



Hockey Newfoundland and Labrador: Trans Inclusive Athlete Eligibility Policy and Dressing Room Policy & Implementation Guide

Overview

Commitment to Inclusion

Hockey Newfoundland and Labrador Inc. (“Hockey NL”) supports diversity, equity, safe spaces, and inclusion in all aspects of hockey.

Hockey NL recognizes that discrimination and harassment on the basis of gender identity or gender expression is a violation of the Newfoundland and Labrador *Human Rights Act, 2010* (the “Act”). Hockey NL is committed to put in place policies and practices that provide transgender and gender non-conforming hockey athletes an avenue to participate in recreational and competitive ice hockey in an inclusive sporting environment where all athletes can contribute and play ice hockey in a fair, safe, supportive and respectful environment.

The Trans Inclusion Athlete Eligibility Policy and Dressing Room Policy & Implementation Guide (the “Policy”) is based on Hockey NL’s belief that ice hockey should incorporate an inclusive policy that focuses on allowing athletes to participate on a team that is consistent with their gender identity. Application of the policy to ice hockey includes requirements to help maintain a fair and safe environment.

Guiding Principles

Hockey NL was guided by the following principles in developing this Policy:

- a) This Policy exists to reassure transgender and gender non-conforming athletes of the protections and support they have, both within the law and within Hockey NL policies and practices;
- b) The implementation and administration of this Policy will be conducted in fair and equitable manner that is inclusive and respects an athlete’s human rights; and
- c) This Policy may be modified, updated, or otherwise changed from time to time pending updated medical and expert information and as Hockey NL gains experience in the application of this Policy.

Purpose

Hockey NL recognizes all forms of gender identity and expression. Therefore, it supports athletes choosing to express their gender beyond the binary of female and male. Hockey NL will use the eligibility guidelines set out in this Policy in order to ensure a fair and level playing field for all participants.

The Hockey NL Dressing Room Policy and Implementation Guide is a companion document to the Athlete Eligibility Policy and is intended to provide the standards and guidelines necessary to ensure the safe, inclusive, and equitable participation of all athletes. The Implementation Guide, directed towards team officials (coaches

and training staff), functions as a practical accompaniment to the Dressing Room Policy. The guide is divided into two main sections: proactive steps and reactive steps towards safety, equity, and inclusivity.

Important Note: new concepts and practices require an open mind, time, a willingness to ask questions, and patience. It is not about being perfect but being respectful.

Definitions

Sex/Assigned Sex: is the classification of a person as male, female or intersex based on biological characteristics, including chromosomes, hormones, external genitalia and reproductive organs. Most often, sex is assigned by a medical professional at birth and is based on a visual assessment of external genitalia.

Cisgender (adj): A person whose gender identity corresponds with the sex assigned to them at birth (e.g., a cisgender man is someone who identifies as a man and who was assigned male sex at birth).

Gender Diverse (adj): An umbrella term for gender identities and/or gender expressions that differ from assigned sex.

Gender Identity: is a person's internal and individual experience of gender. This could include an internal sense of being a man, woman, both, neither, or another gender entirely. A person's gender identity may not correspond with the sex they were assigned at birth. Since gender identity is internal, it is not necessarily visible to others. It is important to remember that gender identity is not the same as sex/ assigned sex.

Gender Expression: The way a person presents and communicates gender within a certain social context (environment). Gender can be expressed through clothing, speech, body language, hairstyle, voice, and/or the emphasis or de-emphasis of bodily characteristics or behaviours which are often associated with masculinity or femininity. The ways in which gender is expressed are specific to a particular culture and may change over time. May also be referred to as gender presentation or gender performance.

Transgender (adj): A person who does not identify either fully or in part with the gender associated with the sex assigned to them at birth—often used as an umbrella term to represent a wide range of gender identities and expressions.

Transition: Refers to a variety of social, medical, and/or legal changes that some trans people may pursue to affirm their gender identity. There is no checklist or average time for a transition process and no universal goal or end point. Each person decides what meets their needs.

Minor Hockey Association: self-defined by each Minor Hockey Association ("MHA") to include all staff, volunteers, and parents/guardians.

Athlete(s): refers to any individual who is registered as a participant/player with a hockey team.

Committee: refers to the Trans Inclusion Subcommittee of Hockey NL's Risk, Safety and Medical Committee.

Gender-Segregated Space: any space that is grouped according to a gender binary (female/male) such that one gender has access to the space to the exclusion of the other. Examples of gender segregated spaces may include but are not limited to washrooms, showers, and dressing rooms.

Gender Segregated Team: a term that refers to a team grouped according to the gender binary. An example of a gender segregated team is a girls/womens team or a boys/mens team. Sports teams are often grouped according to the gender binary which means there are girls/womens teams and boys/mens teams. The criteria that should be used to group teams in this way is what gender a player self-identifies with, not the sex they were assigned at

birth. “Gender-segregated teams” rather than “sex segregated teams” is therefore a more accurate way of referring to this type of team grouping system.

Multi-Gender Team: a term used to refer to a team that is not gender segregated and that welcomes members from multiple gender identities, including but not limited to men/boys and women/girls (both cisgender and trans) as well as individuals who identify outside of the gender binary, such as individuals who are, agender, gender neutral, gender queer, etc. Multi-gender team replaces the term “co-ed”, as an intentional move away from non-inclusive language of the gender binary and more accurately reflects the reality of a gender spectrum.

Athlete Eligibility Policy

1.0 Applicability of this Policy

This policy is applicable in all Hockey NL sanctioned programs and events. All athletes are eligible for Hockey NL teams and camps or tryouts for selecting athletes to participate at the Provincial and National level which are governed by the applicable policies and criteria required by Hockey Canada and Hockey NL.

2.0 Eligibility

A. Hockey Programs Not Restricted by Gender

(i) The vast majority of Hockey NL’s programs, regardless of whether considered competitive or recreational, are Multi-Gender and therefore all athletes are eligible to participate regardless of sex/assigned sex at birth, gender identity, transgender status and other forms of gender expression. Multi-Gender programs available are as follows:

(a) Minor Hockey at all age levels and team classifications, as follows:

- a. Initiation – All athletes under the age of 7
- b. Novice – All athletes under the age of 9
- c. Atom – All athletes under the age of 11
- d. Pee Wee – All athletes under the age of 13
- e. Bantam – All athletes under the age of 15
- f. Midget – All athletes under the age of 18

(b) High School Hockey;

(c) Junior Hockey; and

(d) Adult Multi-Gender Hockey.

B. Hockey Programs Restricted by Gender (Gender-Segregated Teams)

(i) All athletes are eligible to participate in the hockey program that aligns with their gender identity. Such determination shall be made by the athlete and/or their parent/guardian, where applicable, at registration as per the following steps:

(a) Select the athlete’s gender identity upon registration. The categories are:

- a. Female
- b. Male
- c. Non-binary
- d. Not captured in these options
- e. Prefer not to state

- (b) Select the hockey program/level that the athlete is seeking to try out/play for during the season.
- (c) Complete the remainder of the registration process.

(ii) Female Hockey

Hockey NL considers Female Hockey to include the following Hockey NL programs:

- (i) Female Hockey in the U12 age classification and below
- (ii) Female Hockey in the U15 age classification
- (iii) Female Hockey in the U18 age classification
- (iv) Female High School Hockey
- (v) Female Junior Hockey

As an example: a transgender female (Male to Female [MTF] athlete) is eligible to participate in all classifications of Female Hockey.

C. Non-Binary Athletes

Because of the gender binary of male and female programs currently represented in some hockey programming, athletes with a gender identity other than male or female who wish to participate in hockey may do so in one of the following ways:

- (i) Participate in one of the hockey programs of play not restricted by gender, as outlined herein;
- (ii) Participate in the hockey program of play which accords with the athlete's sex assigned at birth; or
- (iii) Register by following these steps:
 - a. Select the hockey program that the athlete is seeking to try out/play for during the season; and
 - b. Complete the remainder of the registration process.

D. Timing

An athlete, who has changed their gender identity with respect to participating in hockey programs, shall not be eligible to change their gender identity again with respect to registering for hockey programs for the remainder of that hockey season from the immediately preceding change.

E. Eligibility Questions Not Addressed Above

In the event of any eligibility question with respect to a transgender athlete not addressed herein, such question shall be referred to the Sub Committee.

F. Member Services Records

A change in an athlete's gender identity that has been approved by Hockey NL shall be reflected in Hockey NL's registration records by changing the athlete's gender in the registration records maintained by Hockey NL and Hockey Canada.

G. Confidentiality

All members of Hockey NL and the Committee will not at any time, disclose any information or documents (other than in the ordinary and usual course of implementing this Policy) without the prior written consent or request of the disclosing party, unless required by law. Hockey NL is committed to safeguarding the above noted information and ensuring the privacy of its athletes.

3.0 Application and Review Process

- (i) All registration submissions will be made to the Hockey NL office. Submissions will be reviewed, and should there be any question regarding eligibility determinations in a particular Hockey NL program, such questions shall be referred to the Committee for determination. The Committee will be comprised of:
 - (a) a representative from the related Hockey division (Minor, Female, Junior, or Senior);
 - (b) the President of Hockey NL;
 - (c) the Vice President of Hockey NL;
 - (d) Hockey NL's General Counsel (ex-officio non-voting);
 - (e) Hockey NL's Medical Director (ex-officio non-voting);
 - (f) Hockey NL's Executive Director (ex-officio non-voting).

In all cases, privacy and confidentiality will be respected.

- (ii) If a determination is required to be made by the Committee with respect to an athlete's eligibility to participate in a Hockey NL program, where an athlete is approved by the Committee to participate in a Hockey NL program, the athlete will only be permitted to participate based on their gender identity as indicated in their registration submission. Should the athlete choose to change their gender identity, they shall follow the processes outlined herein to do so.
- (iii) In the event the Committee does not approve an athlete's request to participate in a Hockey NL program, the Committee shall notify the athlete of the specific reason(s) and shall inform the athlete of the ability to appeal that decision under the provisions of Hockey NL's Constitution and Bylaws. If, after an appeal the athlete's request to participate in a particular Hockey NL program is denied, the athlete may appeal that decision pursuant to Hockey Canada's Constitution and Bylaws.
- (iv) Athletes must comply with all aspects of the eligibility determination process, or the athlete will not be permitted to participate in Hockey NL sanctioned activities.
- (v) In some cases an adult athlete, or a minor athlete's parents/guardians, may request that an athlete's name be changed in the Hockey NL/Hockey Canada registration records without changing the athlete's gender identity in the registration records. The Committee may, in its sole discretion, make the requested change, which shall not affect the athlete's eligibility to participate in any classification restricted by gender.

Dressing Room Policy & Implementation Guide

Dressing Room Policy

All athletes have a right to access safe, inclusive and equitable dressing room spaces. In this regard, all athletes have the right to utilize a dressing room or appropriate and equivalent dressing areas based on their gender identity and/or gender expression and that meets their individual needs.

Athletes are responsible for asking for assistance and support to the best of their ability from their MHA if they believe they are experiencing or have experienced discrimination based on their gender identity and/or gender expression or when requiring related accommodation. In the event that an athlete requests such an accommodation, they agree to work cooperatively with their MHA to locate appropriate and equivalent dressing areas when faced with facility limitations.

If due to facility limitations, and despite proactive efforts of the applicable MHA, a dressing room that meets an athlete's individual needs is unavailable, the applicable MHA, with the support of Hockey NL, will work in cooperation with the athlete to find an appropriate and equivalent dressing room.

To best promote inclusion on a hockey team and to respect the privacy of all athletes on a team, Hockey NL requires that all teams require all athletes to wear certain "minimum attire" at all times in the dressing room. This means that athletes should arrive at the rink wearing a base layer (e.g., shorts and t-shirt, compression shorts and shirt or sports bra). An athlete not arriving at the rink wearing their base layer can use an appropriate space (e.g., restroom or empty/unused dressing room) to change into the base layer and then enter the team dressing room with the other athletes. Use of showers (especially when showers are not separate from the dressing room or individualized) shall be permitted in a manner respecting all athletes' privacy. In some cases, Federal and Provincial law could apply to restroom or locker room usage, and programs should consult and apply applicable law(s).

Additionally, to ensure that all athletes are treated as valued members of a team, team officials should only engage in pre and post-game talks when all athletes are present in the dressing room.

Implementation Guide

This guide is intended to provide assistance to coaches and training staff to ensure an inclusive, respectful and safe environment in dressing rooms and is a companion piece to the Dressing Room Policy.

1.0 Rights to Inclusion and Equal Treatment

All athletes, staff, volunteers, and parents/guardians of athletes of Hockey NL have the right to be respected and to be equal participants of Hockey NL. This means that they have a right to define and express their gender identity or expression without fear of discrimination, harassment or penalization within Hockey NL. This includes their right to request the use of and the right to be referred to by their self-identified name(s) and pronouns, as well as the right to have access to safe, inclusive and equitable dressing rooms and/or other gender-segregated spaces, such as washrooms, that are in accord with their gender identity and/or gender expression.

Respecting the rights of athletes, staff, volunteers and the parents/guardians of athletes to inclusion and equal treatment (including the removal of any discriminatory requirement, factor or other barrier), may need no accommodation at all. However, if an athlete has a human rights-related need (such as requesting separate change facilities due to religious reasons or relating to their transition or gender identity), then there is a duty to accommodate, limited only by undue hardship.

2.0 Taking Proactive vs Reactive Steps to Accommodation

Scenario: An athlete on your team has requested accommodation assistance with respect to the dressing room. There are many possible reasons why someone might request dressing room accommodation:

- Gender identity
- Need for privacy
- Body image concerns
- Religious reasons
- A combination of any of these reasons

Keep in mind that unfounded concerns about safety are sometimes used to attempt to justify discriminatory treatment relating to gender identity and gender expression. For example, trans women and girls are routinely discriminated against by being excluded from female-designated dressing rooms, washrooms and other gender-segregated spaces based on the false and biased assumption that they represent a safety threat. In such a case, the bias must be addressed and the person's right to access must not be impeded based on this bias.

Knowing the reason behind an accommodation request is not necessary for providing accommodations and respect. It is up to the athlete's discretion as to whether or not they choose to disclose why they require the accommodation.

Proactive	Reactive
<p>Anticipate barriers to inclusion and equity and take actions to address them to the best of your ability such as:</p> <ul style="list-style-type: none"> * Creating a code of conduct for your team that includes information on the Dressing Room Policy and the process required to seek request accommodation. * Amending your team's current code of conduct to include information on the dressing room policy and the process required to seek accommodation. <p>Raise awareness about the policy by:</p> <ul style="list-style-type: none"> * Taking 10 minutes of a pre-season talk with parents/guardians to discuss the Dressing Room Policy. * Taking 10 minutes of a pre-season 	<p>Responding to a request for accommodation such as:</p> <ul style="list-style-type: none"> * Inquiring about empty dressing rooms available during that timeslot. * Inquiring about appropriate and equivalent changing areas such as meeting rooms, all-purpose rooms, etc. * Designing an equitable dressing schedule, if necessary.

<p>talk with athletes to talk about the Dressing Room Policy when discussing respect and anti-bullying.</p> <p>Note: Dressing Room Policy can be located at http://hockeynl.ca/wp-content/uploads/2018/10/Policy-Manual-as-amended-September-2018-13.pdf includes training and additional documents to help guide these conversations and to provide further information for parents/guardians.</p>	
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3.0 Taking Proactive Steps

(i) Increasing Awareness and Understanding

In order to ensure all athletes and parents/guardians are aware of and understand the Dressing Room Policy, it is crucial that coaches and training staff take opportunities to provide education and affirm your team’s commitment to dressing room safety, inclusion, and equity as follows:

- I have developed or adapted a pre-existing Code of Conduct that speaks to the new Dressing Room Policy and the process for seeking accommodation.
- I have taken 10 minutes of a pre-season talk with parents/guardians to discuss the Dressing Room Policy and the process for seeking accommodation.
- I have taken 10 minutes of a pre-season talk with athletes to talk about the Dressing Room Policy and the process for seeking accommodation when discussing respect and anti-bullying.

(ii) Providing Information to Athletes and Parents/Guardians about the Process for Seeking Accommodation

- I have communicated to all athletes and parents/guardians that the process for requesting accommodation requires the athlete and only if relevant, a parent/guardian acting on their behalf to:
 - Submit an accommodation request in writing to the MHA.
- I have let the athletes and parent/guardians know that they are entitled to:
 - A confidential meeting, with date, time, and space relayed in advance to discuss the accommodation request.
 - Bring a supportive person (parent/guardian or supportive non-relative) to the meeting.

4.0 Taking Reactive Steps

Scenario: An athlete on a Gender-Segregated Team has submitted a request for accommodation with respect to a separate space for dressing/changing.

- You have called ahead to the facility to inquire about whether there are additional dressing rooms available in the applicable timeslot.

- In the event that additional dressing rooms are unavailable during the timeslot, you have inquired about whether appropriate and equivalent changing areas are available with consideration of proximity to the ice. These might include:
 - Referee dressing rooms;
 - Meeting rooms; or
 - Other teams' currently unused dressing rooms.
- In the event that both an additional dressing room and an appropriate and equivalent changing area is not available, you have designed an equitable dressing room schedule (see example provided below).

(i) Implementing an Equitable Dressing Room Schedule

- You have ensured that all athletes have equitable access to dressing rooms by arranging/designing a schedule such that the order reflects that all athletes have access to using the dressing space first and in a timely fashion.
- You have ensured that all athletes are included in pre and post-game team activities.

Scenario: Gender-Segregated Team

	Pre-Game	Post-Game	Next Game
1 st Shift	Shared/Group	Individual/Private	Shared/Group
2 nd Shift	Individual/Private	Shared/Group	Individual/Private

Scenario: Multi-Gender Team

	Pre-Game	Post-Game	Next Game
1 st Shift	Girls/Female Shared	Boys/Male Shared	Individual/Private
2 nd Shift	Individual/Private	Girls/Female Shared	Boys/Male Shared
3 rd Shift	Boys/Male Shared	Individual/Private	Girls/Female Shared

(ii) Providing Accommodation

- I have used active listening techniques by allowing the athlete to share their concerns and need for accommodation.
- I have taken steps to ensure I have understood the athlete correctly such as summarizing what they have said and asking them to confirm that I've understood.
- I have confirmed with the athlete that accommodation will allow them to feel safe and able to participate fully.
- I have brainstormed with the athlete to identify possible solutions.
- I have ensured that the athlete is comfortable with the possible solutions.
- If the athlete is not comfortable with the possible solutions, I have worked with the athlete to brainstorm more appropriate options.
- I have set up a mutually agreeable time with the athlete to present and brainstorm options.
- I have allowed the athlete to choose which option is more comfortable for them.

- I have worked with the athlete to decide what other team official(s) may need to be notified of the decision, who will help to secure the changing space, etc.

5.0 Advocacy

An athlete may require a member of Hockey NL or a team official(s) to advocate for them to ensure an appropriate and equivalent accommodation request is implemented in a timely and confidential manner. Advocacy can take many forms, including but not limited to the following:

- I have spoken with facility management on the athlete's behalf, respecting the confidentiality of the athlete;
- I have spoken with a tournament organizer to discuss the availability of additional dressing room options and/or appropriate and equivalent changing spaces;
- Upon the athlete's request, I have disclosed private information about the athlete to authorized individuals approved by the athlete and/or their parent/guardian, only when necessary.

This Policy has been approved by Hockey NL on 21st of September, 2019