

How can my sporting organisation be inclusive?



This section outlines practical guidance for promoting the inclusion of transgender and gender diverse people in sport.

A number of key human rights principles underpin this practical guidance. These are the rights to:

- equality⁷⁰
- participation in sport⁷¹
- freedom from discrimination and harassment⁷²
- privacy.⁷³

Sporting organisations play an important role in promoting and protecting these rights through their approach to:

- leadership
- inclusion policies
- codes of conduct
- uniforms
- facilities
- information collection processes.

5.1 Leadership

Transgender and gender diverse individuals are often excluded from participating in sport because their affirmed gender—which may be different from their legally assigned sex—is not recognised within the policies, structures and organisation of sport.

To ensure that sports are inclusive of transgender and gender diverse people, it is essential that those who lead sporting organisations (the Board, Management Committee, and executive):

- are committed to the inclusion of transgender and gender diverse people (for example, have made a written commitment through their governance processes)
- take active steps to educate players, coaches, staff, volunteers and members about this commitment (for example, by providing training, and including this information in induction packs).

Sporting organisations should also consider enlisting support from prominent players, parents and coaches in the form of ‘champions’. A champion for transgender and gender diverse inclusion could be a strong ally or someone with lived experience.

‘To offer support, sporting organisations need to show leadership and put practical things in place.’

Examples of exclusion from sport experienced by transgender and gender diverse people

- A trans man being told that he cannot register to play for a men's club.
- A non-binary child being excluded from a match in a single-sex competition because of an objection raised by the opposing team.
- A trans man in the early stages of affirming his gender being told he can no longer play on any women's team at his club.
- A trans girl being counted by an umpire as a male player for the purpose of allocating gendered positions in a mixed gender competition.
- A trans woman being told she cannot coach a women's team because only women coaches are allowed.
- A trans woman who has begun socially transitioning being told she cannot play on the men's team of her sport.
- A trans woman not being able to order a tennis skirt in an appropriate size.
- A non-binary person not being able to access the women's changeroom, where they feel more comfortable, because the facilities owner will only unlock the men's changeroom for training.
- A trans boy being denied membership to a club.



5.2 Inclusion policies

To maximise inclusion, sporting organisations should have a policy that specifically promotes the inclusion of transgender and gender diverse people. This could be a stand-alone policy or included within an existing policy.

Inclusion policies, particularly when publicly available, can:

- help a transgender or gender diverse person identify a sporting organisation that will welcome them
- encourage a transgender or gender diverse player to remain engaged in sport throughout their transition or affirmation
- provide guidance to staff and volunteers at a sporting organisation on how to include transgender and gender diverse participants and respond appropriately to any issues that may arise.

Case study

How policies and people create inclusion

Sara is a young trans woman who is very talented at volleyball. She is looking for a new club to join. She is early on in her transition and has not had any medical interventions. Sara is eager to join a club that accepts her as a woman and allows her to play in the women's competition.

She goes online to try and find the inclusion policies of some volleyball clubs in her area. She finds a club whose policy specifically mentions that transgender players are welcome and encouraged to play for the club in the gender category they identify with. She also reads that the club has an inclusion officer she can speak to if she has any questions about joining the club.

Sara calls the inclusion officer to ask about the culture of the club. The inclusion officer is very approachable and tells Sara that in their experience the club is very welcoming. Sara is relieved and registers to play.

Case study

Including non-binary people in mixed sports

Jay's workplace has recently entered a lunchtime, mixed AFL 9s competition. Under the competition rules, each ball-up involves two opposing players of the same gender. Jay is non-binary and does not identify as a man or a woman.

The captain of Jay's team privately asked Jay if they would prefer to be counted as a man or a woman for the purpose of the ball-up. Jay said that they did not really mind.

The captain had a quick word to the umpire and it was agreed that Jay could participate in the ball-up against both men and women.

Elements of an inclusion policy

Sporting organisations should consider incorporating the following elements into their inclusion policies:

- a statement that promotes the inclusion of transgender and gender diverse people
- a statement that participation in sport should be based on a person's affirmed gender identity and not the sex they were assigned at birth⁷⁴ to the fullest extent possible
- a commitment to creating a safe and welcoming space for all players
- if applicable, confirmation that players will not be asked to undergo a medical examination for the purposes of gender verification
- confirmation that personal information will only be collected from participants if absolutely necessary, and that any information that is collected will be only be disclosed if necessary and in accordance with the law⁷⁵
- an inclusion officer as a point of contact and support for transgender and gender diverse players, and a clear outline of other roles and responsibilities in relation to the policy⁷⁶
- information and guidance about the organisation's complaints process.⁷⁷ A complaints process should:
 - » outline how a player can make a complaint regarding any discrimination or harassment they may experience on the basis of their sex or gender identity
 - » outline how the sporting organisation will respond to complaints
 - » be fair, effective and confidential (as far as possible), with an option for anonymous complaints
 - » be accessible to children and child-focused.⁷⁸
- recognition that a sporting organisation should be led by the individual player regarding their particular needs, and in relation to any transition or affirmation (in other words, each experience of transition or affirmation is unique and personal)
- a statement that the organisation encourages correct pronoun use (for example, by asking players what pronouns they use when they sign up, and using these pronouns consistently across verbal and written communication)
- a 'common questions' section to answer queries that may be raised (see 'Common questions' on [page 37](#) for some examples of information that could be included in this section).

These elements can be incorporated into existing policies, such as an organisation's Member Protection Policy (MPP), or can form the basis of a stand-alone policy.



Relying on the 'competitive sporting activity' exemption

There may be times when a sporting organisation considers that participation on the basis of affirmed gender identity alone is not possible. For example, this may occur in a sport where an individual's strength directly affects their ability, and the ability of others, to 'effectively compete'.⁷⁹ In these circumstances a sporting organisation may seek to rely on the 'competitive sporting activity' exemption in the Act.⁸⁰

When seeking to rely on the 'competitive sporting activity' exemption, the following factors should be considered:

• Importance of inclusion to your sport

Sports are often structured around particular core values and beliefs. These include respect, fairness, community, integrity, professionalism, and inclusion.

• Limits of 'competitive sporting activity'

The exemption only applies to competitive sporting activity in which the competitors are aged 12 years and over.

The exemption only applies to competitors. It does not apply to coaches, umpires or referees, or administrators.

Not all sports or physical activities will constitute a 'competitive sporting activity' for the purpose of the exemption. For example, as the term is not defined in the Act, it is uncertain whether an activity, where the sole purpose is social participation, would constitute a 'competitive sporting activity'.

• Relevance of strength, stamina and physique

Sports are diverse. Different sports require different skills and physical input from participants. If strength, stamina and physique are relevant, the assessment should be based on these factors and not on gender identity.

The exemption only applies to sports where the strength, stamina or physique of a competitor is relevant. These characteristics might not be relevant if your sport is skill rather than strength-based. If these characteristics are not relevant to 'effective competition' within your sport, then the exemption may not apply.

• A fair and robust decision-making process

If a sporting organisation seeks to specifically exclude an individual from a 'competitive sporting activity' by relying on the exemption, then it is advisable for it to consider:

- consulting with the relevant national or state sporting organisation
- consulting with the relevant player association
- ensuring that it has an established, clear, written and publicly available policy (prior to seeking to rely on the exemption) which states:
 - » how it will assess the application of the exemption
 - » who will make the assessment
 - » what evidence will be used for this assessment, as well as the other factors on which the assessment will be based
- ensuring that any assessment is undertaken in a timely manner so that the individual is not unnecessarily disadvantaged
- providing the individual with an opportunity to respond to any proposal to exclude them based on the exemption
- providing the individual with written reasons for any decision to exclude them
- providing the individual with an opportunity to seek a review of a decision to exclude them.



Common questions

1. What about testosterone?

There is limited research examining the impact of testosterone on the sporting performance of trans women.⁸¹

Testosterone is a hormone produced by the human body. Males generally produce much higher levels of testosterone than females.⁸²

Higher testosterone levels are generally associated with greater strength, muscle mass and endurance.⁸³ While testosterone levels affect these physical characteristics, many factors can have an impact on a person's sporting ability.⁸⁴

2. Do people transition to gain a competitive advantage?

Transitioning can be a complex, difficult, long-term and expensive process, which has impacts on a person's identity and wellbeing. It is a personal decision that can involve many stages of social, medical and legal transition.

There is no evidence of a person transitioning in order to gain a competitive advantage. For transgender athletes, as for all athletes, sport is about the physical, social and mental health benefits of participation.

3. How do I make my sport more inclusive of non-binary people?

Non-binary is a term used to describe a person who does not identify exclusively as either a man/boy or a woman/girl.

It might seem difficult to include non-binary people in sport, as sport is often organised based on male and female categories. However, there are simple ways to promote the inclusion of non-binary people in sport.

Some strategies include:

- creating gender-neutral teams
- allowing participants to elect which team they wish to join based on their gender identity
- allocating a number of gender non-specific positions in mixed competitions (for example, 40% women: 40% men: 20% non-specific) instead of a designated men/boys to women/girls ratio
- considering ways that the rules of a particular sport can be universally re-designed to accommodate non-binary players.

5.3 Codes of conduct

Everyone has the right to live free from violence and harassment.⁸⁵ This includes the right to enjoy sport in a harassment-free environment.

Some transgender and gender diverse individuals experience harassment when they participate in sport.⁸⁶

Sporting organisations need to pay close attention to the needs of transgender and gender diverse children in order to ensure that they are not subjected to violence and harassment.⁸⁷

Exclusion and harassment

Examples of exclusion or harassment experienced by transgender and gender diverse people include:

- being told they are in the wrong bathroom and asked to leave
- being asked invasive questions about physical characteristics
- having team members or players from other teams refusing to play with them
- having their privacy breached (for example, walked in on while in the shower)
- being intentionally addressed by incorrect pronouns (for example, calling a trans woman or girl 'he').

Sporting organisations can address this by:

- implementing codes of conduct which stipulate a zero-tolerance policy for harassment and the consequences of any breach
- raising awareness through education and training programs for their staff, players, officials, volunteers and spectators
- reviewing existing codes of conduct to ensure that the harassment of transgender and gender diverse individuals is specifically addressed.

Codes of conduct should apply to:

- coaches
- umpires and other officials
- staff and administrators
- spectators
- players
- volunteers.

A code of conduct should include a commitment to creating a harassment-free environment and an inclusive culture within the sport. It should also outline how the organisation will allocate roles and responsibilities to support this.

A spectator code of conduct should be developed and displayed at venues where training and competition take place. It should clearly communicate to spectators that the sport has a zero-tolerance policy for harassment and outline how harassment by spectators will be dealt with.

Case study

How adhering to a code of conduct can promote a safe and inclusive environment

Rami plays cricket for the state women's team. At the beginning of each season the players sign a code of conduct. A spectator version of the code is displayed at the entrance to venues, and compliance is a condition of entry.

Rami identifies as non-binary transgender. Rami has body and facial hair and prefers to play in a looser uniform.

A spectator for the opposing team sledges Rami by referring to Rami as 'it' and making derogatory comments about Rami's appearance. Rami's teammates notify the umpire about the harassment and the umpire pauses the game to speak to the ground controller.

The ground controller asks the spectator to leave, based on the zero-tolerance policy for harassment outlined in the code of conduct.



'The difficulty is how to open up inclusion and ensure people are feeling consistently welcomed and supported, and not rely on a lottery style impact depending on who is there on the day.'

Education and training programs should support organisations to:

- raise awareness about harassment
- provide tools to recognise harassment
- develop skills to address harassment.

5.4 Uniforms

All players should be able to play in a uniform in which they feel comfortable.

While a uniform is an important part of sport, particularly team sports, players should be provided with an appropriate range of uniform styles and sizes. Schools are beginning to take this approach in relation to school uniforms.⁸⁸

Sporting organisations can make their uniforms more inclusive by considering whether different men's and women's uniforms are necessary for their sport.

If gendered uniforms are necessary, then sporting organisations should:

- allow players to choose which uniform they would prefer to wear
- ensure that appropriate sizes are available
- design options that are suitable for different body types and shapes.

Case study

How non-gendered uniforms can enhance inclusion

Alfie is a trans man who is a member of a running club. The singlet that most of the men compete in does not fit properly over his hips, but he would feel embarrassed requesting the 'women's' singlet. Fortunately his club has a few different styles with slightly different cuts, to fit the range of body shapes of its members. The club colours and logo are the same across all variations of the uniform. Participants can mix and match styles and cuts to find a uniform that fits their body best and enables them to run comfortably. The design of the uniform options ensures that all participants still present as a team.

5.5 Facilities

Transgender and gender diverse people may face additional difficulty participating in sport if there are no appropriate facilities.

While many transgender and gender diverse people prefer to use bathrooms, showers and changerooms that align with their affirmed gender, there is also a strong preference for privacy. This is the case for many people, regardless of their sex or gender identity. People who identify as non-binary may prefer to use unisex or gender-neutral facilities.

Transgender and gender diverse people have also reported experiencing harassment or violence while accessing bathrooms.⁸⁹ Such experiences emphasise the need to provide inclusive facilities.

Sporting organisations can make their existing facilities more inclusive by utilising the principles of universal design such as:

- changing the signage on some of the facilities to unisex/gender neutral to provide an option for non-binary people
- modifying changerooms and bathrooms to create private spaces (for example, taller doors, room dividers, shower curtains)

- ensuring that all changerooms have sanitary bins.

These universal design suggestions can make facilities welcoming and inclusive of everyone.

When new facilities are built, or existing facilities are being upgraded, there is an opportunity to make these inclusive by:

- creating private spaces so that people can change, shower and use the toilet safely and comfortably

- providing a gender-neutral space where possible, without co-opting accessible toilets or family rooms.

Sporting organisations that are in the process of, or considering, changing facilities also have an opportunity to seek out facilities that are inclusively designed.

Sporting organisations could also consider working with local schools, local governments and other community-sport infrastructure providers to access facilities which have been designed to be inclusive.⁹⁰

Case study

How innovative solutions can foster inclusion

Kim identifies as non-binary. Kim's pronouns are they/them/their. Kim and a group of Kim's friends have signed up to a mixed, social basketball competition. The basketball court complex that hosts the competition has two bathrooms, one marked 'men' and one 'women'. The men's bathroom has a wall of urinals and one cubicle, which is always out of order. Kim does not feel comfortable using the women's bathrooms because Kim is usually stared at or explicitly told that they should not be there.

For the first few weeks, Kim tried to avoid drinking water before and during the game to avoid needing to use the bathroom. Eventually, one of Kim's teammates realised what was happening and spoke to the manager of the court complex.

The sporting organisation did not have the resources to refurbish the bathrooms, but changed the signage to make them both unisex.

5.6 Collecting and using personal information

Concerns about providing personal information can prevent transgender and gender diverse people from engaging in sport. Personal information should only be collected with a player's consent, and in the case of children, with parental consent.

Sporting organisations can address this by implementing structures and safeguards regarding the collection and use of personal information, particularly where it relates to name and gender (for example, password-protected databases).

See **section 4.9(b)** for an overview of privacy law.

Registering to participate in a sport generally requires an individual to provide personal information. This information might include a birth certificate or driver's licence to verify age, name, or gender.

The collection of personal information by sporting organisations can create additional difficulties for transgender and gender diverse people because of:

- differences between a person's affirmed gender and the sex or gender recorded on their identity documents⁹¹
- differences between a person's preferred name and their name as it appears on their identity documents

- the structure of registration forms in relation to gender categories and titles (for example, Miss/Ms/Mrs/Mr and M/F).

Sporting organisations can ensure that their processes are inclusive, minimise potential discrimination and protect the privacy of transgender and gender diverse people by:

- only requesting personal information and legal documents when necessary for a legitimate aim of the organisation
- accepting legal declarations to verify name, age and gender (for example, a statutory declaration) in place of identity documents such as a passport or birth certificate that have a sex/gender marker that is inconsistent with a player's gender identity

- providing the option of selecting a non-binary gender identity and a gender non-specific title on registration forms⁹²
- providing 'preferred name' and 'pronoun' options on registration forms
- securely storing personal information, in line with standards prescribed by privacy legislation
- not disclosing the transgender or gender diverse status of a player without their express permission
- ensuring that correct names and pronouns are used in conversations, databases, documents and correspondence.⁹³

As outlined in **section 4.2(d)**, sporting organisations should also be aware that, depending on the circumstances, requesting additional information from transgender and gender diverse people may be unlawful.



'There is a lot of fear and exclusion, trans folk feel that sport is not a space for them.'



Case study

How inappropriate handling of personal information may exclude transgender and gender diverse people

Cassie was assigned male at birth and given the name Jacob by her parents. Cassie identifies as a woman but has not yet been able to change her legal gender or name because she does not have the money to undergo the gender affirmation surgery required by NSW law,⁹⁴ and finds the name-change paperwork confusing. She has been living as a woman for the last three years and has recently returned to playing hockey, which she played throughout high school.

Cassie was asked to provide a copy of her driver's licence when she signed up. As a result, her name is recorded as 'Jacob' on the official team list. At the end of the game, the manager leaves the team list on a clipboard, face-up on the sideline. Another team player sees the name 'Jacob' and laughs, before saying loudly 'Surely we don't have anyone on our team called Jacob!'

Cassie is concerned about coming back next week in case there is any discussion about 'Jacob'. She decides to take a break from hockey for a few weeks.