

Inclusion of Trans and Gender Diverse Students and Staff in Sport and Recreation Guidelines

Application

All members of the **University community**.

Purpose

To ensure **trans** and **gender diverse** students and staff have equitable participation in **University** sport and recreation, without **discrimination** based on their **gender identity or expression**.

These guidelines fall under the University's [Equity Policy](#), and applies to the University Sport and Recreation Centre.

Context

Unlawful discrimination against a trans or gender diverse person because of their gender identity is prohibited under the ground of sex in section 21 of the [Human Rights Act 1993](#), section 19 of the [New Zealand Bill of Rights Act 1990](#) and section 105 of the [Employment Relations Act 2000](#).

Discrimination can be direct discrimination or indirect discrimination, and unlawful even if there is no intention to discriminate.

It is unlawful to exclude any person, including trans or gender diverse people, from participating in:

- non-competitive sport or recreation activities
- any competitive sport where strength, stamina, or physique does not give players a competitive advantage.

However, legislation permits restrictions on participation in some limited circumstances - in competitive sport where strength, stamina, or physique does give a competitive advantage and there is evidence that the exclusion or restriction on trans and gender diverse people's participation is necessary and proportionate in order to achieve the objective of fair competition.

The University is committed to taking action to encourage participation and success in sport and recreation by all students and staff members, including those who are trans or gender diverse, recognising:

- the joys and benefits that participation can provide
- the importance of fair play and respect
- the value of sport and recreation that is fair, safe, and open to everyone.

Based on scientific evidence, and how that has informed evolving human rights law and international best practice in this area, the University considers University Sport and Recreation Centre services and activities can be fair and safe for everyone, without the need to impose restrictions on the participation of trans and gender diverse students and staff.

Guidelines

Participation in sport

- Trans and gender diverse students and staff should have equitable participation in University Sport and Recreation Centre activities, without discrimination based on their gender identity or expression:
 - irrespective of the gender marker on identification documents
 - without requirements to undertake any form of gender affirming medical interventions (including hormone therapy or surgeries)
 - without having to disclose additional personal information, beyond that required of other students and staff members.
- Some students and staff may also participate in external sport, where international federation or other rules are enforced. Trans and gender diverse people who wish to compete in these activities have the right to decide for themselves whether they wish to take the required steps to meet these more stringent eligibility criteria. The University Sport and Recreation Centre will not impose these performance requirements, or other requirements contrary to this guidance, for its sporting events or competitions.

Name and gender markers

- Trans and gender diverse students and staff have the right to use the name, pronoun, and gender marker that matches their gender identity and/or expression in all interactions with the University Sport and Recreation Centre. This may include gender-neutral pronouns such as 'they' or 'them'.
- University Sport and Recreation Centre managers, staff, referees, coaches, and sports administrators should, where possible, ensure that names, pronouns, titles, and gender markers are accurate in documentation and systems, such as team lists and rosters and employment documents. If mistakes are made, including in conversations, it is preferable to apologise promptly and then move on. This avoids drawing further attention to the incorrect name, pronoun, title or gender marker.

Sports uniforms

- Where gender-specific sports uniforms exist for University Sport and Recreation Centre teams, everyone (including players, referees, coaches, and administrators) should have the choice to wear the uniform that they feel most comfortable in.
- Best practice is to ensure gender-neutral uniform options are available.
- Many trans and gender diverse students will use clothes, binders and other aids to enable their body to more closely match their gender identity or expression. These aids are hard to conceal if a trans or gender diverse sportsperson is required to wear a close-fitting sports uniform or swimming costume. Loose fitting unisex options can be a better alternative. For swimming, this might include rash suits, rash shirts and longer swimming shorts.

Toilets, showers and changing rooms

- Privacy and safety are important for anyone using toilets, showers or changing rooms.
- Private toilet and shower cubicles, including unisex options, provide the greatest level of privacy and safety for trans and gender diverse people.
- All people, including trans and gender diverse students and staff members may use toilets, showers and changing rooms at the University Sport and Recreation

centre or any of its facilities that are appropriate to their gender identity and/or expression.

- If a trans or gender diverse person wishes to use a unisex facility, there is a [map](#) of such facilities on City and Epsom campuses.

Accommodation when travelling for sport

- Shared accommodation can raise significant privacy and safety concerns for trans and gender diverse people, given the high level of discrimination and harassment they face.
- If University Sport and Recreation Centre's sports teams have shared accommodation, trans and gender diverse students and staff should have the option of proposing who they would be comfortable sharing a room with, and whether they require a single room. In instances where the University Sport and Recreation Centre has a policy of providing single room accommodation for students or staff with specific needs, this should also be an option for trans and gender diverse players or staff.

Respect, safety and equity

- All members of the University community should:
 - in accordance with the Addressing Bullying, Harassment and Discrimination Policy and Procedures, ensure that they do not harass, bully or discriminate against trans or gender diverse people, including players, coaches, referees and staff, because of their gender identity or expression
 - use respectful and inclusive language and terminology when discussing trans people's participation as players, coaches, or referees or when interacting with them, and encourage others to do so
 - where it is safe, speak up or talk to University Sport and Recreation Centre staff about any taunting or harassment from spectators or opponents during competition, including when it is based on a person's gender identity or expression
 - be considerate of all players' personal information, including whether someone is trans or gender diverse and when discussing gender identity or expression.
- University Sport and Recreation Centre coaches and staff should:
 - create an inclusive and supportive environment
 - educate players about inclusive language and the University's guidance regarding the participation of trans and gender diverse people in sports and recreation
 - be prepared to talk with parents /players about trans and gender diverse people's participation in sports and recreation
 - anticipate and address trans and gender diverse players' concerns and requests proactively
 - talk to the University Sport and Recreation Centre and/or the opposing coach if you are aware of discriminatory or harassing behaviour from opposing teams, spectators or teammates based on the perceived or actual gender identity or expression of a player, coach, or referee.

Complaints resolution

- The University strongly encourages any individual who believes that the rights and responsibilities in these guidelines have been breached, to take appropriate action.
- Staff or players may seek assistance from a University Sport and Recreation Centre manager or staff member or from the [Equity Office](#).
- A complaint can be made:

- by following the Addressing Bullying, Harassment and Discrimination Policy and Procedures, and the Staff/Student Complaint Resolution Flowcharts
 - by students using the University's [Dispute Resolution Procedures](#) for students (speaking with an academic head or the Proctor)
 - or by anyone through an enquiry or complaint to the [Human Rights Commission](#).
- Individuals who witness another person being discriminated against, bullied or harassed, sexually harassed, vilified or victimised should also take appropriate action to address it.

Definitions

Cisgender (or cis) is a term for someone whose gender identity aligns with their sex assigned at birth. Someone who is cisgender is, by definition, not transgender.

Discrimination can occur directly or indirectly, and can be unlawful when relating to particular legislative requirements.

Discrimination against trans and gender diverse people because of their gender identity falls under the prohibited ground of sex in the Human Rights Act (HRA). Discrimination is unlawful when it occurs in an area of public life set out in the HRA and there is no relevant exception. These areas of public life include the provision of goods and services (including sport and recreation services) and employment (including the employment of coaches and referees). In addition, the University cannot unlawfully discriminate against trans and gender diverse people because of their gender identity when exercising any of its public powers or functions, including when developing or implementing its policies.

Gender identity means a person's internal sense of being male, female, something other, in between or agender. A person's gender identity may or may not correspond with their sex assigned at birth.

Gender diverse refers to people who do not identify as exclusively female or male, whose gender identity and/or gender expression is outside the female/male binary. Some alternative terms used are genderqueer, gender non-conforming or non-binary. Where the University Sport and Recreation Centre's teams, activities, or facilities only provide binary (male or female) options, any trans and gender diverse people (including those who identify as non-binary) may choose which option better matches and accommodates their gender identity and/or expression.

Gender expression means the external presentation of one's gender. This can be expressed through one's name, clothing, behaviour, hairstyle, voice or any other way. A person's gender expression may or may not conform to socially defined behaviours and characteristics typically associated with being either solely masculine or feminine.

Sex assigned at birth means the sex recorded on a person's birth certificate and/or other official identification documents at birth.

Transgender (or trans) refers to someone whose gender identity does not exclusively align with their sex assigned at birth. This term is often used as an umbrella term, recognising that people may describe themselves in many ways including by using indigenous terms.

For example, trans people might describe themselves as transgender, transsexual, trans man, trans woman, gender diverse, genderqueer or non-binary. The term 'trans woman'

refers to a trans person assigned a male sex at birth who identifies as a woman. Similarly, the term 'trans man' refers to a trans person assigned a female sex at birth who identifies as a man.

Indigenous terms to Aotearoa / New Zealand include *tāhine* for transgender, *whakawahine* for trans women and *tangata ira tane* for trans men. Many Māori trans people identify with the umbrella indigenous term *takatāpui* that encompasses all Māori of diverse gender identities, sex characteristics, or sexualities.

Pacific cultural terms used by trans feminine people, including in New Zealand, include *fa'afafine* (Samoa and Tokelau), *fakaleiti / leiti* (Tonga), *fakafifine* (Niue), *akava'ine* (Cook Islands), *vakasalewalewa* (Fiji), *palopa* (Papua New Guinea) and *mahu* (Tahiti and Hawaii). One Pacific cultural term for trans masculine people is *fa'afatama* (Samoa). *Fa'atamaloa* is also sometimes used as an alternative term.

'**Trans and gender diverse**' are used together in these guidelines as a broad umbrella term that includes people whose gender identity and/or expression differs from their sex assigned at birth. It recognises that not all gender diverse people identify as trans and that many trans people may identify as male or female rather than as gender diverse.

Transitioning (or gender affirmation) refers to steps taken by **trans** or gender diverse people to affirm their gender. This process and level of change sought is different for every trans or gender diverse person. Transition steps may be social, legal and/or medical. For example, a trans person may change the type of clothes they wear, their hairstyle, or the pronoun they use, to match their gender. Legal steps could include changing one's name or gender on official documents. For some people, transitioning involves medical treatment, such as hormones and/or surgeries, to change one's body to match one's gender.

University means the University of Auckland and includes all subsidiaries.

University community includes all staff members (whether permanent, temporary or part time), honorary staff, students (whether full time or part time), contractors, subcontractors, consultants, alumni, associates, business partners or official visitors or guests of members of the University or UniServices.

University sport and recreation means activities undertaken at or by the University Sport and Recreation Centre.

Key relevant documents

- Employment Relations Act 2000
- Human Rights Act 1993
- New Zealand Bill of Rights Act 1990
- [Equity Policy](#)
- Addressing Bullying, Harassment and Discrimination Policy and Procedures
- [Guidelines for the University of Auckland support for trans students' legal name change](#)
- Addressing Bullying, Harassment and Discrimination Guidelines
- Staff/Student Complaint Resolution Flowcharts