotes a more inclusive world, respecting and celebrating diversity and the unique gifts of all individuals.

The health and safety of everyone participating in Special Olympics is of paramount importance to the organization. Athletes, Unified partners, volunteers or others, should feel that Special Olympics is a safe, positive and inclusive environment.

No participant should ever have to fear negative, threatening, discriminatory or adverse reactions or treatment by other athletes, coaches, or volunteers as a result of a participant's differences, including gender expression or identity.

All eligible participants should have the opportunity to participate in Special Olympics athletics/activities in a manner that is consistent with their gender identity, irrespective of the gender listed on the participants' medical or registration records and without subsequent medical or mental health care consultation.

For the purposes of this guidance, the following definitions apply:

- **Transgender Person:** A person whose gender identity does not match the sex assigned to him or her 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, such as dress, mannerisms, speech patterns and social interactions.
- **Participant:** Special Olympics athletes, Unified partners, coaches, volunteers, or any other official delegates of a Program

Special Olympics recognizes that there are many different forms of gender identity. In application in Special Olympics, gender identity factors in specifically and most prominently with respect to 1) sport divisioning, 2) housing, and 3) changing/shower/restroom facilities, which typically still follow societal norms of "male" and "female" nomenclature.

For those individuals who identify as bigender, gender non-conforming, intersex individuals, or other gender identities, for the purposes of the above 3 primary applications of gender identity in Special Olympics, it is advised that the Program speak with the individual and/or their parent or legal guardian to verify the gender they will identify with during their involvement in Special Olympics so as to not cause confusion or situations

that may affect other athletes or volunteers (example: sport divisioning and competition; housing policy compliance).

Gender Identity Based Participation

This guidance has been developed to help ensure the inclusion of transgender and gender-diverse participants in all activities. If any Program wishes to develop its own guidelines or guidance, it is recommended to have local legal counsel review to ensure compliance with local, state, and federal statutes and laws, as well as local school district, NGB or interscholastic association policies.

The following best practices and tenets should be considered unless such is a violation of local/state/federal law or policies, as determined by local legal counsel:

1. ***Eligibility to Participate*** – Eligible participants, those that meet all other registration requirements, should be permitted to participate in a manner consistent with their gender identity in accordance with the position outlined below.
2. ***Notice to Special Olympics*** – The participant and/or legal guardian should contact their Program’s Chief Executive Officer, or other individual as identified by Chief Executive Officer, indicating that the participant has a gender identity different than the sex listed on the participant’s athlete medical and/or registration records and that the participant desires to participate in a manner consistent with his/her gender identity.
3. ***Confidentiality*** – With the exception of the notices required in subpart 2 and Subpart 4 (housing) of this document, participants affected have the right to and should expect confidentiality and discretion in all matters relating to this issue.
4. ***Changing Areas, Restrooms and Showers*** – Transgender or gender-diverse participants should be permitted to use the locker room, shower, and restroom facilities in accordance with the Program’s state or local laws and polices (whichever has jurisdictional priority) and the student’s gender identity. Whenever possible, locker rooms should have some private, enclosed changing areas, showers, and toilets for use by any participant who desires them. When requested by a transgender or gender-diverse participant, Programs should provide private, separate changing, showering, and toilet facilities for the participant’s use, but transgender or gender-diverse participants should not be required to use separate facilities.
 - ***Housing*** – Transgender or gender-diverse participants should be provided housing accommodations based on their gender identity, with a recognition that any athlete who needs extra privacy/supervision should be accommodated whenever possible and with (1) the non-transgender roommate(s) and their parents/guardians are notified and given the opportunity to request alternate accommodations, and (2) bed sharing is not required.
 - If shared housing is not an option, best efforts should be made for the transgender or gender-diverse participant to be accommodated with a room to him/herself or with his/her family/support system in compliance with the Program’s housing and volunteer screening policies.
5. ***Sports Participation*** – Programs should adhere to the athlete divisioning protocol as outlined in the Special Olympics Sports Rules, which does not rely heavily on gender. In the event that divisioning requires separation by gender, sport divisioning will be based on the participant’s expressed gender identity.

- a. All sports-related protests/appeals should be handled in accordance with the Special Olympics Sports Rules.
 - b. Please see Appendix A for additional guidance regarding team sports.
 - c. When a coach or local training program submits a roster or sport divisioning entry forms in advance of competition/Games, it would be verifying that it has determined that the individuals(s) listed in a gender specific division or sports team are entitled to participate on that team due to their gender identity and that the coach/local training program has determined that the expression of the individuals' gender identity is bona fide and not for the purpose of gaining an unfair advantage in competitive athletics.
 - d. Individuals who wish to participate/compete as a gender different from the gender identity listed on the individual's medical/registration form should be advised to address the gender identification issue with the Special Olympics Program well in advance of the deadline for athletic eligibility determinations for a current sports season. Individuals should not be permitted to participate in practices or to try out for gender specific sports, sports divisions, or sports teams different from their publicly identified gender identity at that time or to try out simultaneously for sports teams of both genders.
 - e. For the purpose of maintaining the integrity of sport and Special Olympics' sport progression / advancement process, individuals should not be allowed to transfer from one gender specific team or competition division to a different declared gender during a sports season. In addition, after the issue of gender identity has been addressed by the individual and the Special Olympics Program, the determination shall remain consistent for the remainder of the sport season. This is to help preclude the likelihood that an individual will claim a particular gender identity for the purpose of gaining a perceived advantage in athletic competition.
6. ***Athlete Medical*** - If the individual has not undergone a physical gender reassignment process (aka still biologically as they were born), completing a new medical upon becoming aware of a different gender identity (from biological) is not necessary. The individual may choose to indicate their biological or expressed gender identity on the athlete medical form, so long as they notify the Program if they have indicated a gender identity different from their biological disposition so that the Program can better ensure sport divisioning and housing compliance. How Programs wish to note this in their records so as to know how to properly assign housing and competition divisioning based on gender identity is at their discretion (with discretion being the key).
7. ***Language: Preferred names and pronouns*** – A transgender or gender-diverse participant may have a preferred name and gender pronouns that is different from what may be indicated by the participant's registration records. Coaches, volunteers, and officials shall make every reasonable effort to honor the participant's preferred name and pronouns and to ensure that the participant's name and pronoun preferences are respected by others including teammates, opponents, fans, etc. This guidance applies not only for transgender or gender-diverse participants who seek to participate in Special Olympics in a manner consistent with their gender identity, but also to those whose participation is consistent with the sex on their registration records and not their gender identity.
8. ***Dress code and team uniforms*** – All participants should have uniforms as outlined in the Special Olympics Sports Rules. Participants should not be required to wear a gendered uniform that conflicts with the participant's gender identity. With respect to gymnastics and aquatics, transgender athletes should be permitted to wear whatever uniform is most comfortable for them so long as the suit does not extend below the knee or past the shoulders.
9. ***Compliance with Applicable Law*** – Programs should review and update their guidance/position periodically to stay current with federal and local laws, local school district policies and best practices.

Conclusion

The Special Olympics Risk Management and Insurance Task Force will stay attentive to industry-wide practices, procedures and laws and adjust this position, as appropriate.

Please feel free to contact SOI Legal at legal@specialolympics.org if you have any questions.

Appendix A: Team Sports

With respect to team sports, it is important that teams are divisioned in the appropriate category at the initial level of competition in the advancement progression.

Per Special Olympics' Sports Rules, Article 1, section 10.4.1.1: "mixed gender teams shall be divisioned with male teams unless there are sufficient mixed gender teams of similar ability to make a separate division."

As such, if there were to be an individual who gender identifies as female on an all-female team, they should be placed in a female division and not inappropriately placed in a mixed division.

Special Olympics divisions in the following order: 1) by gender, 2) by age, 3) by ability. However, once divisioned, gender is the last reason for modifying the division that a team will compete in. Teams should be re-divisioned based on ability first, then age grouping and finally, gender.

So while gender is considered in placing a team initially, it has the last priority on where a team/individual is actually placed to compete, as ability matching levels and ages are generally more important.

Additionally, in the Special Olympics Sports Rules it states that in team sports "when athletes or teams are divisioned with athletes or teams of the opposite gender, they shall receive awards in order of placement within that division." [SR Article 1: 12.5.2]