

Guidance on gender and sex diverse individuals



#sportdoetietsmetje





Guidance on gender and sex diverse individuals

for sports federations, clubs and athletes
with the aim of ensuring an inclusive sports
environment

Colophon

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Preface

Unawareness and prejudices about gender and sex on or along the sports fields and in the changing rooms sometimes result in insensitivity and undesirable situations. It is our priority that each and every athlete can be themselves. Wouldn't it be wonderful if every sports club would invite everyone with open arms? Sports has health benefits, is social and above all brings you joy. Therefore we, as NOC*NSF, aim for sports clubs to be accessible and to offer a home for everyone. Regardless of someone's sex or gender. Sport has the power to unite and that is an opportunity we should embrace together.

Over the past twenty years, the acceptance of LGBTIQ+ children and adults in sports has improved. However, we can still make a lot of progress. Clear and unambiguous guidances for gender and sex diverse individuals is one of these benefits. This guidance has been developed in cooperation with the Fair Play Alliance, sports federations and stakeholder organizations for gender and sex diverse individuals. To this end, we hope to offer sports clubs the tools they need to give a safe shelter to gender and sex diverse individuals. Together, we can make sure that sport is inclusive for sex and gender diverse individuals, and that participation and enjoyment increases amongst this group.



It is our joint responsibility to lay the foundation for a truly open club environment. We can make sure that sport clubs are open to everyone. In this respect we focus on creating more inclusive sports every day. We create awareness with this guidance, but not only that: we can organise sport to be more inclusive of the personal experiences of gender and sex diverse individuals.

This document provides sport facilitators with the right knowledge, guidance and recommendations so that they can create more inclusive, safe, and fair sport clubs and competitions.

Let us all embrace inclusivity: we gain a lot with sport! ■

Anneke van Zanen-Nieberg Chair NOC*NSF
Arnhem, 14 January 2021

Anneke van Zanen-Nieberg
Voorzitter NOC*NSF
Arnhem, 14 januari 2021

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1. Introduction

What are experiences of people in your sport? Does it include an inclusive sports environment, an environment where everybody feels at ease and welcome? This is not common practice yet for many gender and sex diverse individuals at present. What can you do to create a more inclusive sports environment? Small, practical actions can already make the difference on many occasions. That is to say, in grassroots sports, nothing should pose a barrier to participation in sport for gender and sex diverse individuals. And what is the situation in elite sports? This guidance focuses on this type of questions and aims to contribute to an environment where everybody is welcome.

This guidance is based on the experiences of gender and sex diverse individuals, and references other national and international guidance^{1,2}, advice from stakeholder³ organizations and scientific research, and is exemplified with practical experiences. The starting point is that sport should include everyone. Every human being is entitled to equal and respectful treatment and should be given an equal opportunity to benefit from the advantages in sport. Exclusion, transphobia, intersex phobia and discrimination do not fit in this picture (see the Dutch Equal Treatment Act)⁴.

Guidance in this area is constantly evolving. New insight and knowledge emerge over time,

and thus, are subject to change. In case you have any remarks or questions about the guidance or if you would like to cooperate in further implementation, please contact NOC*NSF (inclusiefsporten@nocnsf.nl).

1.1 The guidance includes

- An explanation about frequently used terminology;
- Recommendations on leadership and education;
- Practical advice for developing an inclusive sports environment;
- An inclusion checklist;
- Explanation of the regulations in national and international elite sports;
- References for more information.

1.2 Importance of having guidance

It is a proven fact time after time that physical exercise yields positive results for us human beings⁵. Any individual who practices sports, either individually or in a team, also benefits from a better emotional and physical development. However, studies also show that gender and sex diverse individuals may have a less pleasant sports experience. We can see from research that gender and sex diverse individuals experience exclusion, negative treatment, and jokes and inappropriate remarks when taking part⁶. This should not be part of an inclusive sports environment. There is a need for guidance that contributes to an environment where everybody can feel at home.

¹ NOC*NSF, the Fair Play Alliance, in cooperation with the Royal Dutch Swimming Federation, Royal Dutch Football Association, Royal Dutch Hockey Federation and the Dutch Athletics Union. The guidance is an updated and extended version: L. Vloet & K. Collot d'Escury (2015), *Transgenders en sport*, NOC*NSF, Arnhem.

² "Guidance for the inclusion of transgender and gender diverse people in sport" by the Australian Human Rights Commission 2019 and from the guidance "Creating Inclusive Environments for Trans Participants in Canadian Sport" by the Canadian Centre for Ethics in Sport.

³ Transgender Network Netherlands (TNN) and the Netherlands organization for sex diversity.

⁴ The Dutch Equal Treatment Act dictates that discrimination is prohibited in the Netherlands.

⁵ S. Le Menestrel & D.F. Perkins (2007), 'An overview of how sports, out-of-school time, and youth wellbeing can and do intersect, in: 'New Directions for Youth Development, vol. 115, afl.5, (13), p.13-14.

⁶ R. Cremers & A. Elling (2020), *Sportdeelname en ervaringen van transgender personen*, Mulier Instituut, Utrecht.

1.3 Guiding principles in developing this guidance

Sport is for everyone. It is a human right to receive an equal and respectful treatment. As a result of this, everyone should have an equal opportunity to experience the benefits of sport. Every athlete must be able to practice sports with respect for and in conformity with the gender or sex with which the individual identifies oneself. Sport is practiced with a competitive attitude at all levels, both in elite sports and in grassroots sports. At the same time, everyone wants to be able to participate equally and in the spirit of sports.

Every athlete must be able to practice sports with respect for and in conformity with the gender or sex with which the individual

1.4 Who are the intended recipients of the guidance?

This guidance supports sport organisations to develop environments where everyone feels welcome. Club directors will find specific steps they can undertake in the chapter Leadership. Furthermore, the guidance is addressed to trainers, coaches, referees and officials, parents, supporters, athletes and volunteers who are searching for practical tools to better include gender and sex diverse individuals. In addition, the guidance is also drafted for athletes themselves to help them to get support from their own sports too. Are you an athlete and do you already have questions or do you seek direct contact? Please contact a confidential counsellor of your federation, Center for Safe Sports the Netherlands, Transgender Network the Netherlands or the Netherlands organization for sex diversity. See chapter 7 for these contact details.



2. Commonly used terms

Using the right language is important so as to establish a socially safe sports climate. In order to be consistent in this guidance and to contribute to inclusive use of language in sports, we explain the most important terminology in this chapter. The terms can have a different meaning for each individual – so please always ask what a term means to someone. Terminology can change over time as well. Definitions are not absolute. When applied, they differ in context, countries and cultures. The explanations given here will be reviewed on a regular basis. In case you have a remark about the terms and the explanations that have been given, please contact NOC*NSF (inclusiefsporten@nocnsf.nl).

Sex

Recorded on the basis of primary sex characteristics (genitalia) and reproductive functions. Sometimes the terms 'sex' and 'gender' are interchanged to mean 'male' or 'female'.

Sex characteristics

The term refers to someone's reproductive system, hormones, chromosomes and other physical characteristics.

Sex diversity

Everyone has some kind of sex diversity. This is the range of difference of sex characteristics displayed between males and females.

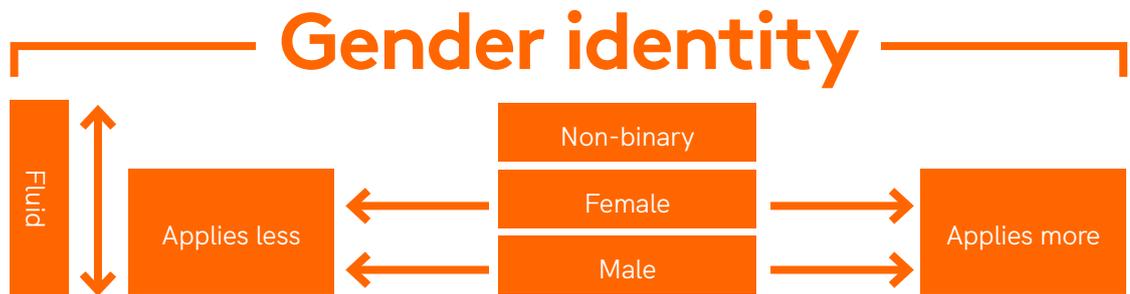
Intersex

A term used to describe a person who may have the biological attributes of both sexes or whose biological attributes do not fit with societal assumptions about what constitutes male or female. For instance, a body may not comply with the societal image of a male or a female as regards chromosomes, hormones or at the level of external sexual characteristics. The diversity among intersex individuals is very high, just as the diversity among males and females too. Most of the time, a gender is designated at birth to intersex individuals (in practice, this is predominantly male or female). Some intersex individuals identify with the gender assigned to them at birth, but some do not. Intersex people may identify as male, female or non-binary, or another identity too. Intersex is not the same as transgender.



Picture 2.1 Sex.

The appearance of the physical characteristics may be different with anyone. For instance, male characteristics may apply more or less from one individual to another.



Picture 2.2 Gender identity.

Individuals may identify themselves more or less with the male or the female gender. However, a non-binary individual recognizes oneself to a lesser extent or not at all in this range. Additionally, someone may be gender-fluid and move between genders from time to time.

Gender

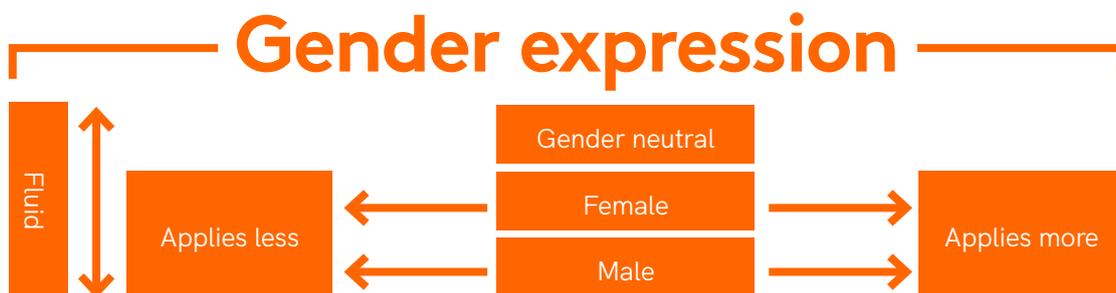
Gender refers to the attribution of gender to behavior, sexual characteristics, your own identity and your own appearance based on personal experience, cultural norms and societal ideas. Gender identity refers to the heartfelt personal experience that is associated to a certain sex. It is the complex relationship between physical characteristics and someone's perception of oneself, for instance as male, female, intersex, non-binary and agender.

Gender diversity

As a starting point, gender identity includes a range with an infinite number of equal var-

iations, including male and female. For most people, they identify with the gender assigned to them at birth. However, this is not the case for everyone. For instance, an individual can be born with the characteristics of the male sex and be assigned the male gender, but personally identifies themselves as female. Or an individual is assigned the female gender, but personally identifies themselves as male. Other individuals identify themselves beyond the categories of male and female. For example, non-binary people do not identify with being either male or female. Furthermore, individuals may view their gender identity as fluid: moving between gender identities. Thus, everyone is part of the term gender





Picture 2.3 Gender expression

Individuals may express themselves more or less in a male or female way. Someone may also express oneself in a gender-neutral way or change fluidly between different gender expressions.

diversity, both in the form of gender identity and in gender expression.

Gender expression

The way in which someone expresses one's own gender identity. Which roles do you adopt in daily life? Which clothes are you wearing? How do you behave towards others? The term also refers to the way in which the outside world observes someone; for instance, the meaning attributed to behavior or characteristics of individuals which are originally observed as female or male.

Cisgender

Term used for individuals whose gender identity corresponds with the person's sex which was assigned at birth.

Transgender

Term used for individuals whose gender identity is different from the person's sex which was recorded at birth. Whether someone also refers to oneself as transgender, differs among individuals.

Trans man

A transgender individual who identifies oneself as man.

Trans woman

A transgender individual who identifies oneself as woman.

Non-binary

An umbrella term for people whose gender identity doesn't sit comfortably with 'man' or 'woman'. Non-binary identities are varied and can include people who identify with some aspects of binary identities, while others reject them entirely. Non-binary individuals also fall within the umbrella term 'transgender'. However, not all non-binary people refer to themselves as transgender.

Transition

Social, mental and/ or physical process an individual goes through to live in correspondence with one's own gender identity. The administrative change of the sex designation and/ or the medical and surgical treatments may be part of this process, but not for every individual.

Gender neutral

A facility that is accessible for everyone, regardless of sex or gender.

Gender fluid

Someone who is gender fluid moves between gender identities depending on a number of factors. This is totally individual to that person.



Personal pronouns

Personal pronouns refer to an individual or a group of individuals without referring to them by name. Commonly used personal pronouns are she / her / hers and he/ him/ his. Some individuals prefer to use neutral terms, such as they/ them/ theirs. The pronouns someone uses are often an expression of their gender identity.

Intersexphobia

The irrational fear and/ or hatred of intersex persons based on prejudice, and the hostile and discriminating behaviour against intersex persons which is a result of this.

Transphobia

The irrational fear and/or hatred of transgender persons based on prejudice, and the hostile and discriminating behaviour against transgender persons which is a result of this.

LGBTQI+

Lesbian individuals (L), gay individuals (G), bisexual individuals (B), transgender individuals (T), queer individuals (Q), intersex individuals (I) and all forms of sexual, gender and sex diversity which have not been mentioned yet (+).

Gender refers to the attribution of gender to behavior, sexual characteristics, your own identity and your own appearance based on personal experience, cultural norms and societal ideas.

3. Leadership

Directors of organizations such as sport federations and the NOC*NSF, play a leading role in developing an inclusive sports environment, an environment where everyone feels welcome. We should not underestimate this. For instance, it turns out from research that enhancing acceptance in grassroots sports is a complex challenge, since norms and values regarding gender, sex, sexual preferences and, 'just act normal' are rooted in the society⁷. Thus, it is important that the directors of all sports organizations actively spread their message about inclusivity and that they act accordingly.

3.1 Policy

Where do you start in shaping your policy? By setting the example themselves, but also by enabling workshops or courses in the field of diversity and inclusion within their organization. For instance, organize a focus group or hold a survey. What are the experiences of gender and sex diverse individuals in your sport? And how can the diversity and inclusion policy be translated into specific and measurable objectives which can make the difference? Be an ambassador of your own policy. When directors set the example, constantly repeat the objectives and take the lead in awareness campaigns, then it will become easier within the specific sports organization to talk with each other about inclusivity. Employees, trainers, coaches and volunteers who are engaged in a socially safe environment feel supported in this respect.

And they will be able to respond appropriately in a situation of resistance against the policy as practiced. This way, the athlete is protected. The association or sports club has to start the conversation and explain and/ or defend the policy.

3.2 Education

What is inclusive leadership? Do you have prejudices of which you are unaware? How welcome does one feel within your sport? Directors have to explore these types of questions, so as to empathize more with the experiences of gender and sex diverse individuals. This is important, since directors in particular can have the highest impact in establishing an inclusive sports environment. By setting the example themselves, but also by enabling workshops in the field of diversity and inclusion within their organization. As a result of this, coaches, trainers, volunteers and athletes develop empathy and knowledge. This way, they are better equipped with supporting individuals in the challenges they face whilst practicing sports.

3.3 Visibility

When someone observes that part of one's identity is represented in the communications or events of the federation or association, then this person truly feels welcome. Do the communications on your social media channels and website reflect a large group of people? An inclusive pride flag seems a small gesture, but it may have the effect that people

⁷ S. Keuzenkamp, D. Bos, J.W. Duyvendak & G. Hekma (2006), Gewoon doen. Acceptatie van homoseksualiteit in Nederland; J. van Lisdonk, L. Nencel & S. Keuzenkamp (2018), 'Labeling same-sex sexuality in a tolerant society that values normality: the Dutch case', in: *Journal of homosexuality*, 65(13), p. 1892-1915.



(Inter-)national days which have a central focus on inclusion and diversity

- 31 March - International Transgender Day of Visibility
- 17 May - The International Day Against Homophobia, Transphobia and Biphobia
- June - Pink Saturday.
- 14 July - International Non-Binary People's Day
- 26 October - Intersex Awareness Day
- 8 November - Intersex Day of Solidarity
- 20 November - Transgender Day of Remembrance
- November - Rainbow Laces
- December - Purple Friday

truly feel at home.

The message of inclusion can naturally be introduced in the organization by smart linking to the annually recurring events (see frame '(Inter-) national days which have a central focus on inclusion and diversity), such as the Sports federations boat during the Canal Pride, 'pride'- events, Coming Out Day (see frame, '#alltogetherchallenge') and Purple Friday. By actively spreading the word, a basis is created within and outside the organization to talk about inclusivity.



#alltogetherchallenge

The illustration will be familiar to many of us: during one weekend in the sports season, the captains of the football teams in the premier league (both men and women), the first division and all clubs in the hockey first class competitions wear the rainbow pride band (COC, 2017). This way, the sports clubs show their support to sexual and gender diversity in sports. This action is part of the campaign #alltogetherchallenge of the Fair Play Alliance (see <https://alltogether-challenge.nl>). NOC*NSF, together with the sports federations, invites clubs to participate in this campaign by wearing the captain rainbow pride band, specifically in this weekend or during the entire competition. Wearing a captain rainbow pride band at the club not only shows the visible message from the club, but it also enables the trainer/ coach and the athletes to start a dialogue with all (prospective) members. Make sure that in this dialogue sex and gender diversity is also topic.

Another effective tool to create awareness, is to nominate ambassadors with whom athletes can identify themselves. For instance, ask someone from the premier team to contribute who is committed to the topic. These role models have an impact on a team or practice group in a different way than, for instance, a coach or trainer⁸. Additionally, ambassadors can help developing self-acceptance and self-confidence by the athletes.

⁸ O. Klein, M. Snyder & R.W. Livingston (2004), 'Prejudice on the stage: Self-monitoring and the public expression of group attitudes' in: *British Journal of Social Psychology*, 43(2), p. 299-314; E.A. Plant & P.G. Devine (1998), 'Internal and external motivation to respond without prejudice', in: *Journal of personality and social psychology*, 75(3), p. 811; J.D. Vorauer & C.A. Turpie (2004), 'Disruptive effects of vigilance on dominant group members' treatment of outgroup members: choking versus shining under pressure', in: *Journal of personality and social psychology*, 87(3), p. 384.



Examples of innovative games

Quidditch consists of seven players of which a maximum of four players from one gender may be in the field at the same time.

The Royal Dutch Football Association advises sport clubs to organize mixed competitions for the pupils up till and including the teams younger than 12 years, for more equal competitions. **

* <https://www.quidditchnederland.nl/nl/>

** <https://www.knvb.nl/assist/assist-wed-strijdsecretarissen/veldvoetbal/aanbod-com-petitities/gelijkwaardige-competities/gemengde-competities>.

3.4 Innovative games

The sports environment is mostly structured in a binary way (boy/ girl, man/ woman). As a result, it may seem difficult to organize games which are inclusive for individuals who do not feel at ease in this strict division. Would it be possible to update the rules so that these are more inclusive, for instance for non-binary individuals? Some practical ideas and examples are given (see also the frame, 'Examples of innovative games').

- In mixed competitions, divide the teams based on gender ratio, for example 40% male, 40% female and 20% gender diverse;
- Organize gender neutral competitions or matches;
- Organize mixed competitions till a given age;
- Communicate about current mixed competitions.

3.5 Leadership in action

To achieve an inclusive sports environment, sports federations can take several concrete steps in the field of policy, education, visibility and innovative games.

Policy

Get to know more about the experiences of gender and sex diverse individuals and draft the policy and objectives. Examples of objectives are:

- Directors have communicated the objectives and strategy on the website and the media;
- XX% of the federation shares the guidance gender and sex diverse individuals online with the members;
- The association or club has organized an activity X times a year during which the central focus is gender and sex diversity;
- XX% of the employees and/ or directors has followed a course about inclusion.

Education

- Integrate courses in the field of diversity and inclusion during the training programme of directors, trainers, coaches, athletes and referees and officials;
- Develop training programs which focus on sex and gender diverse individuals and different sexual orientations.

Visibility

- Share videos of role models via social media;
- Nominate an ambassador who emphasizes the message of diversity and inclusion in your sport.
- Carry the rainbow pride flag.

Innovation

- Investigate new games which also appeal to individuals who do not feel at ease in the binary system.

Evaluate the policy

- Investigate the experiences of gender and sex diverse individuals within your sport;
- Set up a focus group or committee for solicited and unsolicited advice.

Repeat the message

- Participate in annually recurring LGBTQ+ events;
- Communicate milestones, such as goals achieved.

Gain insight into the experiences of gender and sex diverse individuals and draft the policy and objectives.



4. Practical advice for an inclusive sports environment

4.1 What is an inclusive sports environment?

What does an inclusive sports environment include? All Dutch individuals must be able to practice sports with a club which suits them and with which they feel connected. This way, everyone can experience fun in sports, individually or together with others. The following components belong to an inclusive sports environment:

- Receiving a warm welcome;
- Being accepted and respected;
- Making one's own choices.

4.2 Why these practical tips?

Giving and receiving practical tips is important. As a result, you create a socially safe sports climate and an inclusive sports environment for all your members. The practical advice in this guidance for an inclusive sports environment is based on the experiences of gender and sex diverse individuals, federations and municipalities, but also on the advice from stakeholder organizations in the field of gender and sex diversity, scientific references and international guidances. Based on these experiences and advice, practical advice has been drafted to support, guide and communicate.

In cooperation with the national sports federations, NOC*NSF must take the lead to make sports inclusive for gender and sex diverse individuals. The sport clubs, trainers and coaches, athletes and match officials/ referees are entrusted with the task to put it into practice.

4.3 Forms of address

Using the proper pronouns in each communication method (letter, email and face-to-face) is important to everyone. As a result of this, an athlete feels accepted and welcome at the sports club. Examples of personal pronouns which can be used are:

- He/ she/ they;
- Him/ her/ them;
- His/ hers / theirs.

Or use the first name of the athlete, then you avoid the possible misuse of the personal pronoun. If the address is not clear in a particular situation, for instance during practice or the match, then ask one-on-one which address the athlete prefers.

In correspondence (letters to members, messages about membership fees or other communication) it is advised to use general terms in addressing the members. This way, everyone feels addressed and the communication is inclusive, without an emphasis on various addresses. Rather than mr./ mrs., use general terms, such as:

- Dear [first name, please note: preferred first name of the athlete];
- Dear parent of [first name];
- Dear athlete, dear football player;
- Dear hockey player, dear members;
- and in the written text following the introduction, reference is made to the (this) athlete and who.

4.4 Processing and communicating personal information

4.4.1 Processing and amending personal information

Processing and amending personal information can also take place in an inclusive way. The requirement to submit personal information to an association may be a reason for individuals to refrain from becoming a member of a sports club. For instance, it may be unpleasant to share information in case:

- Registration forms only provide for the option male or female;
- Gender identity is different from the sex or gender as stated on the identification documents;
- The preferred name of an individual is different from the name as stated on the identification documents.

A club or federation can develop the process of information gathering in a more inclusive way by:

- Considering whether it is necessary to register sex or gender. Do you really need that information? Then don't ask for it;
- Giving several options on registration forms for registering or amending the gender or sex (non-binary, gender neutral, agender, Prefer not to say, prefer to self-describe provide space to do this);
- Giving the opportunity to indicate a preference of personal pronouns, name and/ or first name;
- Guaranteeing that the correspondence uses the proper addresses and names;
- Avoid collecting information that is not strictly necessary. For instance, medical documents and statements fall within the scope of unusual information. However, it may be necessary in exceptional

circumstances in elite sports that medical statements are requested (see chapter 6 for more information about elite sports);

- Complying with the General Data Protection Regulation. This regulation includes conditions for processing information, such as purpose limitation, data protection and the right of access, rectification and deletion.

4.4.2 Communicating confidential information

There may be situations where you or an athlete think it is necessary to share information about their personal situation. For example, the athlete may want to come out with teammates or want to submit a request for dispensation. Communication from the club or federation about personal situations should always take place in consultation with and approved by the athlete and, possibly, the parent/ guardian.

People have a right to confidentiality and privacy. Information regarding personal situations should only be shared when necessary and only with people who need to know. Do you need any help with this? A confidential counsellor, for instance from the federation, NOC*NSF or the Center for Safe Sports the Netherlands may provide assistance.

4.5 Considerations on the choice for a team or level and corresponding support

In which team does an athlete belong and does the athlete feel at ease there? When someone starts or has already started a transition, or when the individual does not feel at ease in the present team, it may be that the athlete wants to transfer to another team. If this is the case, then always have a talk with the athlete. To which team would the athlete like to transfer? The athlete, trainer/ coach, the club's technical committee and, perhaps, the parent(s) may reach an agreement in which team the athlete will play, preferably.



Practical example about the choice for a team

In practice, it may occur that a trans man, whilst in the early stage of his transition, is not ready yet for the transfer from a women or girls team to a men or boys team. In this example, the trans man formally has an 'M' registered in his passport. Physically, he is still at the beginning of his transition. He kindly requests to view this season as a transition year: play with the women team during this season, and start with the men next season. To this end, he asks for dispensation with the association. It is assumed at first by both the association and the club that someone who starts with a transition, prefers to be part of the competition with the desired gender/ the gender in the passport without any delay, women. In its statutes, the association has determined that dispensation can only be requested for women in a men's competition, and not the other way around. Thus, a situation has arisen for both the

association and the club as regards which the documents do not give an answer.

The association has given the advice to the club to have a conversation with the athlete to clarify why he wishes to continue playing in the ladies competition (temporarily). The association has advised not to undertake anything without elaborating on it with the athlete. The result of the conversations between the athlete, federation and club is that the player, at the beginning of his transition and at the athlete's own request, will remain playing with the women with dispensation from the federation notifying that the athlete (man) will be playing with the women and will start training with the men. This way the athlete will have a comfortable and safe physical transition from the women's to the men's team.

During the process of a team choice, please bear in mind:

- Do you need to expand on this? There is a LOT of science in here that could be mentioned
- The right to self-identification and the physical and emotional safety of the athlete;
- Opportunities for dispensation with the association (see frame: 'Practical example about the choice for a team')
- A flexible approach, that is to say: the choice for a team is not binding.
- Personal situations: Circumstances, personal preferences or the situation of the athlete may change. An example concerns an athlete who will start his transition and wants to remain playing with his current team (women's team, with dispensation) at the start of his transition and during the season will want to switch to a men's team due to his physical progression.
- It may also occur that a team which has been chosen before does not fit the desirable, socially and/or emotionally safe, sports environment (any longer).

If questions arise about the team choice or if resistance and negative responses are given, then the sports club is responsible for the communication:

- Refer to this guidance and be an advocate of the best practice in it;
- Be an active supporter of the athlete and do not tolerate negative responses or remarks;
- It may be a wise idea to inform the athlete about the situation, so as to be prepared for any negative responses or remarks. For instance, this may be done by a confidential counsellor from the federation or the club itself, or by a club member or teammate with whom the athlete feels safe.

A confidential counsellor from the federation is readily available. For more information or assistance for the club in supporting and/or assisting the athlete in the team choice, visit the website of the federation for the right point of contact.

4.6 Support to individuals in transition

Some people who transition genders may undergo surgery or use hormone treatment, but not everyone does. The (medical) transition is different for everyone and may be a big step, socially and physically. The athlete's gender expression may change because of the medical transition, which may result in the fact that someone wants to transfer to a different team (see paragraph 4.5 about the considerations on the choice for a team or grade and support in this respect).

Make sure that an athlete always feels welcome at the club and considers the club to be a socially safe environment. Support the athlete with the following:

- Continue to have a dialogue with the athlete. How does the athlete feel at the club and with the team? Are they encountering any problems perhaps? These conversations may be held with the technical committee or the technical director, a confidential counsellor of the club or the federation;
- Be even more aware of exclusion because of undesirable behavior, negative remarks and discrimination (see frame 'Practical example about the choice for a team');
- Continue the dialogue with the athlete, trainers, coaches and individuals who are regularly present during the practices and matches in order to guarantee an emotionally and physically safe sports environment;



Examples of exclusion by undesirable behavior, negative remarks and discrimination in sports are:

- A trainer or instructor who continues to use the wrong pronouns and sometimes even the old name on a structural basis;
- Informing an intersex individual about the fact that this person is in the wrong changing room;
- A non-binary person who is stared at by other athletes during sports practices;
- Remarks of the opponent about the use of the 'new' name of a trans man in the initial stage of the transition, when he is still playing for a ladies team;
- A trans boy in the beginning of his transition, when he is still in a girls team, hears from the opponent that it is not fair that a boy is part of the team.
- A trans woman who is not allowed to use the ladies changing room;
- A trans man who is excluded from both the ladies and the men's tournament;
- Being asked to keep the transgender background a secret so as to avoid problems with other members;
- Only being allowed to have access to the referee's changing room after having answered personal questions about the necessity for extra privacy;
- Being asked for the old name;
- Re-using the old name again when one talks about the past rather than the personal pronouns and the name the individual is using now;
- Asking a non-binary individual whether this person was born as male or female.

- Take immediate action in case of negative signs. This way, you prevent normalization of discrimination. The board's stance is crucial to this end;
 - Fully support the athlete;
 - Should you mention about clubs having a code of conduct in place to manage player behaviour? Or maybe a complaints / grievance policy? Maybe even an equality policy?;
- In general: conversations facilitated through workshops or team sessions could create more awareness within a team or club and can help to eliminate or prevent bullying and discrimination. Note that this is done

in a way that does not spotlight someone in particular that may have been a victim of undesirable behavior at your club.

4.7 Dispensation

A club or athlete in grassroots sports may request dispensation for several reasons, directed at the corresponding association. An athlete may always participate with the registered gender at the club or association and does not need dispensation to this end. When an athlete experiences any restrictions, or has less fun in sports and/ or wishes to participate with the other gender than the registered gender at the club or association, then



Practical examples of dispensation for physical and emotional safety

Physical safety

A 19-year-old athlete requests dispensation in order to play in the junior competition. This is something that mostly occurs among trans boys. Because of the use of puberty blockers, they are lacking behind peers in their development. It also happens the other way around. For instance, a 17-year-old trans woman chooses to play in a senior team, in consultation with her hockey club. It is expected that she will feel more at ease in this team and that the acceptance will take place more smoothly compared to one of the junior teams.

Emotional safety

An athlete can request dispensation for one's comfort with the body and/ or for one's transition. A practical example: requesting dispensation to wear 2 pairs of swimming trunks to a race or to a competition.

this athlete may request dispensation to ensure that practicing sports can take place again in a physically and emotionally safe environment (see frame 'Practical examples of dispensation for physical and emotional safety').

To this end, offer the athlete support by referring to the right point of contact with the association. Dispensation is generally confirmed in writing by the association. The athlete involved has an official confirmation with this letter, which may be helpful in case of protests or resistance (see paragraph 4.10 about competition, opponents, referee and match officials).

4.8 Athletes' uniforms and dress codes

Clothing is an identifiable factor in sports. For instance, think about the (divided) skirts which are worn in korfbal (netball), hockey and tennis.

(Sports) clothing is also a way to express yourself as an individual (gender expression). It is important for a positive sports experience that the athletes' uniforms are not a burden to the athlete regarding their comfort and individual expression.

When an athlete experiences any restrictions, or has less fun in sports, dispensation may be requested so as to guarantee that the athlete can practice sports in a physically and emotionally safe environment.

Skirts or a bathing suit are generally associated with femininity and trousers with masculinity or neutrality. Be aware that this association may not fit with the desirable gender expression and that it may not be easy for everyone to obtain certain sizes of garments. A club may assist an athlete to find the proper sports clothing. A few suggestions:

- Be flexible as regards dress codes, for instance the choice for trousers, divided skirt, skirt or swimming costumes (see also: paragraph 4.7 about dispensation);
- Offer a gender-neutral option for training practice, competition and/ or official travelling clothing. Actively highlight that there are different options and that everyone may make a choice to this end;
- Make several sizes and fits available for training practice and/ or competition clothing.

4.9. Changing and taking a shower

Each athlete must be able to safely use the changing room and shower facilities at the club. Discrimination based on sexual characteristics, gender identity and gender expression is not allowed, as laid down in the Dutch Equal Treatment Act (article 1 paragraph 2).

Changing and taking a shower are often part of a team process. If one does not participate in changing and/ or taking a shower in the same room, then it may result in exclusion and it could give someone the feeling of being 'different'. Someone who is in transition may think about the following, for instance, when making a choice for jointly taking a shower: *to which extent does anyone know about my transition? And what is the level of acceptance from the team or the group?*





On the other hand, jointly taking a shower and changing does not create an obstacle for others at all. It is different for everybody. Thus, make sure that everyone may decide for themselves what feels safest. Some suggestions:

- Consult the athlete, whose decision is leading;
- Offer the opportunity to individual shower rooms for everyone by default;
- Offer a unisex or gender-neutral option;
- Facilitate changing in the referee's changing room if the athlete so requests. Make this changing room available without asking unnecessary questions which infringe the athlete's privacy.

The latter option is least preferred since it may not be pleasant for any athlete to be secluded from the rest of the team whilst in a different changing room. Therefore, only consider this option when the athlete indicates that this is the safest choice.

4.10. Competition, opponents, referee and match officials

The association bears the responsibility that clubs, referees and match officials are well-informed about this guidance and act accordingly. The starting point in sports is and continues to be that everyone may join. However, it may occur that a club, team, or athlete experiences resistance about participation during the competition. The next paragraphs address some suggestions in order to prevent or solve such a situation.

4.10.1 Preventing exclusion

- If there is resistance regarding the participation of an athlete, promote this the policy so that the athlete does not have to explain or defend the guidances themselves;
- Ask the association for a conformation of the dispensation which has been granted (if applicable, for in many cases dispensation is not needed);
- If agreed with the player, inform the referee prior to the match, so that assistance or intervention can be provided where needed;
- In case of an away match, request a separate changing room with the opponent's club, prior to the match. To this end, the club may use a standard letter or email which refers to this guidance.*

4.10.2. Offering support in case of exclusion

- Start the dialogue with the opponent, referee and/ or match officials. Open communication often takes away distrust and misunderstanding. Explain the situation shortly, refer to this guidance and/ or the athlete's card;
- Provide the athlete with supporting documentation (see dispensation). The athlete may use this in case of protest or resistance;
- Opponents and/ or parents may criticize the athlete's participation. It is highly likely that this has quite some impact on the individual involved. It is important that the athlete will be supported in this. This may be done in several ways, inter alia via the confidential counselor of the association or club. Find an option which best fits with the club and the athlete;
- Does it concern discrimination? Notify this with the Center for Safe Sports the Netherlands and the specific association.

* Note that with preventive measures such as informing a referee or by requesting a separate changing room this could also lead to the undesirable outing of an athlete. All communication should be with consent of the athlete, see also: 4.4.

5. Inclusion checklist⁹

Leadership

- Have specific and measurable objectives been set for the participation of gender and sex diverse individuals? And do the directors clearly commit themselves to these objectives?
- Have the directors and/ or employees of the organization familiarized themselves with the experiences of gender and sex diverse individuals in their sport?
- Does your organization have a leader or ambassador for the inclusion of gender and sex diverse individuals in your organization?

Education

- Are diversity and inclusion part of the education for trainers, coaches and referees?
- Does your sports organization facilitate courses for the employees in the field of diversity and inclusion?

Policy

- Has the guidance been further developed within the context of your sport?
- Has a focus group or committee been nominated who are the voices for inclusion of LGBTQI+ individuals?
- Does the association issue supporting (dispensation) statements which can be used in case of resistance or protest during matches?
- Does your club have a confidential counselor or a clear reference to a confidential point of contact or individual?

Visibility

- Do marketing communications, the website and social media show a broad representation of people?
- Is attention drawn to gender and sex-over-arching games? Are innovative games investigated or developed to this end?
- Is this guidance easily accessible on the website?
- Which annually recurring activities and campaigns in the field of diversity and inclusion take place within your sports or club?
- Does your club regularly carry the rainbow pride flag?

Facilities

- Has a clear policy been developed that the preference of gender and sex diverse individuals is leading in using facilities?
- Does your organization offer the option of a gender-neutral changing room?
- Are gender-neutral changing facilities easily accessible for gender and sex diverse individuals?

Athletes' uniforms

- Is the association or club flexible in the choice individual athlete uniforms?
- Is a wide range of sizes and fits of the athletes' uniform available?

Processing information

- Is information processed in an inclusive way?
- Has the people's privacy been respected?

⁹ Partially based on the Inclusion checklist from: "Guidance for the inclusion of transgender and gender diverse people in sport" by the Australian Human Rights Commission 2019, p.44-45.



6. Elite sports

The previous chapters of this guideline primarily focused on the acceptance of gender and sex diverse individuals in sports clubs and within grassroots sport. This chapter addresses elite sports. A number of international federations and the International Olympic Committee have developed regulations and guidelines with regard to the participation of transgender elite athletes and, in a few cases, intersex elite athletes.

Which guidelines applies in your sport? Or what if your sport does not have any national or international guidelines? And how are athletes, that have hormone treatment, are exempted from anti-doping policies? By answering frequently asked questions such as these, it will become clear which regulations and guidelines are applicable for elite athletes. Note that these regulations and guidelines are however not uncontested.

6.1. Frequently Asked Questions about the implementation of (inter-) national regulations as regards the participation of the Dutch gender or sex diverse elite athlete

6.1.1 Which rules apply?

During international elite sporting events such as the Olympics, World Championships, European Championships and other international qualifying-phase matches or tournaments, the rules of the specific international sports federation generally apply.

An overview of some international rules and guidelines can be accessed on www.transathlete.com.

For national events the rules or guidelines, if any, of the national sporting body will be applicable. Where national events are also qualifying events the rules of the international federation will generally be applied by the national sporting body.



6.1.2. What if my sport does not have national or international rules or guidelines?

Not all international sports federations have their own guideline for gender and sex diverse elite athletes. Some international federations are still developing guidelines for their sport. In case a guideline is not available by the international federation, and guidelines for the elite level are deemed necessary, the national federation has a few options:

1. The national federation develops their own guidelines
2. The national federation starts a dialogue with the international sports federation as regards the drafting of an international guideline particularly for their sport.
3. The national and/or international federation could apply the IOC guideline for international matches.

In cooperation with each other, federations can share best practices and latest insights.

If there is a need for developing international guidelines, the federation can draft a guideline together with national federations from other countries and the international federation from their sport. In cooperation with each other, federations can share best practices and latest insights. Please bear in mind, among others, the fundamental principles (see paragraph 1.4) as used in the development of this guidance. The NOC*NSF offers assistance in developing a guideline.

6.1.3 Who determines the exclusion or restriction to participation in Dutch elite sports and how is this determined?

- In terms of Dutch elite sports competitions, Dutch federations determines whether an exclusion and/ or restriction(s) to participation is imposed on the athlete. In this respect, you could think about national competitions and the regular top-league. It is important to be prudent in reaching decisions about exclusion and/ or restriction(s) to participation. A guideline which is specifically drafted for that particular sport could be of assistance. Some suggestions in drafting a guideline for elite sports are as follows:
- Draw a clear line between grassroots and elite sports, so as to clarify when an athlete is an elite athlete who is bound by stricter conditions. The boundary line is different for each federation:
 - make sure that the gateway to elite sports remains open to everybody. As a result of this, talented athletes will not be excluded in advance in their road to become an elite athlete, and everyone will have the same chances for development.
- Investigate whether the international federation has an existing guideline. If so, then you can incorporate it. Please verify whether this guideline fits within the context of your national federation and whether it

does not violate Dutch law (see the Dutch Equal Treatment Act). Your international federation does not have a guideline? See paragraph 6.1.2.:

- Please note any differences in the guideline from the IOC and the international federation. Is the international sports federation stricter than the IOC? Start the dialogue with the international federation. Investigate whether the stricter rules coincide with a fair competition and whether the rules do not cause unnecessary exclusion. NOC*NSF can assist in this respect.
- Make sure that the guideline for the Dutch elite sports is not stricter than the guideline from the IOC or the international sports federation. Arguments in favour of exclusion and/ or restriction can change because of revised scientific insights. Thus, federations have to adapt their guideline to the actual situation on a regular basis. Thus, federations have to adapt their guideline to the actual situation on a regular basis and keep up to date with the international developments.

- Stay well-informed about new (inter-) national insights and guidelines. Review the policy on a regular basis.

Make sure that a prudent decision-making process has taken place when this could result in restriction of exclusion to participation. The following is part of prudent decision-making:

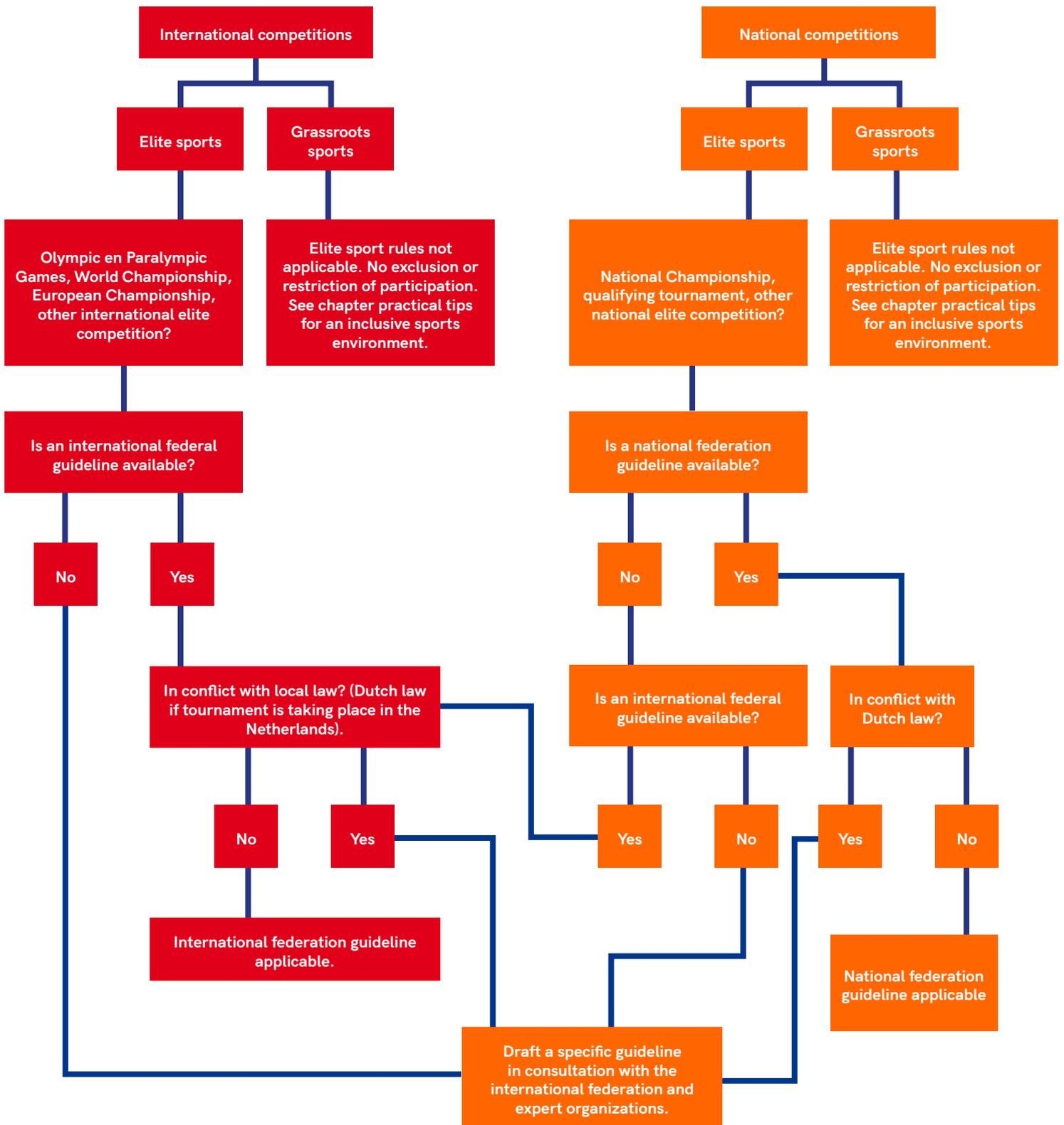
- A clear policy in writing, accessible to the public in which the conditions for exclusion or restriction to participation are clearly stated;
- A short timeframe of the decision, so that the athlete is informed about the result without any delay;
- A clear decision in writing in which the considerations for the athlete are explained;
- Opportunity for the athlete to respond or to lodge an appeal against the decision reached;
- Check the restriction(s) imposed again on a regular basis.

Practical example in determining the line between grassroots and elite sports

In elite sports, the Dutch federation may be confronted with a guideline from the international federation. This guideline may violate the norms and values as regards an inclusive sport which the federation adheres to. Nevertheless, federations generally apply the international guideline in case of an elite sports match. It could be done differently, though. That is to say, it is a wise idea to draw the line between elite and grassroots sports on your own. For instance, a Dutch

federation has drawn the line between grassroots and elite sports in such a way, that only the Dutch team is part of the elite sport as regards which the international guideline applies. This approach allows for the situation that in all other highest levels of elite sports (for instance with the youth or at regional competitions), everyone is given the chance to develop oneself as an individual and to experience the high level of elite sport at the same time.

Which rules or guidelines apply?



Picture 6.1
Which rules or guidelines apply?

6.1.4 What are the IOC guidelines for gender and sex diverse elite athletes?

The IOC, as well as many international and national sporting bodies, drafted specific guidelines for transgender athletes. The IOC also has made recommendations in the case of hyperandrogenism (a type of intersex) in female athletes. These guidelines and recommendations were established in the IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015 (IOC Guidelines). In practice these guidelines are often used as a basis by sporting bodies to draft their own policies.

Inappropriate communication about confidential information

Not all gender and/ or sex diverse athletes are open about their gender or sex. This is personal information and everyone has the choice whether or not to share this. In some situations, personal information is shared whilst the elite athlete neither has been informed nor has given permission to it. For instance, a heated debate about the question whether an elite athlete has an intersex condition starts when there is distrust about a performance delivered. Or when other athletes and/or the public and the media judge that the elite athlete, based on the stereotype sexual characteristics and/ or the gender expression does not fit within the box of male or female. We recognize that these are unpleasant situations with, possibly, negative consequences for the elite athlete. These situations should be prevented. We hope to contribute to this by providing more information to those involved in sports.

6.1.5 What about the rules of the International Athletics Union for the participation of intersex athletes?

At present, the international athletics union (World Athletics, previously IAAF, International Amateur Athletics Federation) has regulations in place for the participation of intersex athletes. A lengthy debate is held in the elite sports world (especially in athletics) regarding drafting a guideline for the participation of intersex elite athletes. This debate raises questions from the social-ethical, legal and medical fields (see frame 'communicating confidential information'). Are you allowed to exclude someone based on natural testosterone levels? Is it a matter of (un) fair competition? Is it a matter of discrimination? Various scientists have different insights as regards this matter. Therefore, more research is needed. The regulation of the athletics federation is only one example of the way in which an international federation shapes regulation. In the majority of sports, there is no cause or need for drafting a guideline.

6.2. World Anti-Doping Agency (WADA) and Dutch Doping Authority

Elite athletes must comply with the provisions from the World Anti-Doping Code of the World Anti-Doping Agency WADA. WADA has described the maximum androgen levels for elite athletes. When a gender or sex diverse athlete has been granted the elite sport status from the federation and they have to use drugs for medical reasons which are listed on the doping list, then the athlete may request an exemption. The Therapeutic Use Exemption Committee is a committee where the athlete has to request the statement in order to use the medication. This statement is referred to as a Therapeutic Use Exemption (TUE). Several steps must be taken in order to obtain this exemption. These steps and the official exemption request can be accessed on <https://gds.dopingautoriteit.nl/nieuwdispensatieverzoek>.



7. Points of Contact

NOC*NSF

E-mail: inclusiefsporten@nocnsf.nl

Centrum Veilige Sport Nederland

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Transgender Netwerk Nederland

(Transgender Network Netherlands)

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