

Transgender and Transsexual Policy

Introduction

Basketball New Zealand (BBNZ) has a long history of having policy in place to prohibit and if necessary sanction, discrimination, harassment and vilification of various members of the basketball community. This includes discrimination, harassment and vilification based on gender or sexual orientation.

BBNZ has developed this policy in respect of transgender people, which includes those who are transsexual and transgender, in all aspects of the Sport i.e. players, employees, coaches, officials, volunteers and spectators.

What does “transgender” and “intersex” mean?

Transgender refers to any person who is born with the physical characteristics of one gender but who identifies as being the other gender - “I am a woman in a man’s body”. It does not include people who merely, for entertainment, sexual gratification or other reason dress in the opposite sex’s clothes but don’t identify themselves as being of the opposite sex.

Transgender people may never “transition”. Transitioning is the process of having a sex change. They may go through their whole lives cross dressing and otherwise living the lives of the gender opposite to that to which they were born. Others may make a complete transition, taking hormones to encourage the body to adopt some of the characteristics of the true gender and having a surgical sex change. Again, there will be others who only partially transition, perhaps taking hormones but not undergoing surgery or having only limited surgery.

Intersex people are those born with some physical characteristics of both genders. Some intersex people identity as male, others as female and others do not identity as either male or female, although they may choose to usually live as one or the other.

Policy Statement

BBNZ will promote a zero tolerance approach to transphobia. Transphobia includes discriminatory language or behaviour directed towards anyone who comes under the umbrella term of transgender; in addition it may be towards a transsexual person’s friend or supporter, or anyone that may be perceived to be a transsexual person (whether they are transsexual or not). The behaviour may include a reluctance or refusal to provide access to services to the same extent as that provided for a non-transsexual person. Basketball New Zealand and its members will ensure that any unacceptable behaviour and language is tackled effectively and appropriately with sanctions and or educational programmes implemented to ensure compliance and the creation of a safe, inclusive and welcoming environment for transgender people.

The following points are considered good practice for BBNZ and its members:

- Treat the individual with dignity and respect.
- Explain the BBNZ policy and procedure to the individual and ask their view on how to proceed. Provide contact details for the BBNZ contact.
- Respect the private and confidential nature of the individual’s situation.

- Agree with the individual what information is to be shared with others and, if this is necessary, how this should be shared. In general no information should be shared by the local official unless they have express permission from the transgender person.
- Ask the individual what communal changing facilities they would prefer to use, as not every changing facility will have private cubicles. This will depend on whether the individual has transitioned or is in the process of transitioning and whether they have undergone any gender reassignment surgery. It may be that the most appropriate option is to use the cubicles in the toilets appropriate to their full time gender role, or that they should arrive changed and ready to participate, to avoid any misunderstanding should they still have secondary sex characteristics of their former gender.
- Encourage the individual to feedback any inappropriate language or behaviour from other individuals so that it can be dealt with.
- Ensure a Code of Conduct is publicised indicating their zero-tolerance policy towards all harassment of people with protected characteristics.

Change Rooms, Toilets, and Showers

This can be a very sensitive issue for both transgender and intersex persons and others using the facilities.

Most players, particularly at domestic level, arrive at the stadium already dressed to take the court, and leave that way. In that case, change rooms and showers are not an issue.

In most stadiums, female showers are in cubicles with doors and so privacy need not be an issue. On the other hand, male showers are generally open and nudity is usual.

Generally, transgender and intersex persons wish to use the facilities assigned to their affirmed gender. They feel embarrassed and discriminated against if they are forced to use the facilities designated for a gender with which they don't identify. On the other hand, some others may feel embarrassed at sharing those facilities, particularly showers where there is no privacy, with a person they perceive to be of the opposite gender.

Many basketball stadiums have separate facilities for disabled patrons. These would be seen by many as suitable facilities for transgender and intersex players. However, it is demeaning to those persons as they do not have a disability. Some stadiums do not designate separate facilities as being for disabled but designate them as "unisex" with the facilities also able to be used by disabled persons. In many cases, the unisex facilities are an appropriate changing room for all parties involved.

This policy does not seek to set out rigid guidelines as there is no "one size fits all" answer. Participants, administrators, and stadium staff should work together to find the most appropriate outcome in each specific circumstance.

Interaction with Transgender and Intersex Participants

Competition organisers need to be sensitive in dealing with transgender and intersex people who have often spent a long time coming to grips with who they are. Organisers and everyone associated with basketball should support transgender and intersex persons.

Education

BBNZ will publicise this policy widely within the basketball community and place it on the web site. Associations and clubs are encouraged to follow suit.

Notification

If a transgender or intersex person wishes to compete in a basketball competition to play, the below guidelines must be observed.

BBNZ, Associations, and all other competition organisers are required to have a designated person available who is familiar with issues surrounding transgender and intersex persons and with this policy. This person needs to be sensitive and able to deal with the situation in a non-judgmental manner. The designated person needs to consider, and be available for, all members of the basketball community.

BBNZ and its members must not restrict the participation of a transgender or intersex person in basketball unless this is considered to be strictly necessary to uphold fair or safe competition.

In order to determine whether the participation of a transgender or intersex person will affect fair or safe competition, there must be a notification process. This process is set out below:

1. The team or school wishing to play a transgender or intersex person must notify the competition organiser of this fact no less than 5 days before the relevant tournament or competition begins. Any available supporting documentation should accompany this notification, including the relevant medical certificate (if one exists).
2. The designated person will then examine the notification and approve or otherwise the participation of the transgender or intersex person. The starting position is that the designated person must not restrict the participation of the transgender or intersex person unless the designated person considers it is strictly necessary to uphold fair or safe competition.
3. The designated person will use the appropriate guidelines contained in Appendix 1 in examining the notification. The designated person may consult with other persons within BBNZ or the relevant Association, so long as such consultation is on a confidential and anonymous (where possible) basis. The designated person should seek permission from the player before consulting others on a non-anonymous basis. The designated person may request further information from the team/school.
4. Notwithstanding that notification is due no less than 5 days before the relevant tournament or competition, the designated person has discretion to accept and examine a notification at any time.
5. A transgender or intersex player may not play until the designated person has approved their participation, and until this time will be considered an ineligible player. The designated person may, in exceptional circumstances, retrospectively confer eligibility.

Complaints and Appeals

BBNZ regards transphobia as Misconduct and will take appropriate disciplinary action when necessary against any member who violates this policy or any other relevant BBNZ policy.

Any member who believes they have suffered or witnessed discrimination, harassment, or victimisation within the scope of this policy, or any other relevant BBNZ policy may make a Misconduct complaint pursuant to Book 6 of the Regulations.

Any person affected by any decision made by a designated person under this policy, or is dissatisfied with its administration, may, in writing, notify BBNZ of their concerns. BBNZ may refer any such matter to a Judicial Officer or Judicial Panel (both as defined in Book 6 of the Regulations) to make a determination.

Transsexual people as BBNZ employees:

Any discrimination, unfair, or unreasonable behaviour, or treatment, will be taken seriously and action taken in accordance with BBNZ's Constitution.

See: <http://www.employment.govt.nz/> for further information

Appendix 1

Community Basketball – Association Club and School Levels

Classification	Guidelines
Transgender/intersex 15 years of age and under	<ol style="list-style-type: none"> 1. Any player may choose to play in any competition they wish, whether or not it is for their birth or affirmed gender. 2. Participation in their chosen competition (if different to their birth gender) may not be allowed if the designated person reasonably considers there is a safety concern for player or other players (e.g. a significant difference in size or strength).
Transgender/intersex 16 years of age and over	<ol style="list-style-type: none"> 1. Transgender players who have fully transitioned must be allowed to play in competitions conducted for their affirmed gender. 2. Players who have only partially transitioned or who have not commenced transition should be allowed to play in competitions conducted for their affirmed gender unless the designated person reasonably considers there is a safety concern for themselves or other players (e.g. a significant difference in size or strength).

	<ul style="list-style-type: none"> a. If the player is a junior, consideration should be given to whether it is possible for the player to play up or down an age group to mitigate any safety concerns. <p>3. Intersex players may choose to play in any competition they wish, whether or not it is for their own gender unless the designated person reasonably considers there is a safety concern for themselves or other players (e.g. a significant difference in size or strength).</p> <ul style="list-style-type: none"> a. If the player is a junior, consideration should be given to whether it is possible for the player to play up or down an age group to mitigate any safety concerns.
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BBNZ Zonal Participation Competition

Classification	Guidelines
All players	<ul style="list-style-type: none"> 1. Approval of a person who wishes to play in a competition that best matches their gender identity (if different from their birth gender) will be determined on a case-by-case basis. 2. The designated person should consider: <ul style="list-style-type: none"> a. The safety of the person and fellow players (e.g. a significant difference in size or strength); and b. The need to ensure fair play and fair competition.

National Age Group - Representative Level

Classification	Guidelines
Transgender/intersex 15 years of age and under	<ul style="list-style-type: none"> 1. Approval of a person who wishes to play in a competition that best matches their gender identity (if different from their birth gender) will be determined on a case-by-case basis. 2. The designated person should consider: <ul style="list-style-type: none"> a. The safety of the person and fellow players (e.g. a significant difference in size or strength); and b. The need to ensure fair play and fair competition.
Transgender/intersex 16 years of age and over	<ul style="list-style-type: none"> 1. Approval of a person who wishes to play in a competition that best matches their gender identity (if different from their birth gender) will be determined on a case-by-case basis.

	<p>2. When an application is being considered, there will be an assumption that the application will be approved if the applicant can satisfy the hormone-based requirements. If the requirements are met, an application will only be refused if it is necessary to do so based on:</p> <ol style="list-style-type: none"> a. The safety of the person and fellow players (e.g. a significant difference in size or strength); and/or b. The need to ensure fair play and fair competition. <p>3. A transgender male wishing to play in a male competition can compete without restriction.</p> <p>4. A transgender female wishing to play in a female competition or league must:</p> <ol style="list-style-type: none"> a. Undergo hormone therapy resulting in testosterone levels of less than 10nmol/L; or b. Undergo gender reassignment surgery and ongoing hormone therapy resulting in testosterone levels of less than 10nmol/L. <p>and supply evidence of this.</p> <p>5. Recognising that medical reassignment will not be possible or appropriate for all individuals, the designated person can consider the application of a transgender or intersex person who has not undergone or is not undergoing hormone therapy, taking into consideration the above requirements of safety and fair play.</p>
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International - High Performance

BBNZ recognises that consistency with the International Basketball Federation (FIBA's) position is appropriate for athletes wishing to enter international competition. FIBA has adopted the International Olympic Committee's statement with regards to transgender athletes and their status in international competitions (see an excerpt in Appendix 3. BBNZ has, therefore, decided to align with the IOC statement and the IOC Consensus Meeting guidelines when determining eligibility to compete in male and female International competition as set out below:

- Those who transition from female to male are eligible to compete in the male category without restriction.
- Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case

evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).

- The athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category.
- Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.

APPENDIX 2

Definitions:

Sex: A person's biological and physical makeup, defined usually as either 'male' or 'female' and including indeterminate sex.

Gender: The social, and cultural construction of what it means to be a man or a woman, including roles, expectations and behaviour.

Gender Identity: A person's internal, deeply felt sense of being male or female (or wherever they find themselves on the gender continuum). A person's gender identity may or may not correspond with their sex.

Gender Expression: How someone expresses their sense of masculinity and/or femininity externally.

Trans People: People who refer to themselves, among other terms, as transsexual, male-to-female, female-to-male, transgender, whakawahine, fa'afafine or tangata ira tane.

Transgender: A person whose gender identity is different from their physical sex at birth.

Transsexual: A person who has changed, or is in the process of changing, their physical sex to conform to their gender identity.

Transitioning: Steps taken by trans people to live in their gender identity. These often involve medical treatment to change one's sex through hormone therapy and may involve gender reassignment/realignment surgeries.

FtM/trans man: Female to Male – someone born with a female body who has a male gender identity.

MtF/trans woman: Male to Female – someone born with a male body who has a female gender identity. In this document the description 'transsexual person' is used in respect of those who transition their role permanently.

APPENDIX 3:

Excerpt from IOC Statement – November 2015

"The IOC Consensus Meeting agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

1. Those who transition from female to male are eligible to compete in the male category without restriction.
2. Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - 2.1. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - 2.2. The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering



whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition)."

http://media.wix.com/ugd/2bc3fc_c2d4035ff5684f41a813f6d04bc86e02.pdf