



THE CONNECTICUT INTERSCHOLASTIC ATHLETIC CONFERENCE

REPORT OF THE CIAC GENDER SUBCOMMITTEE

Submitted to the CIAC Board of Control – April 4, 2019

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The CIAC Gender Subcommittee, established by the CIAC Board of Control at the request of the CAS Board of Directors, has concluded its work of reviewing CIAC by-laws involving gender in relation to Connecticut law and the CAS-CIAC mission.

The following by-laws and policies were reviewed: Transgender Participation (Article IX, Section B); Nominating Committee (Article IV, Section H); Objective and Regulation for Determining Tournament Divisions (Article VII, Section F), CIAC-Controlled Sports (Policies/Procedures 4.2.A), General Eligibility Standards for Middle Level Interscholastic Athletics (Policies/Procedures 4.2.D), Definition of Taunting (Policies/Procedures 4.6.A #8), and Rules of Eligibility General Procedures (Article IX, Subsection IV).

It is the opinion of the subcommittee that all by-laws reviewed are in alignment with Connecticut law and the CAS-CIAC mission. Throughout the review process, the CIAC transgender policy garnered the most dialogue as this topic continues to be debated within Connecticut and across the country. The subcommittee recommends that the CIAC Board of Control continue education efforts to provide a deeper understanding of transgender athlete participation in Connecticut. While the subcommittee members concluded that our existing policy should stand due to alignment with state law, they recognized the limitations of a one-size fits all policy given the uniqueness of individual sports and the biological performance difference between males and females (that usually presents itself around the age of 13). At this time, there is little case law pertaining to transgender athletic participation at the high school level and the CIAC Board of Control may wish to further explore the issue of performance equity.

The initial focus of the subcommittee members was to educate themselves and CIAC stakeholders about our current policy and the rationale on which it is based. To examine alignment with Connecticut law, input was sought from CIAC's legal counsel as well as legal counsel from Connecticut's Commission on Human Rights and Opportunities. In exploration of Title IX, the Office of Civil Rights, Boston Office, was additionally consulted. As a result of this research, it is the subcommittee's understanding that the current CIAC transgender policy is in alignment with Connecticut law and Title IX. Connecticut General Statute 46a-64(a) prohibits discrimination based on sex or gender identity or expression. Connecticut General Statute 46a-51(21) defines gender identity or expression as "a person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned at birth."

Regarding Title IX, this is a federal law which prohibits exclusion from participation, or benefits of participation, from any educational program or activity based on sex; and the courts have interpreted this to preclude gender identity discrimination. Because Title IX does not specifically define sex and in the absence of federal transgender guidance under Title IX, the definition of sex reverts to state statutes. In Connecticut, sex is determined by

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a person's gender identity or expression. The September 2017 Guidance on Civil Rights Protections and Supports for Transgender Students issued by the Connecticut State Department of Education in consultation with the Connecticut Commission on Human Rights and Opportunities stipulates that state and federal laws entitle all students, regardless of gender identity or expression, to education programming and activities, free of discrimination. CIAC athletic events are an education-based activity.

To gather input from member principals, a three-question survey was sent to our high school membership along with a five minute informational video. Seventy-nine high school principals responded with 96.2% affirming they had a better understanding of our current regulation and its rationale; 96.2% affirmed that our regulation aligns with Connecticut law; and 82.3% affirm that CIAC's current policy reflects our responsibility to support all students, including LGBTQ, independent of state law. The survey included an optional open-ended question inviting members to share comments and opinions on any aspect of our transgender policy. Thirty-two principals submitted responses. Of those responses, 15 (47%) expressed support for our existing regulation; 12 (38%) voiced concerns or favored some form of change; and 5 (15%) asked clarifying questions.

Members of the CIAC Gender Subcommittee:

Tom Moore, Principal, Wethersfield High School - CHAIR
Diane Callis, Athletic Director, Bulkeley High School, Hartford;
Lynn Flint, Athletic Director, Haddam-Killingworth High School;
Barbara Hedden, CHSCA Track Representative;
Julie Luby, Principal, Nonnewaug High School;
Dan Moleti, Principal, Bloomfield High School;
Sheila Riffle, Principal, Old Saybrook High School; and,
David Roach, Assistant Principal, Newtown High School.

Staff Liaisons:

Glenn Lungarini, Executive Director;
Gregg Simon, Associate Executive Director; and
Joe Velardi, CIAC Executive Staff