



# ONTARIO BASKETBALL INCLUSIVE SPORTS PARTICIPATION POLICY AND PROCEDURES

## Policy Statement

The Ontario Basketball Association (OBA) believes that team sports like basketball are valuable to an individual's physical, intellectual, social, and/or character development and accordingly, we value inclusion. Guided by this value and in compliance with all applicable laws, our policy ensures that individual's can participate in the game and its associated activities in a manner consistent with their gender identity.

## Eligibility to Participate

An individual has the right to participate in a manner consistent with the gender listed on their birth records. An individual whose gender identity is different than the gender listed on their birth certificate registration records shall have the right to participate in a manner consistent with their gender identity. For individuals who are "non-binary" the individual has the right to participate in sports team of either gender; however, pursuant to Ontario Basketball policy, individuals are not permitted to try out simultaneously for basketball teams of both genders.

## Confidentiality

All of the information and documents related to the eligibility of an athlete on the basis of gender identity will be treated as highly confidential. Members of all OBA sanctioned programs will not at any time disclose such information or documents (other than in the ordinary and usual course of implementing this Policy) without the prior written consent of the disclosing party, unless required by law..

## Procedures

The individual's club will be the first point of contact for determining the individual's eligibility to participate in Ontario Basketball athletics or associated activities. The individual (and parent(s)/guardian) must notify the club in writing that the individual identifies with a gender that is different than the individual's gender assigned at birth and list the sanctioned event(s) in which the individual would like to participate. The individual's gender identity as stated in the club letter will be the gender recognized for the entirety of the individual's participation in Ontario Basketball athletics/activities, subject to the ReTransition Policy Statement below. A transgender individual shall participate in accordance with their gender identity, as recognized in the club letter, and all bylaws and policies will still apply.

The club may use the following criteria to determine participation:

- A written statement from the individual affirming their gender identity.

The club may consider the following information, if it is voluntarily provided by the individual or their parent/guardian. However, the club shall not require the following information to be produced:

- Documentation from individuals such as, but not limited to, parents, friends, and/or teacher, which affirm that the individual's actions and attitudes, demonstrate the individual's gender identity.

- Written verification from an appropriate health-care professional (doctor, psychiatrist, psychologist) of the individual's gender identity.
- Medical documentation (hormonal therapy, sexual re-assignment surgery, counseling, medical personnel, etc.)

Gender Fluid: Individuals that want to participate in Ontario Basketball athletics and activities, must select one gender to participate. The process for gender identification and notification to the club is the same as stated above. Any subsequent retransition by a gender fluid individual must also follow the retransition policy as stated below.

Retransition Policy Statement: Individuals that retransition after competing in another gender identity at the club level and with Ontario Basketball, must notify us in writing of their intent to retransition and apply via written request to the club for further eligibility. The decision to approve the request will be made at the local level.

## Terms and Definitions

The following definitions intend to create a common vocabulary, understanding and clarity among the basketball community to support conversations. This will also assist us in being thoughtful in how we communicate when individual people ask to be identified and in general employ the terms that they use to describe themselves.

1. Sexual orientation means a person's romantic or sexual attraction to people of the same sex, different sex or any sex. Transgender and gender expansive people may have any sexual orientation.
2. Gender identity is an individual's sincerely held core belief regarding their gender, whether that individual identifies as male, female, both, neither or in some other way (for example, individuals who identify in some other way such as nonbinary, queer, genderqueer or gender fluid).
3. Gender expression means an individual's external expression of their gender, through such means as clothing, hairstyling, accessories, voice, behavior and mannerisms.
4. Transgender is an umbrella term for people whose gender identity is different from that traditionally associated with their assigned sex at birth.
5. Gender expansive is an umbrella term used to describe people who expand notions of gender expression and identity beyond what is perceived as the expected gender norms for their society or context. Some gender-expansive people identify with being either male or female, some identify as neither, and others identify as a mix of both. Gender-expansive people include those with transgender and nonbinary identities as well as those whose gender in some way is seen to be stretching society's notions of gender.
6. Retransition means affirming a cisgender identity after having affirmed a transgender identity, whether by social, legal or medical means.

## Harassment

Unlawful harassment means engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, and includes such conduct that is based on gender identity, gender expression, or sexual orientation.

Prohibited conduct includes, but is not limited to, the following:

- a. Asking unwelcome personal questions about an individual's gender identity
- b. Intentionally causing distress to an individual by disclosing to others the individual's sexual orientation or transgender status
- c. Using offensive names or terminology regarding an individual's gender identity, gender expression, or sexual orientation
- d. Deliberately misusing an individual's preferred name, form of address, or gender-related pronoun

Submitting a complaint

All complaints should follow the procedures outlined in the Ontario Basketball's Harassment Policy. This policy will be used in association with a complaint to address investigations and disciplinary action as required.

*Approved September 2021  
Reviewed September 15, 2021  
Ontario Basketball Board of Directors*

## **Additional Considerations and Practices:**

1. Changing Areas, Toilets, and Showers. Individuals shall be able to use the locker room, shower, and toilet facilities consistent with the individual's gender identity. Every individual has the right to access a private enclosed changing area, shower, and toilet. No individual shall be required to use separate facilities.
2. Language: Affirmed Names and Pronouns. A individual may have a name and pronouns that are different from what may be indicated by the individual's prior or birth records. Coaches, administrators, and officials shall use the individual's affirmed name and pronouns and shall ensure that the individual's name and pronouns are respected by others including teammates, opponents, fans, volunteers, announcers, etc.
4. Dress codes and team uniforms. All team members shall have access to uniforms that are appropriate for their sport and that they feel comfortable wearing provided it maintains compliance with the club and Ontario Basketball sport specific uniform regulations. No individual shall be required to wear a gendered uniform that conflicts with the individual's gender identity. Dress codes for teams when traveling or during a game day at Ontario Basketball sanctioned event shall be gender-neutral. (Instead of requiring a girls' or women's team to wear dresses or skirts, for example, ask that team members wear dresses or slacks that are clean, neat, well cared for and appropriate for representing their club and team.)
5. Competition: When discussing competitions and individual expectations, decisions shall be made in consultation with the individual and without violating an individual's confidentiality or privacy. If requested by the individual, club leaders, athletic directors, and coaches should communicate with their counterparts at other clubs prior to competitions in which a transgender or gender expansive athlete is participating about expectations for treatment of athletes on and off the court, including to ensure access to appropriate changing, showering, or bathroom facilities, and to request the use of affirmed names and pronouns by coaches, opponents, officials, announcers, fans, and media.
6. Training and Education. Ontario Basketball shall continue to learn and grow in our knowledge and understanding in this regard. We will find opportunities to provide culturally-competent training regarding this policy to all members, employees and participants in Ontario Basketball athletics and associated activities.

This policy shall be distributed to all members, employees and athletes participating in Ontario Basketball organization.