

Transgender Inclusion Policy for Intercollegiate Athletics; Health, Physical Education and Exercise Classes; and Intramural Sports Activities

University Values and Non-Discrimination

This document includes policies specific to NCAA athletes; intramural sports; Health, Physical Education and Exercise Science classes; and other exercise and wellness opportunities available to Augsburg community members.

Notice of Non-Discrimination

In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, and the Americans with Disabilities Act and ADA Amendments, Augsburg does not discriminate on the basis of sex, race, color, national or ethnic origin, religious belief, age, disability, gender, sexual orientation, gender identity or expression, marital status, familial status, pregnancy, citizenship, creed, genetic information, veteran status, status with regard to public assistance, membership in a local human rights commission, or any other legally protected status under federal, state or local law applicable to the University, in its education programs and activities, employment policies and practices, or any other areas of the University, except in those instances where there is a bona fide occupational qualification or to comply with state or federal law. Augsburg University is committed to providing reasonable accommodations to its employees and students with disabilities.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." The University is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment. Sex discrimination is conduct based upon an individual's sex, that excludes an individual from participation in, denies the individual the benefits of, or treats the individual less favorably in an education program or activity. (See: [Sexual Misconduct Policy](#) and [Discrimination and Bias Policy](#))

Values

Augsburg University aims to provide equal opportunity for all students to participate in athletic activities. Our values include:

1. Augsburg University is an institution committed to creating, sustaining, and supporting a culture of inclusion, diversity and social justice.
2. Transgender and gender nonconforming students should have equal opportunity to participate fully and safely in all campus activities, including exercise; physical education; intramurals; intercollegiate athletics; and Health, Physical Education and Exercise Science classes.
3. The general well-being of all student athletes is of the utmost priority.
4. Augsburg Athletics; Health, Physical Education and Exercise Science; Intramurals; and the University as a whole support students participating with the teams that fit best with their own gender identity.

Reporting Discrimination

The University encourages anyone who has experienced or knows of Sex Discrimination to report the incident to the University. An individual may report Sex Discrimination to the University by contacting the following:

Michael Grewe, Ph.D.
Associate Provost, Dean of Students & Title IX Coordinator
612-330-1499
grewe@augsborg.edu

Augsburg Department of Public Safety
612-330-1717 or ext. 1717

Students

Noah Greenfield
Program Coordinator, Dean of Students Office
Memorial Hall 118
612-330-1160
greenfin@augsborg.edu

Athletes

Christa Burgess

Senior Associate Athletic Director
Si Melby 205
612-330-1654
burgess@augsborg.edu

Employees

Dawn Miller
Director of Human Resources
Memorial Hall 19
612-330-1216
millerd1@augsborg.edu

Reports can be made by telephone, via email, via mail, or in person. Reports may be made at any time, including non-business hours by phone, email, mail, or the [online reporting form](#) on the University's website.

Reports to the University should include as much information as possible, including the names of the complainant, respondent, and other involved individuals, and the date, time, place, and circumstances of the incidents, to enable the University to respond appropriately.

Upon receiving a report of Sex Discrimination, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and to explain the process of making a complaint and the complaint resolution process. In addition, when a student or employee reports to the University that they have been a victim of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, whether the offense occurred on or off campus, the University will provide the student or employee with a written explanation of the student's or employee's rights and options, along with the procedures victims should follow.

If an individual has made a report to a University employee who is not a confidential employee and has not yet heard from the Title IX Coordinator, please report directly to the Title IX Coordinator.

Confidentiality and Privacy

The privacy of all students is a priority. In addition, Augsburg University follows the requirements of the Family Education Rights to Privacy Act (FERPA), and any relevant state laws. All discussion among involved parties and required written supporting documentation will be kept private, unless the student makes a specific request otherwise. All information about an individual student's transgender identity will be kept private and medical information provided pursuant to this policy will be maintained confidentially per institutional policy.

Participation on NCAA Athletic Teams

Application

The policy outlined below applies to all practice and competition in NCAA sports in which the NCAA conducts championships separated by gender. This includes all NCAA competition (regular season, conference championships, post-season, scrimmages, and exhibitions).

As with all other NCAA eligibility criteria, member schools remain responsible for certifying student-athlete eligibility for practice and competition. The application of this policy may not be waived.

Additionally, schools are subject to local, state, and federal legislation, and such legislation supersedes the rules of the NCAA.

Definitions

An **NCAA Men's Team** is a varsity intercollegiate sports team that meets the qualifications to be considered for NCAA men's championships.

An **NCAA Women's Team** is a varsity intercollegiate sports team that meets the qualifications to be considered for NCAA women's championships.

A **Mixed Team** is a varsity intercollegiate team on which at least one individual of each sex assigned at birth competes. Per NCAA legislation, mixed teams are only eligible for NCAA men's championships.

Sex Assigned at Birth is the male or female designation doctors assign to infants at birth, which is marked on their birth records.

Gender Identity is an individual's own internal sense of their gender (e.g., man, woman, nonbinary, etc.).

Transgender refers to an individual whose gender identity or gender expression is different from their sex assigned at birth.

Policy

NCAA Men's Team

Regardless of sex assigned at birth or gender identity, a student-athlete may participate (practice and compete) with a men's team, assuming they meet all other NCAA eligibility requirements.

- **Medical exception process:** Please note, student-athletes taking a banned substance (e.g., testosterone) must complete the medical exception process.

NCAA Women's Team

Student-Athlete Assigned Male at Birth

- **Competition:** A student-athlete assigned male at birth may not compete on a women's team.
- **Practice:** A student-athlete assigned male at birth may practice on the team consistent with their gender identity and receive all other benefits applicable to student-athletes who are otherwise eligible for practice.

Student-Athlete Assigned Female at Birth

- **Competition:** A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone) may not compete on a women's team. If such competition occurs, the team is subject to NCAA mixed-team legislation, and the team will no longer be eligible for NCAA women's championships.
- **Practice:** A student-athlete assigned female at birth who has begun hormone therapy (e.g., testosterone) may continue practicing with a women's team and receive all other benefits applicable to student-athletes who are otherwise eligible for practice.

Process to Compete

1. A transgender student-athlete wanting to participate in NCAA intercollegiate athletics should first arrange to meet with the Title IX Deputy Coordinator for Athletics to review institutional procedures. If desired, the student-athlete may also elect to meet with one of the following additional individuals who are available to provide information, assist with support, or attend meetings with the Athletics Department: Dean of Students; or Multicultural Life.
2. The Title IX Deputy Coordinator for Athletics will meet with the student-athlete to review the NCAA eligibility requirements and procedures for NCAA approval of transgender participation, including whether a medical exception process is needed. [Click here for the NCAA policy on the Inclusion of Transgender Student-Athletes.](#)
3. In the event that an opposing team or school challenges the student-athlete's eligibility, the Title IX Deputy Coordinator for Athletics will refer the challenge to the NCAA for resolution.

Appeals Process

If a transgender student-athlete requests an appeal, the denied request to participate on an intercollegiate team will be reviewed by the Transgender Student-Athlete Inclusion Committee, per NCAA rules, within 14 days of the decision notification. Committee members will be convened by the Dean of Students and shall be composed of a representative from the Center for Wellness and Counseling, the Faculty Athletics Representative, the Title IX Coordinator, the Title IX Deputy Coordinator for Athletics, and a representative from Multicultural Life. If a student desires, they may select a student advocate appointed by the Day Student Body President to serve on the committee.

The student-athlete may bring an advocate of their choosing to any meeting with the Transgender Student-Athlete Inclusion Committee.

The Transgender Student-Athlete Inclusion Committee will be responsible for reviewing denials of requests for participation and will notify the student-athlete and the Athletic Department of the committee's decision. If the Transgender Student-Athlete Inclusion Committee grants approval, the Title IX Deputy Coordinator for Athletics will be responsible for informing the NCAA and the appropriate conference office of the appeal outcome.

Confidentiality

All discussions among involved parties and written supporting documentation surrounding a student-athlete's request and appeal process shall be kept confidential in accordance with state and federal laws, unless the Department of Athletics receives written permission from the student-athlete. All information about an individual student's gender identity, and medical information and records provided pursuant to this policy, shall be maintained confidentially per state and federal laws. The Title IX Deputy Coordinator for Athletics will retain the files for seven years.

Communication and Publications

Teammates, coaches, and all other University personnel shall refer to students, staff and faculty by their preferred names and pronouns.

All University and athletic department representatives who are authorized to speak with the media should receive information about appropriate terminology, use of names and pronouns, and University and NCAA policies regarding the participation of transgender student-athletes on University sports teams. Protecting the privacy of transgender student-athletes must be a top priority. All medical information shall be kept confidential, in accordance with applicable state, local and federal privacy laws.

Any requests for varsity intercollegiate sports information, publication, announcing and/or broadcasting (i.e., names and pronouns) should be made to the Augsburg Sports Information Office one week prior to the event.

Travel Accommodations

When competing off campus, student-athletes should be provided accommodations based on their gender identity. If a transgender student-athlete requires a particular accommodation to ensure access to appropriate changing, showering, or toilet facilities, the athletic director and coach, in consultation with the transgender student-athlete, should communicate with their counterparts at the other schools prior to competition to ensure that the student has access to facilities that are comfortable and safe. This notification should maintain the student-athlete's confidentiality and under no circumstance should a transgender student-athlete's identity be disclosed without the student-athlete's explicit permission.

When traveling, student-athletes shall be assigned lodging accommodations based on their gender identity, with the recognition that any student-athlete who needs extra privacy should be accommodated whenever possible.

Dress Codes and Uniforms

Dress codes should enable all student-athletes and sports participants to dress in accordance with their gender identity. Official team uniforms and warm-ups that are sport specific, ideally, should not conflict with a student's gender identity or expression. If a coach sets a dress code or expectation, the dress code should be gender-neutral and comfortable for all members of the team.

Enforcement and Non-Retaliation

Augsburg will ensure that all campus policies; and federal, state, local, NCAA or other applicable laws and regulations are followed to provide an appropriate environment for transgender student-athletes, including non-retaliation if a transgender student-athlete reports an incident of discrimination or a hostile environment.

Intramural Sports, Physical Education and Exercise Science Classes, and Other University Athletic/Recreational Activities Policy

Students, staff or faculty participating in intramural sports; Health, Physical Education and Exercise Science classes; or other University athletic activities may participate in accordance

with their gender identity. If conflicts arise, the Transgender Student-Athlete Inclusion Committee shall be consulted for advice and resolution.

Gender-inclusive intramural activities will be open to all students. In the event of an athletic activity requiring certain numbers of a particular gender, accommodations will be made for any interested student to participate as the gender in which they identify.

Facilities

Augsburg students, staff and faculty using Augsburg athletic facilities shall have access to a changing room, shower, and toilet facilities in a safe, comfortable, and convenient environment and may use the changing room, shower, and toilet facilities in accordance with their gender identity. If requested by a student/staff member, a private facility will be made available. However, transgender members should not be required to use these private facilities.

As new spaces are designed and as existing spaces become available or repurposed the University shall include plans to accommodate transgender students, staff, and faculty. It is recommended that all locker rooms should have private and enclosed changing areas, showers, and toilets for use by any member who desires them.

Coaches and team members are strongly encouraged not to use a common locker room as a team meeting space. Instead, coaches and team members are encouraged to identify other neutral spaces to conduct team meetings.

Any visitor to Augsburg's facilities seeking access to private changing, shower, and toilet facilities should make such a request to the Augsburg Athletic Department (612-330-1249) at least one week in advance and all efforts will be made to accommodate such requests.

Commitment to Creating an Inclusive Environment

Student-athletes, coaches, trainers and other athletics staff members should be educated about transgender and gender nonconforming identities and the principles of transgender inclusion. Each member should be knowledgeable about how, in their particular roles, to support transgender people and be prepared to put this knowledge to use in order to ensure an inclusive team and departmental environment.

Annual Policy Review

In consideration of the changing nature of medical science, changing nature of terminology, and changing NCAA and National Sport Governing Body rules/regulations/recommendations, this policy document will be reviewed annually by the Title IX Deputy Coordinator for Athletics and

the Transgender Student-Athlete Inclusion Committee. This review will be made open and accessible to all members of the Augsburg community.

Current Contacts

For a list of current Title IX Officers and other contacts, please see the [Sexual Misconduct Policy](#).